

Bath & North East Somerset Council

MEETING:	Development Control Committee	AGENDA ITEM NUMBER	
MEETING DATE:	14th January 2015		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	APPLICATIONS FOR PLANNING PERMISSION		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

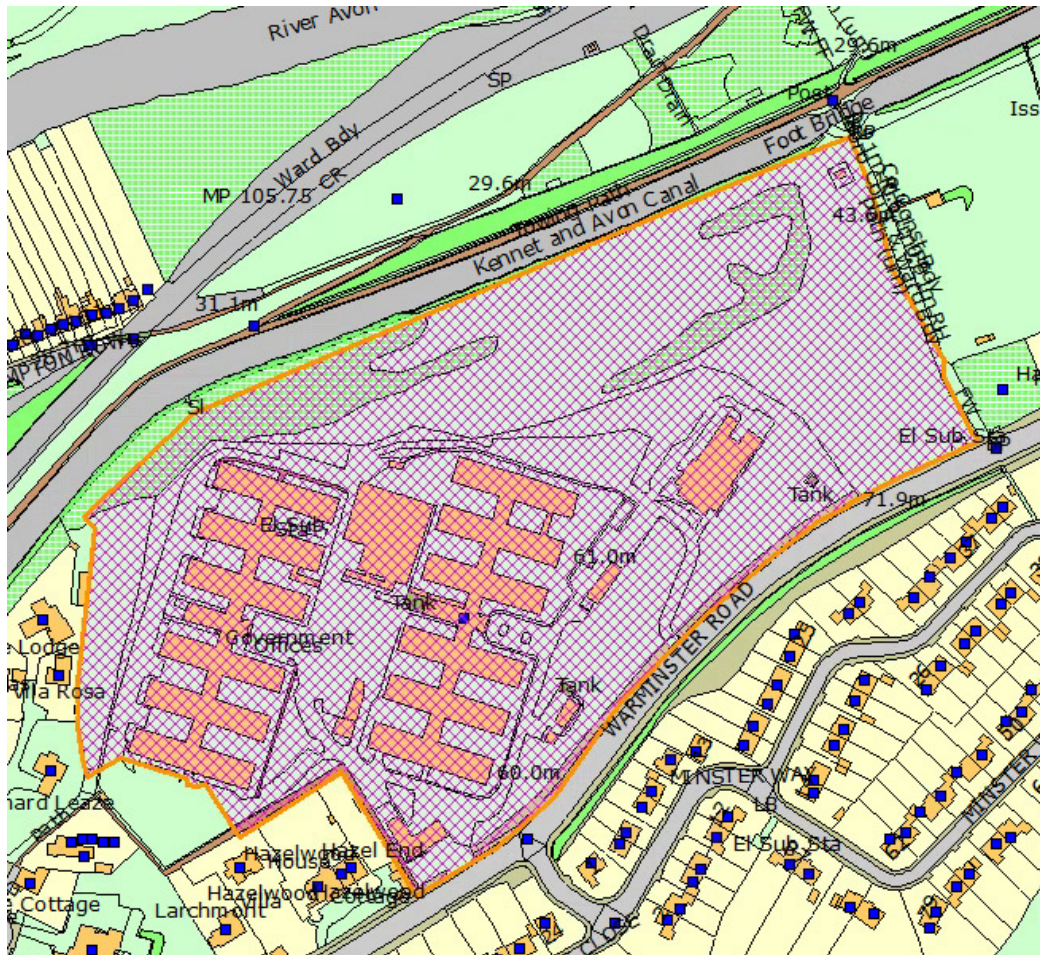
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	14/02272/EFUL 1 December 2014	Square Bay (Bath) LLP Ministry Of Defence, Warminster Road, Bathwick, Bath, Bath And North East Somerset Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.	Bathwick	Daniel Stone	REFUSE
02	14/02619/FUL 16 January 2015	Pinesgate Investment Company Ltd Pinesgate, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building.	Widcombe	Rachel Tadman	Delegate to PERMIT
03	14/04189/FUL 2 December 2014	Abbey Hotel Abbey Hotel, 1 North Parade, City Centre, Bath, Bath And North East Somerset Change of use of public highway for the sitting of 12 tables and 48 chairs with planters and parasols.(Retrospective) (Resubmission)	Abbey	Alice Barnes	REFUSE
04	14/04850/FUL 17 December 2014	Mr Ben Simpson 40 Old Newbridge Hill, Newbridge, Bath, BA1 3LU, Remodelling and refurbishment of a 1960s detached property, including the provision of roof extensions (Resubmission of 14/01361/FUL).	Newbridge	Alice Barnes	REFUSE

05	14/05160/OUT 2 January 2015	Mr Barrie Lake Sherbourne Cottage, Redland Lane, Bishop Sutton, Bristol, Bath And North East Somerset Proposed dwelling on land to the rear of Sherbourne Cottage (Revised proposal).	Chew Valley South	Tessa Hampden	REFUSE
06	14/05168/VAR 2 January 2015	Fosse Way School Fosse Way School, Longfellow Road, Westfield, Radstock, Bath And North East Somerset Variation of condition 4 attached to planning permission 13/05256/FUL (Provision of new building to accommodate Post 16 teaching area)	Westfield	Tessa Hampden	PERMIT
07	14/04783/FUL 15 December 2014	Mr Jack Carpenter Nutgrove Farm, Hunstrete Lane, Compton Dando, Bristol, BS39 4NY Erection of two storey side extension to form annexe ancillary to main dwelling.	Farmborough	Rae Mepham	REFUSE

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

Item No:	01
Application No:	14/02272/EFUL
Site Location:	Ministry Of Defence Warminster Road Bathwick Bath Bath And North East Somerset



Ward:	Bathwick	Parish:	N/A	LB Grade:	N/A
Ward Members:	Councillor Nicholas Coombes Councillor David Martin				
Application Type:	Full Application with an EIA attached				
Proposal:	Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works.				
Constraints:	Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, Sites of Nature Conservation Interest, World Heritage Site,				
Applicant:	Square Bay (Bath) LLP				

Expiry Date:	1st December 2014
Case Officer:	Daniel Stone

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been referred to committee by Councillor David Martin, the justification being that application proposed a major development in one of the most visible sites in the city, demanding a scheme that achieves a high standard of urban design and environmental performance.

SITE DESCRIPTION

The site consists of a 7.0 hectare brownfield site, previously occupied by the Ministry of Defence, located on the Warminster Road (A36) in Bath. The site occupies a highly prominent location between the Warminster Road (A36) to the south and the Kennet and Avon Canal to the north. The A36 is a key approach route to the city.

At present the site contains a number of single storey office blocks with associated vehicular circulation and parking contained within a security fence, plus undeveloped natural areas to the north and east. The land slopes steeply down from Warminster Road to the canal. This topography and a prominent undeveloped gap at the eastern end of the site allow commanding panoramic views across the City to Lansdown, Larkhall and Walcot on the opposite side of the valley. A Public Footpath runs steeply down the hill at this point to a pedestrian bridge across the canal at the bottom.

Immediately to the east of the site is Hampton House, a Grade II Listed Building. Beyond to the east is inter-war and post-war ribbon development along the Warminster Road. To the west of the site the road is more enclosed by mature street trees, and the buildings consist predominantly of large detached Victorian villas set in large, well vegetated plots.

On the southern side of Warminster Road, the full length of the site is developed as a suburban estate of detached properties.

PROPOSALS

Full planning permission is sought for the erection of 206 dwellings, which would be fed from 2 vehicular accesses on Warminster Road. The development would consist predominantly of 2 and 3-storey terraced houses, with 5 blocks of flats ranging between 3 and 5 storeys in height (taking into account level changes). The principal street overlooking the open space and canal at the northern end of the site would be developed with semi-detached and link-detached 3-storey villas. The proposals include the provision of open space and landscaping, and would provide land for the expansion of the adjoining primary school. The application is accompanied by an Environmental Impact Assessment.

In response to concerns raised by officers and residents, a number of design changes have been submitted during the course of the application, as follows:

- Plot 26 omitted to allow increased land area (2,068.76 M2) for expansion of Bathwick St Mary Primary School
- Plots 105 - 110 shifted to the north to allow compensatory tree planting
- Block of flats 4 and 5 altered to present 2 large villas positioned on the back edge of Warminster Road, with pedestrian access from Warminster Road and vehicular access from the rear. These blocks have also been re-positioned to reduce their encroachment into the undeveloped green space at eastern end of site.
- Affordable Housing percentage increased to 40%
- Additional storey added to block of flats 3 (now 4 storeys) to achieve 40% affordable housing
- Plots 141-143 (curved terrace) amended to be dual frontage houses, with footpath access from the open space to the north and rear vehicular access
- Plots 31 - 34 changed from 4-storey houses (when viewed from the rear) to 3-storey
- Garage to plot 40 changed from double to single garage to enable plot to be shifted to the south, to reduce its prominence from canal and lessen its impact on trees
- Layout of plots 100 - 104 and 120 - 125 amended to reduce dominance of layout by car parking.
- Play trail proposed (using natural materials) in open space to north of development
- Landscape Management Plan submitted
- Lighting Impact Study submitted to address Bat impacts

PLANNING CONSTRAINTS

Whilst the buildings within the site are functional in character, the site is prominent in citywide views and is highly sensitive and heavily constrained in terms of planning designations. The site lies within the World Heritage Site and the Bath Conservation Area. Several buildings lying outside the site are Listed. The undeveloped land outside the security fence comprises a Site of Nature Conservation Interest. To the east of the site lies the Green Belt.

In advance of the sale of the MOD sites in Bath the Council prepared concept statements setting out its aspirations in respect of what it expected each area to deliver. Whilst not formally adopted as Supplementary Planning Guidance, the Concept Statements were subject to public consultation and carry due weight as a material consideration in negotiations with developers and in the determination of planning applications. The Concept Statement identified the following key issues,

- Critical location within the World Heritage Site;
- Sloping topography;
- Important views over, out of and into the site;
- Landscape and ecological value of the green canal corridor;
- Significant trees and grassland in the open area adjacent the canal corridor;

Core Strategy B1 supports the residential re-development of this site and the other former MOD sites as integral components of the Council's housing supply over the next 5 years.

RELEVANT PLANNING HISTORY:

None

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION

Consultation letters were sent out to 87 properties, a notice was placed in the local press and additionally several site notices were displayed. Residents have been re-consulted twice in respect of the amended plans received.

To date 40 letters of objection have been received which can be summarised as follows:

Design / Conservation / World Heritage Site Impacts

- The site is a very prominent position, standing on one of the main routes into the city, with city wide views in both directions across the valley.
- The existing buildings whilst visually unappealing are unobtrusive because of their lack of height. The proposals are excessive in height. The two blocks at the eastern end of the site appear to be six storeys in height from the north.
- The proposals encroach on the open space at the eastern end of the site and would block long views across the valley to the northern hillsides, terraces and Larkhall
- The development will harm the views along Warminster Road and harm the setting of the World Heritage Site.
- The proposals are an uncomfortable mix of period styles and don't relate to the buildings around them, which are a mix of large 18th and 19th century villas. The development is a watered down version
- Blocks of flats 4 and 5 don't reflect the architecture of Hampton Hill House, but are a mishmash of Palladian, neo-classical, Graeco Victorian styles. These huge blocks would detract from the character of this listed building.
- Object to the excessive density of development.
- The development ignores the Concept Statement that the Community was consulted on.

Traffic / Transport

- Concerned about traffic congestion on Warminster Road
- There is no provision for a safe crossing of Warminster Road

Amenity Impacts

- Object to the overshadowing, overlooking and overbearing effect of the development on The Lodge, Orchard Leaze and Villa Rosa. The western terrace should be reduced in height and moved away from the boundary.
- Additionally the plans are based on a digital survey - no physical survey has been carried out, and therefore the cross sections submitted may be unreliable.
- The height and proximity of buildings bordering Hazelwood is unreasonable. Plots 1-3 should be removed and plots 4-25 should be set further back with a reduced roof height. The density of development is excessive and will increase noise and disturbance.
- No cross sections are shown through Hazelwood,

Affordable Housing

- All the affordable housing is grouped together - it has not been pepper potted as required by BANES planning policy

School Provision

- The application doesn't allow sufficient space for the school to be expanded to a two-form entry.
- There is a shortage of school places in Bath, with the birth rate rising.
- The school is very short of outdoor space - The development should provide sufficient space for a playing field and play grounds. The space shown is not enough.
- Object to the lack of community facilities, and the lack of a shop.
- The plans do not address the issue of what will happen to the public right of way leading to the school from Warminster Road. This should be maintained, as it is needed for the school.

Trees

Concerned about the impact of development on the large cedar tree in the garden of Hazelwood.

Process

- Too many amendments have been accepted, including an increase in the number of units and a change in the design and placement of two buildings. The application should have been withdrawn

Wildlife / Ecology / Trees

- There are badgers using the site and it is likely that they have established a new sett within the compound. The site has not been sealed and is well used by bats, deer and otters travelling along the canal.
- Object to the extent of tree removal proposed - 126 trees to be removed

Open Space

- No development of any kind should be permitted to encroach onto the areas of undeveloped open space.
- It is not appropriate for the open space to be converted to a park, or for it to be sanitised. This is a valuable resource for wildlife, including birdlife. The wider land should be overseen by a wildlife trust.
- No clarity is provided about the treatment of the footpath on the north-east boundary. The path is steep - will the footpath be converted to having steps?
- No allotments are provided on site as required

Other

- Will asbestos and other hazardous materials be identified and safely removed?
- Concerned about dust from the construction works

- The site abuts the Bath Air Quality Management Area - levels of NO2 are well over permitted annual levels set out in the Air Quality Action Plan - The number of homes should be reduced to mitigate air quality impacts
- If consent is granted, a construction management plan should be required, including hours of operation, how construction vehicles will gain access, parking provision.
-

BATHAMPTON PARISH COUNCIL - Object

The eastern end of the site still does not keep the development within the previous MOD site boundaries and still encroaches on the strip of green belt between Bathwick and Bathampton. There are also concerns that the vehicle access onto and from Warminster Road will be a problem and will cause highway problems.

Additionally, the design of the block of flats forming plot 111 seems large and overpowering in relation to the neighbouring blocks 1-3 and 108-110 when viewed from Warminster Road and needs scaling down.

BATH HERITAGE WATCHDOG - Object and recommend refusal.

Their comments are summarised as follows:

There should be less emphasis on the "classical" and more flexibility to cover Victorian and Edwardian characteristics.

The proposals fail to address the complex topography of the site; the building designs are not representative of Bath, being a jumble of "bits and pieces" from a classical pattern book. This location is in a transitional area between urban and rural, and the density of development is incompatible with this location. Bath is characterized more by proportion and a limited palette of materials than by classical pattern book features, which in this case do not site comfortably in a transition location.

The layout does not respond to the contours of the site. The bulkiness and spacing of the villa type houses and their location will lead them to be visually dominant when viewed from the southern slopes. Grand palatial facades are not the norm. Any traditional designs in Bath should have sash windows. There are too many different design styles in each building; there is a juxtaposition of detailing that does not add up. There is nothing that properly says "Bath" or that looks as though it should belong in this part of Bath.

Bath Heritage made detailed comments about the design of the individual house types and blocks of flats, which can be viewed on the Council website.

BATH HERITAGE WATCHDOG - ADDITIONAL COMMENTS RECEIVED 26.09.14

The application should be withdrawn, in that the extent of design changes undertaken contradict parts of the original documentation that remain.

BATH PRESERVATION TRUST - recommend refusal, raising concerns about the design approach adopted and detailed design, which would compromise the special qualities of the World Heritage Site.

Much of our previous objection remains applicable to the amended application. In particular our comments relating to the design aesthetic for the site, and its relationship to the character of this part of Bath which is marked by the transition from terraces to villas during the mid-19th century.

The most significant change relates to the design and positing of buildings BF 4 & 5. This is better solution although we are concerned that the style competes with, rather than complements, the adjoining grade II listed Hampton House and have reservations about the depth and bulk of the building to the rear and the amount of development stepping down. This side elevation is likely to present an overbearing effect on the street scene. The building should be set back from the road and a mid-storey to the rear removed. This would allow for roadside planting and tree between the blocks to create a more harmonious green frontage.

Many elevations are still shown to be rendered, failing to satisfy our concerns relating to the quality of materials and finishes across the site. The use of natural Bath stone is preferred on all elevations across the site, and in the construction of chimney stacks.

BATHWICK ST MARY PRIMARY SCHOOL

Reinforced the cramped conditions within the existing school site and sought the expansion of the school to a full two-form entry. Commented on the problematic existing access arrangements from Darlington Road. Could a new school access be created through the application site?

TRANSITION BATH

Commend the developers for targeting Code for Sustainable Homes level 4, incorporating Mechanical Ventilation and Heat Recovery systems in the homes, making them efficient. High Density housing may reduce pressure to build on the Green Belt.

Objections:

- Lack of on-site renewables - Solar Pv - This appears to be feasible.
- Lack of allotment provision

INTERNAL / EXTERNAL CONSULTATION RESPONSES

HIGHWAYS DEVELOPMENT CONTROL - No Objections, subject to conditions and contributions being required towards public transport improvements.

The access arrangements can be secured through a Section 278 agreement and the detailed design agreed at a later date as part of the agreement process. It is noted that the deliverability of the off-site pedestrian link across the canal is still in discussion. The highway authority has always maintained that this is an important feature of any residential scheme at this site. It is agreed that as compared to the previous site use, the development will not have a significant impact on the local road network.

The following contributions are sought:

- £10,000 to upgrade the existing Bathampton bound bus stop to include a new shelter with Real time information.
- Contributions of £42,435 per annum for three years to subsidise the running of Service Number 4 which has recently been deemed financially non-viable by the Council. Beyond this, it would be expected that an increased number of users would reduce the need for a subsidy.
- Reservation of car club space; and
- Complimentary bus ticket provision as part of Travel Plan (the Plan is to be secured by condition).

FLOOD RISK AND DRAINAGE TEAM - Application is not acceptable in its current form. The Flood Risk Assessment and Drainage Strategy are out of date and should include up to date flood mapping from the Environment Agency. A site-specific drainage strategy for surface water management is also required.

CONTAMINATED LAND - No objection subject to conditions requiring site characterisation and the submission of a remediation scheme.

ECOLOGY - No objection subject to conditions

The eastern edge of proposed development incurs into a part of the western edge of the designated SNCI, and will result in a loss of that area of SNCI. Proportionately the area and quality of grassland to be lost is not ecologically highly significant, and will not cause significant ecological harm to the site overall or affect the integrity of the SNCI. The impacts are capable of being adequately mitigated and compensated through the proposed management plan, which must demonstrate the ability to deliver enhanced habitat value and habitat restoration where appropriate on the remaining SNCI.

The outline management framework for this is acceptable (subject to final version being submitted to address the comments from Natural England), and its implementation and final detail must be secured by condition. Were the application to be approved, the legal agreement would also need to secure funds and accurately costed actions for the future maintenance of the land.

Final detail of proposed soft landscape and new tree planting must ensure there is no compromise of overall ecological value within the SNCI, with careful attention to avoiding new tree or shrub planting on any of the more botanically species-rich areas of grassland within the designated SNCI.

The proposed management plan for the SNCI and open space and proposed new planting would provide an appropriate mitigation and compensation package for impacts on habitat that is likely to be used by bats. The proposals therefore cannot cause a "likely significant effect" on bats of the SAC.

The lighting impact study demonstrates that there will be lower levels of light at the site once developed. The proposed provision of dark corridors and prevention of light spill onto the key habitat features are realistic and achievable and that overall there is no risk from this proposal of a "likely significant effect" on bats of the SAC.

ARBORICULTURE - Object

The amended drawings submitted 20th and 24th November establish that there is sufficient space in front of plots 105 - 110 to accommodate appropriate tree planting along Warminster Road, and the retention of the frontages as communal spaces is welcomed, however the proposed numbers appear over-ambitious.

In view of the removal of the garage to increase space, which is welcomed, the perimeter boundary around plot 40 should be reduced to create a wider corridor beside the canal to reduce the overhang and potential conflict with Sycamore T107 and provide space for appropriate mitigation tree planting.

An expanse of trees along Warminster Road is lost to accommodate the proposal. Replacement trees which will provide stature and maintain a green corridor are expected along the frontage of Warminster Road but which cannot be achieved for the entire length due to the positions of plots 1-3 and plots 145 and 146.

The current level and quality of planting is not acceptable. In some places the positions and proposed tree numbers are inappropriate or overambitious. The submissions do not currently demonstrate due consideration of the retained policy NE.4 Trees and Woodlands.

URBAN DESIGN - Object.

The scheme as designed would fail to improve the appearance and character of the conservation area or the Bath City World Heritage Site. It is located in a particularly prominent position, within established views from many vantage points across the city and must therefore have full regard to existing character and context.

- Consideration of the Council's Concept Statement for this site is not evident in proposals.
- Insufficient contextual analysis results in a proposed layout, morphology, scale, proportions and building typologies incongruous with the site context. - Documentation provided is insufficient and does not justify the design approach taken.
- The layout proposed is not grounded in a thorough urban design analysis, including a study of the local morphology, or in environmental considerations such as solar orientation. This results in a scheme that appears incongruous to its surroundings and the wider city context.
- The road layout and large areas of parking lack appropriate hierarchy and result in a public realm that is highways dominated.
- Pedestrian routes are contrived and many lack adequate overlooking to ensure they are safe. Some are designed in fact to be hostile to pedestrians.
- The buildings introduced to the east of the site lack justification in their design approach, appear incongruous and out of scale with their context, and design in poor living and public realm environments. There is a clear opportunity to relate positively to Warminster Road as well as create high quality energy efficient homes here that is missed. I note inefficient internal layouts in the new proposals that design in long dark corridors into the flats and multiple small balconies that cannot hold furniture. There is no design rationale provided or evident in drawings to justify layouts.

- The access road through the band of trees in the centre of the site compromises the frontage to Warminster Road, creates a poor quality green space bisected by traffic and leads to a highways dominated layout that is incongruous with the context of the site and city in general. The two large buildings acting as a gateway do not sit comfortably in the scheme and lack adequate justification. The road to the west of the site should, in my opinion, be the main access into the site instead allowing the freedom to design a much better layout for the rest of the site that is appropriate to the context and creates high quality environments.
- There are still affordable homes set deliberately within poor quality public realm.
- There is insufficient connection between the east and west of the site and this leads to less permeability and longer walking distances.
- The development presents a poor frontage to the north facing the canal.
- All proposals remain inadequately justified and tested in drawings and verifiable visualisations and even when those drawings or photomontages provided demonstrate a high negative impact, there has been no new iteration of designs to rectify this.
- The poor Building for Life assessment results have not been addressed - the scheme scored only one green with the rest amber or red. This is contrary to Policy CP6 that requires all reds and ambers to be designed out because these indicate poor design.
- The road layout presented in this last iteration of the scheme remains very similar to the original submission, and in my view the design approach taken of arranging different buildings around essentially the same layout is resulting in little progress to achieving a high quality, well designed scheme.
- The two minor amendments to create more open space to the far east and north of the site by moving buildings into the site more are welcome, but are regrettably not enough to address the above concerns.

CONSERVATION - Object

The recently amended plans do not overcome the concerns previously raised over the impact this design and layout would have on the conservation area and greater World Heritage Site. The suburban style of layout has low regard to local character and fails to satisfactorily respond to the distinct topography, unlike the traditional response elsewhere in the city which includes streets of stepped terrace housing, running at right angles to the contours.

The two blocks of proposed flats on the Warminster Road frontage will be particularly prominent in views, both short and long distance, and would appear visually intrusive on the skyline looking south from the river.

Also of concern is the road at the north end of the site, close to the river. It would be excessively wide, and together with the parking bays and footpaths would appear visually over-dominant, intruding on and harming the setting of this part of the river and the rural edge.

Houses facing on to this road would be extremely visible. Interspersed with garages they would appear suburban and fail to respect Bath's distinct character.

I do not therefore consider the design to be of sufficiently high quality to merit approval and would recommend that the application is refused.

LANDSCAPE OFFICER (regarding World Heritage Site and Landscape Impacts) - OBJECT

Their comments can be summarised as follows.

The proposals are not acceptable because of the harm to the landscape character, to views, to the World Heritage Site and to the Conservation Area. Specifically the loss of open landscape both to the west (plot 40 in particular) and to the east of the existing MOD site is detrimental to the World Heritage Site and its significance and detrimental to the character of the Conservation Area. Also the proposals are not acceptable because of the poor relationship of the proposed development to the open landscape and because of the reduction in the open gap between Bathampton and the city and the reduction in the treed green approach to the city.

Despite the amended plans there is still a significant loss of the green setting of the World Heritage Site harming the green corridor of the Kennet and Avon canal, the green slopes below the Warminster Road and views. This would be a significant impact on the WHS and its Outstanding Universal Value as well as the Bath Conservation Area. The well treed character of the Warminster Road at this location is also of particular significance. The proposals do not demonstrate the importance of trees along this boundary as a sustainable part of the proposed scheme

As well as the open view the green treed approach to the city separating the developed edge of Bath from the village of Bathampton is important. The two blocks (plots 145-146) fronting the Warminster Road do not provide any space for trees to maintain the character of a green treed approach to the city. The importance of this separation was identified in the Landscape and Visual Evidence in support of the Concept Statement (Theme 1 page 36)

With 126 trees scheduled for removal, the current level of replacement planting is not acceptable. There are large areas of the scheme with no tree planting at all.

Part of the Outstanding Universal Value of the World Heritage Site is the way buildings have a close relationship with the landscape. The proposed scheme has a very poor relationship with the open space to the north and east. Plots 137 to 144 have a particularly unsatisfactory relationship to the open space where back gardens are shown backing onto the open space and a retaining wall. The building (plot 40) at the north-western corner also would have a particularly poor and overbearing relationship with the canal and existing trees. The loss of open landscape and potential loss of existing trees, an important feature of the canal corridor, would be harmful to the World Heritage Site and Conservation Area.

The loss of and harm to the open green area would impact over a wide area seen from longer views with resultant harm to the World Heritage Site.

The Public Right of Way on the western boundary would be hemmed in by back gardens making the route unappealing and threatening to users. The scheme needs to address this.

EDUCATION

No objection to the application subject to the contributions of £730,811.93 for primary school provision to fund the expansion of the adjoining Bathwick St Mary primary school, £28,214.10 for youth service provision and subject to sufficient land being made available to allow the enlargement of the school. The area of development land for the school extension should be 2,165m². The latest drawing accompanying the planning application shows 2,068.76m².

HOUSING DEVELOPMENT OFFICER - Objects

Whilst the application delivers 40% affordable housing, the development is not compliant with the design layout & construction standards set out in the Supplementary Planning Document (SPD) as follows:

- The increase from 35% to 40% has been largely been via the addition of one bed affordable flats which will further intensify the negative impacts of a lack of social integration and non-compliance with design layout & construction standards set out in the Supplementary Planning Document (SPD).
- The application contains strong references to the Affordable Rent Tenure. This is not accepted. Social Rent is the required tenure
- A range of affordable dwelling types fail to meet the minimum net internal sizes as required by the SPD. This is a major concern for the two bed affordable houses in particular.
- The layout plan locates affordable housing in groups larger than the SPD requirements.
- Lifetime Homes design standards fail to cover the full range of affordable dwelling types.
This is a major concern for the two bed affordable houses in particular.
- The Wheelchair User design standards fail to cover the range of affordable dwelling types.
- The Affordable three bed dwellings have only 1 vehicle parking space, however the market three bed dwellings benefit with 2 parking spaces.
- Policy CP.10 requires 'New housing development, both market and affordable must provide for a variety of housing types and size to accommodate a range of different households, including families, single people and low income households as evidenced by local needs assessments (e.g. B&NES Residential Review, 2007) and the Strategic Housing Market Assessments or future evidence.

PARKS - Not acceptable in the current form

The Parks team raised concerns about the quality of the main Green Space, positioned adjacent to Warminster Road and the main access into the site. The green space provision should be incorporated within the heart of the development.

They also raised concerns in relation to the approach taken to the provision of paths through the retained public open spaces and to the lack of allotment provision within the development. The Concept Statement requires formal, informal and doorstep play opportunities to be provided within distances appropriate for age and independent play.

Should permission be granted, the following contributions should be provided

Formal green space provision

Land purchase: £40,911.75

Construction costs: £325,641.00

Annual maintenance: £314,003.25

Natural Green Space provision

Annual maintenance: £255,753.90

Allotment provision

Land purchase: £8,182.35

Construction costs: £14,281.92

Annual maintenance: £14,820.30

PLANNING POLICY - A summary of their comments is as follows:

This is a very important site in respect of the maintenance of 5 year housing land supply. The SHLAA housing trajectory anticipates first completions during 2015/16 and the whole site to be delivered within the next 5 years.

The Planning Policy Team subsequently clarified that a possible refusal of the application would not threaten the Council's 5-year housing land supply, but would just push back the contribution the site would make by a year. Additionally there is also some headroom between the 5-year housing supply target (5,050 including a 20% buffer) and the Council's deliverable supply (of around 5,900) units.

- The Concept Statement suggested the site could deliver 100 dwellings. The estimated capacity of the site in the SHLAA is about 150 including a new school. Thus, assuming that the urban design response to the site is acceptable, the current application provides a useful windfall over and above the SHLAA estimate.
- The affordable housing requirement for this site set out in the Adopted Core Strategy has increased to 40 percent (75 dwellings).
- The footprint of the proposal nibbles into the SNCI along the western and eastern boundaries to enable about 22 dwellings to be constructed. Having read the preapplication advice it is the eastern area toward Hampton House that is of concern.
- Our preapplication advice was that the eastern fringe is of greatest ecological value, and should not be developed.
- For both the western and eastern areas there is still an adverse impact to some degree
- If the SNCI to the east was left undeveloped the site would still yield in excess of the SHLAA estimate i.e. the use of the SNCI is not necessary to deliver what the Plan requires of the site in terms of housing numbers. This means that other sites are available with less harmful impacts re SNCIs. Therefore the additional benefit of the housing against the harm it would cause to this particular area could be weighed in that context.
- The SHLAA estimate of 150 is most certainly achievable. The additional 'bonus' housing, is welcome, but only to the extent that it represent good design, derives from appropriate response to the core of the site and its periphery, and meets legitimate planning obligations re school land.

ARCHAEOLOGY - No objection subject to conditions.

ENVIRONMENTAL PROTECTION - No objections subject to conditions, including the provision of a Construction Management Plan.

ENVIRONMENTAL MONITORING (AIR QUALITY) - No objections subject to a Construction Environmental Management Plan being required by condition.

PUBLIC RIGHTS OF WAY TEAM - No Objections

The existing public footpath along the eastern margin of the site (PROW AQ27), is proposed to be upgraded. The PROW Team must be consulted prior to any works to ensure that the definitive line of the path is not affected. Any changes to the route of the path will require a Diversion Order.

AVON AND SOMERSET CONSTABULARY - Awaited

CANAL AND RIVERS TRUST - Object. Their comments are summarised as follows:

The Canal & River Trust do not welcome the provision of a new bridge across the canal and believe that a contribution would be better spent on improving the existing bridge or providing other improvements. If the Council supports the provision of a bridge in this location it is strongly recommended that the bridge should be included in the current application in order that its design and appearance can be properly considered and accurate costings obtained to be inserted into the Legal agreement. This would allow the Trust to properly consider it and raise a formal objection to it, either in our role as statutory consultee or landowner.

- The bridge will need a commercial license to oversail the canal and towpath.
- There is insufficient space between the water's edge and towpath to create the necessary bridge approach and therefore the bridge will also need to span the towpath, requiring a head room of at least 2.8 m above the towpath. As a result, the necessary DDA compliant ramp will be in the region of 30 m long on the towpath side. The landing point for the bridge will be close to a Listed Structure and both the deck and ramp will obscure views toward the World Heritage site when viewed from the canal itself and towpath.
- The Trust has no operational requirement for a bridge in this location and therefore the developer should meet the full cost of the bridge as well as maintain it in perpetuity.
- The Trust will not take maintenance responsibility for a second bridge crossing in this locality nor will we design or procure the bridge on behalf of the applicants.

The Canal & River Trust requests that in lieu of providing a new bridge, the contribution which would have funded a new bridge should instead be used to upgrade the stretch of towpath between Bathampton and Bath, which will be more heavily used as a result of the development going ahead. The development should provide contributions of £315,000 to replace funding that has been lost from Sustrans.

ENVIRONMENT AGENCY - Object

Object to development due to insufficient information to demonstrate that surface water will be adequately managed. A full drainage scheme layout plan is needed and calculations to be provided to indicate what SuDS are being implemented and to be to demonstrate that runoff rates and storage volumes are appropriate for a range of return periods.

ENGLISH HERITAGE - Object - These comments were made on 8.07.14 in respect of the plans as initially submitted. Comments on the amended plans are awaited.

Despite the reduction in the number of units (from the pre-application submission) the scheme does not respond to the Outstanding Universal Value of the World Heritage Site or enhance the Character and appearance of the Conservation Area. The impact of the development of the wider setting of the World Heritage Site is considered to be at odds with the architectural context of the city.

English Heritages concerns, in summary, are as follows

- the layout doesn't follow the contours of the site, creating a visually discordant townscape that does not reflect the established street patterns associated with Bath.
- The scheme uses classical architectural themes, but with detailing at odds with this tradition, such as the introduction of integral garages into ground floors and modern floor to ceiling heights. The design details do not confirm to the rigours of the formally composed Bath architecture and does not respond to the Outstanding Universal Value of the World Heritage Site.

NATURAL ENGLAND - No objection subject to conditions and minor changes to the Conservation Management Plan.

WESSEX WATER - No objection subject to conditions.

POLICIES/LEGISLATION

Adopted Local Plan:

D.2 General design and public realm considerations
D.4 Townscape considerations
BH.6 Development within or affecting Conservation Areas
DW1 District Wide Spatial Strategy
B1 Bath Spatial Strategy
B2 Central Area Strategic Policy
B4 The World Heritage Site and its Setting
RA3 Community Facilities and Shops
GB.2 Visual Amenities of the Green Belt
GB.3 Major Existing Developed Sites
NE.1 Landscape Character
NE.2 Areas of Outstanding Natural Beauty
NE.3 Important hillsides - Bath and Radstock
NE.4 Trees and woodland conservation
NE.5 Forest of Avon

NE.8 Sites of Special Scientific Interest
NE.9 Locally important wildlife sites
NE.10 Nationally important species and habitats
NE.11 Locally important species and habitats
NE.12 Natural features - retention, new provision and management
BH.2 Listed buildings and their settings
BH.6 Development within or affecting Conservation Areas
BH.13 Significant archaeological remains in Bath
BH.15 Visually important open spaces
BH.22 External lighting
IMP.1 Planning obligations
D.2 General design and public realm considerations
D.4 Townscape considerations
SC.1 Settlement classification
CF.1 Protection of land and buildings used for community purposes
CF.2 New or replacement community facilities
CF.3 Contributions from new development to community facilities
CF.4 Allocation of land for new community uses
CF.5 Allocation of land for primary schools
CF.8 Allotments
CF.9 Allocation of land for cemeteries
SR.1A Protection of playing fields and recreational open space
SR.2 Allocation of land for recreational use
SR.3 Provision of recreational facilities to meet the needs of new development
SR.9 Protection of recreational routes
ES.4 Adequacy of water supply
ES.5 Foul and surface water drainage
ES.9 Pollution and nuisance
ES.10 Air quality
ES.12 Noise and vibration
ES.15 Contaminated land
HG.7 Minimum residential density
GDS.1 Site allocations and development requirements
T.1 Overarching access policy
T.3 Promotion of walking and use of public transport
T.24 General development control and access policy
T.25 Transport assessments and travel plans

Core Strategy

DW1 District Wide Spatial Strategy
B1 Bath Spatial Strategy
B2 Central Area Strategic Policy
B4 The World Heritage Site and its Setting
RA3 Community Facilities and Shops
SD1 Presumption in favour of Sustainable Development
CP2 Sustainable Construction
CP3 Renewable Energy
CP4 District Heating

CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP9 Affordable Housing
CP10 Housing Mix
CP13 Infrastructure Provision

Bath City-wide Character Appraisal - Supplementary Planning Document - Adopted 31 August 2005

Supplementary Planning Document (SPD) titled Sustainable Construction and Retrofitting Building Heights Strategy 2010

Bath World Heritage Site Setting - Supplementary Planning Document - August 2013

National Planning Policy Framework

National Planning Practice Guidance

OFFICER ASSESSMENT

Officer Assessment:

A. PRINCIPLE OF DEVELOPMENT

As reflected in the Concept Statement for the site and the Core Strategy, the principle of the residential re-development of the site is accepted, and the site is expected to help contribute towards providing the Councils housing land supply in Bath in the next 5 years. The site consists of previously developed land in a relatively sustainable location in the city, is within walking and cycling distance of the city-centre and other facilities and is relatively well-served by existing public-transport connections.

QUANTUM OF DEVELOPMENT

The Concept statement advises that the Council's vision is for a bold, high density, low carbon development that will maximize the site's potential to accommodate new homes close to the city centre, whilst elegantly addressing the challenging topography of the site in the Bath tradition. The concept statement envisages that the site could accommodate approximately 100 dwellings. Self-evidently, the application for 206 dwellings substantially exceeds the scale of growth anticipated in the Concept statement.

Officers have consistently advised the applicants that provided that the development is acceptable in urban design, conservation and other terms and in terms of its relationship with and impact on the World Heritage Site and other historic assets, a higher number of dwellings than envisaged in the concept statement would not be problematic, and would assist in delivering the council's 5-year housing supply.

Officers maintain this view, and do not consider that it would be reasonable to refuse the application just because the development exceeded the scale of development set out in the Concept Statement, provided that the end result is acceptable in urban design and other terms. Below is set out an assessment of the acceptability of the proposed development in these terms.

5-YEAR HOUSING LAND SUPPLY

As detailed in the Planning Policy Consultation response, the site is important in delivering the Council's 5-year Housing Land supply in Bath, but were this application to be refused, it would not threaten the Council's 5-year housing supply. This is because there is some flexibility between the 5-year housing supply target (plus 20%) of 5,050 dwellings and the Council's identified deliverable supply of around 5,900 homes. Additionally the Housing Trajectory assumes that the site would be built out over a five year period. Therefore a refusal, followed by an appeal or re-submission would delay housing delivery on the site by a year, but the site could still be expected to contribute towards housing delivery within the 5 year period.

B. DESIGN AND CONSERVATION ISSUES

FOOTPRINT OF DEVELOPMENT

The Concept Statement advises that natural areas adjacent to the existing developed part of the site should largely be retained as natural areas. Saved Local Plan policy NE.1 states that development which does not either conserve or enhance the character and local distinctiveness of the landscape will not be permitted.

Officers advised the applicants that the development needn't slavishly follow the existing fence-line of the MOD site without any deviation but that considering the landscape and ecological value of the site and its prominence within the World Heritage Site and Conservation Area, it is doubtful whether the Council would be contemplating the development of the site at all were it not already partially developed. Therefore the acceptability of development beyond the fence-line would depend on the value of the undeveloped land in the different parts of the site, in terms of the setting of the World Heritage Site, Conservation Area, Ecology and other considerations.

In general the proposed dwellings are restricted to within the existing MOD fenceline, however in a number of key areas, the proposals extend out beyond the fenceline into areas that are currently undeveloped.

Western End of Site

At the western end of the site the development proposes to build up to the rear garden boundaries of the bungalows known as Villa Rose and The Lodge, onto a currently undeveloped finger of land lying outside of the fenceline of the MOD site. The position of the fenceline at this point is quite arbitrary and predominantly the finger of land between the fenceline and the bungalows is of low landscape value. Therefore the majority of the development in this area is logical and maximises the housing potential of the site. However, the westernmost terrace would extend beyond the fenceline towards the canal and this land is of much higher sensitivity in landscape terms, forming the landscape setting of the canal, which at this point is largely interrupted by views of buildings, when viewed from the canal. The Council's Landscape Officer has raised an objection on these grounds.

With this in mind, officers requested the deletion of plot 40. The amended plans instead relocate plot 40 approximately 2.5 metres further from the canal by substituting a single

garage for the double garage originally proposed. Plot 40 would extend to within 25 metres of the canal banks, and would be positioned approximately 6 metres above the level of the canal bank. The layout plan shows a substantial group of four mature sycamore trees (T104 - T107) located to the north of this plot on the banks of the canal, which would be protected during the development process and retained.

The amended plans improve the relationship with this tree, but the boundary fence would still pass very close to it, setting up a future conflict, and additionally the placement and orientation of the plot sets up expectations that there will be views across the canal. The combination of these factors would result in pressure to remove or significantly prune these trees.

At present, whilst from the canal occasional views of the MOD buildings are possible through the trees and at the point where the MOD buildings come closest to the canal, predominantly the canal corridor is a naturalised and undeveloped sward of land stretching along the majority of its length from Bathampton, almost until central Georgian Bath is reached. The "sudden" arrival of the urbanised city is an important aspect of the Outstanding Universal Value of the World Heritage Site.

Therefore, whilst the development as a whole would inevitably result in buildings becoming more noticeable from the canal corridor due to the gain in building height within the footprint of the MOD development, this plot would have an overbearing relationship with the canal, intruding unacceptably into its landscaped setting, and harming the setting of the World Heritage Site.

Eastern End of Site

At present there is an attractive undeveloped gap at the eastern end of the site between the MOD site and Hampton House to the east. This is valuable both in terms of the landscape and ecological value of the steep undeveloped slopes and in terms of the commanding citywide views that are allowed across the valley from this position. This view also forms an important introduction to the wider city at a gateway into the World Heritage Site. At present, views are possible through the undeveloped gap and also over the rooftops of the MOD buildings, which are overwhelmingly single storey in height. The Concept statement accepts that the existing built footprint will be developed, at a greater height than the existing buildings, and therefore implicitly accepts that some of these views will be lost through the development.

The proposals would project beyond the existing fenceline, narrowing the undeveloped gap between the site and Hampton House. In the amended plans, block BF4 would project approximately 5.7 metres beyond the existing fenceline to its gable wall, and approximately 10 metres to its garden wall. Plots 141 to 144 are all positioned beyond the existing fenceline, projecting a maximum of 15 metres beyond the fenceline to the rear gable wall of plot 144 and 26 metres beyond the fenceline to the rear garden wall of plot 144.

The revised position of Block 4 would still narrow the view corridor available from Warminster Road compared to the existing situation, but would substantially retain the important views across the valley. Plots 141 - 144 would project further into the open space, however due to the topography, would be set at a much lower level, approximately

10.5 metres below the level of the road. Consequently, whilst no amended photomontages have been prepared to illustrate this view, it is likely given the height of these buildings (of 10.7 metres) that views would be retained over the roofs of these plots to the city skyline beyond.

Nevertheless, the development would breach the current fenceline at the eastern end of the site, most notably through the position of plots 141 - 144, and would erode the area of the site of Nature Conservation Interest, which is of landscape and ecological value, and is accessible to the public as outdoor amenity space. Whilst the development is likely to substantially retain the important views across the valley from Warminster Road, the reduction in the area of land open to the public would harm the landscape character of this part of the site and harm the currently naturalised views to the north from the canal. The footprint of the buildings, breaching their fenceline, in combination with the topography, would result in these buildings being highly prominent in views from the open space and canal to the north.

The Council's Planning Policy Team advise that the Council's 5-year housing land supply relies on the delivery of 150 Dwellings at the site, and that as the application purposes significantly more than this, consideration should be given to whether the harm caused by the development intruding into undeveloped land is outweighed by the benefits of the development. Officers conclude that the benefit of the additional 56 dwellings do not outweigh the considerable landscape harm caused by the development intruding into the undeveloped land beyond the existing fenceline and the harm caused to the character and appearance of the Conservation Area and World Heritage Site setting.

URBAN DESIGN ANALYSIS

The Council's Urban Design and Conservation officers have objected to the application, commenting that the layout does not appear to be grounded in a thorough urban design analysis, resulting in a scheme that appears incongruous to its surroundings and the wider city context. The urban design officer has commented further that the road layout presented in this last iteration of the scheme is very similar to the original submission, and the design approach taken of arranging different buildings around essentially the same layout has resulted in little progress in achieving a high quality, well designed scheme.

Officers consider that for a scheme of its size and for a site of such sensitivity, located prominently within the Conservation Area and the World Heritage Site, the urban design analysis to support the layout proposed (set out in the Design and Access Statement) is superficial and lacking in detail. The Design and Access Statement carries out a high-level analysis of the site context, albeit concentrating predominantly on the Georgian character of the city generally rather than the specific context of the site, which is a site located on the rural edge of the city, with predominantly Victorian rather than Georgian historic buildings nearby. It then describes the general approach to the layout of the site and the creation of different character areas within the site, but goes little further in terms of setting out a logical rationale between the urban analysis undertaken and the proposed layout, or in terms of justifying the design, appearance and placement of individual buildings.

BUILDING LINE

Following negotiations with Council officers, amended plans have been submitted setting back plots 105 - 107 and 108 - 110 into the site by approximately 15 metres to allow structural tree planting along this frontage with Warminster Road. This building line is more appropriate in urban design terms, matching the set-back of the Victorian villas to the west. Plots 1 - 3 however would stand well in-front of this building line and would look incongruous and inappropriate, and would also prevent the continuation of the tree belt along Warminster Road. Whilst the adjoining villa (Hazelwood House) has service buildings set at the back edge of the pavement, these are relatively inconspicuous in the streetscape and the building line is set by the villa itself. These plots are unacceptable.

QUALITY OF PUBLIC SPACES WITHIN DEVELOPMENT

Officers share the concerns set out by the urban design officer regarding the domination of the scheme by parked cars. The amended plans do incorporate areas of on-street parking within the development, but the majority of plots incorporate double or single parking spaces in-front of the properties which take up the majority of front garden space, leaving only limited room for landscaping. The detailed landscape proposals for such front gardens is not shown, but it is likely that viewed as a whole such roads will be dominated by parked cars, and that the landscaped areas left over will not be sufficient to break up or mitigate this effect.

Other areas, such as the parking courts for blocks 2, 3, 4 and 5 appear to be almost wholly given over to the needs of parking, except for small trees in confined planting beds. Other areas of the development have no tree planting at all. In general within the development, the layout appears to provide very little scope for tree planting and so the development would be very "bare" and hard in character. The trees that are shown indicatively suggest that there is little scope for tree planting of any scale. Some of the buildings proposed are very significant in scale, and in order to have any impact tree planting should be proportionate with the size of buildings proposed. It also appears that there is no properly worked out tree planting strategy. The planting as shown is haphazard and is based on putting trees into the awkward spaces left behind after the car parking has been worked out. In a number of instances, plot 31, plot 33 and plot 81, the trees are shown actually within the parking bays. This would significantly limit the quality of the public realm within the development generally and the environment in which some of the affordable housing would be set, for example plots 100a and 100b, and to a lesser extent plots 101 to 104.

The access road through the band of trees creates a poor quality green space bisected by traffic and leads to a highways dominated layout that is incongruous with the context of the site and city in general.

RESPONSE TO TOPOGRAPHY

The Concept statement requires that the topography of the site should strongly influence the form and configuration of development. The Concept statement also comments that the layout must respond positively to the fact that the site is highly visible from other parts of the city and that the scale (height and massing) of new buildings will need to be very carefully considered to avoid adverse visual impacts on the World Heritage Site.

The Council's Urban Design and Conservation officers have objected to the application, commenting that the application does not pay sufficient regard to the local morphology. English Heritage have raised similar concerns, that the development does not follow the contours of the site, thereby creating a visually discordant townscape, that does not reflect the street patterns associated with Bath.

In Georgian Bath there is a largely consistent approach to the development of housing on slopes, with overwhelmingly roads of terraced houses either being oriented along a contour line, or rising perpendicularly up the slope. As the development is constructed in a Georgian style, officers consider, and the Concept Statement confirms, that the degree to which the development does this will significantly influence how the development fits into the city.

The three terraced streets oriented north south roughly follow the contours of the site. These roads will afford incidental views across the valley from the centre of the development to the north. This is evident in photoview 9, showing the view from Camden Road where these terraces are seen broadly set along the contours, with the terraces in layers.

The primary street of detached properties overlooking the canal climbs up the contours rather than being oriented along a contour line, however there is a largely unavoidable conflict between the objective to develop the MOD footprint to its fullest extent and the need to respect the topography, in that the northern edge of the MOD site footprint also does not follow the topography. This is evident in photoviews 8 and 9 from London Road and Camden Road. As set out below, there are significant concerns about the form, layout and visual impact of the Villa's proposed to be set along this road, but there is no objection in principle to a road positioned along the escarpment edge, and it is noted that the road would function as a significant retaining structure, stabilising the land above the escarpment below.

INCLUSION OF DESIGNED VIEWS INTO, OVER AND THROUGH THE DEVELOPMENT

The Concept statement stresses the need for the development to create new views over, out of and into the development and for such issues to be given consideration in the design of the layout.

The main road into the site, oriented north-west - south-east descends steeply and directly down the slope. Whilst this not illustrated in presentational material, it is likely that this road will frame an arresting view of the slopes on the opposite side of the valley. Unfortunately the curved entrance into the site from the Warminster Road through the retained trees would be likely to block views through the site from Warminster Road and is a highway dominated solution which contrasts uncomfortably with the formality of the symmetrical layout beyond.

The design and access Statement considers views out from the northern road edge of the development. Other than this, and the substantial retention of the view at the eastern end of the site, there is no sign that the proposals have been planned to create or frame planned views through, over or out of the development, and it is noted that one of the roads within the development is located to frame a view of a sewage pumping station,

needed to support the development. The external appearance of this infrastructure is unknown.

Officers also raise concerns that the development would face a large retaining wall onto the open space and open views at the eastern end of the site (plots 137 -144), giving a hostile appearance to this part of the development when viewed from the lower slopes. The amended plans have sought to address this concern by amending these plots so that they could be accessed through rear gates from the public open space, and this is an improvement, but it would be more appropriate to actually front development onto this public space.

These are considerable short-comings of the scheme, which falls short of the aspirations set out in the Concept Statement.

BUILDING FORM, AND HOUSE TYPES, CHARACTER AREAS AND ARCHITECTURAL LANGUAGE,

English Heritage comments that the scheme uses classical architectural themes and detailing in a modern idiom, and that whilst they do not object to this, they raise concerns about jarring elements such as the introduction of integral garages into ground floors and modern floor to ceiling heights.

Officers consider that the use of Georgian Architectural language relates more to the character of the city as a whole than the immediate site context, which is actually characterised by later Victorian development, rather than the Georgian development found closer into the city centre. Officers also share English Heritage's concerns about the authenticity of the development in the context of the location of the site within the World Heritage Site.

In this regard, officers consider that it would have been preferable to design a clearly contemporary scheme which responded sensitively to the defining characteristics of the site and its wider context. However, National Planning Policy is explicit that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and therefore this is not put forward as a reason for refusal. If a classical design language is to be used however, it is reasonable to assess the degree of success in how this is achieved, and how well the approach relates to the context of the site.

Objections have also been raised to the design approach of the westernmost terrace. This has been amended but still features a palatial form similar to the buildings fronting onto Queen Square, with pediments at each end of the street, plus pilasters stretching across the first and second storeys. The scale of the buildings and formality of such building types would ordinarily be used for some wider urban design purpose, such as to define and contain a large and well used public space (such as Queen Square), flank a wide and important street and frame a view (such as Great Pultney Street) or front out onto an important view (in the case of the Royal Crescent). In this case, given the context of this street, on the edge of the city, and its peripheral position within the development itself, there is no obvious urban design purpose behind the proposed form. Given that the terrace will front onto a relatively narrow street, it is likely to appear as an incongruous streetscape element.

The inclusion of integral garages into the ground floor of this terrace, the proportions of the windows and the modern floor to ceiling heights would all work to further undermine the grand effect sought, and the overall effect would be of an inauthentic pastiche which would undermine the authenticity of the genuine historic buildings and planned layouts in the World Heritage Site. Other design details such as routing downpipes down the centre of pilasters further reinforce this effect.

The primary street within the development, fronting onto the open space and the canal has been designed with a row of large detached and semi-detached villas (house type W1 - W3) climbing up the slope. Bath Heritage Watchdog have raised concerns about the detailed design of these house-types which feature a mixture of Georgian and Victorian / Edwardian design features and about incorrectly proportioned window openings. Officers agree with these detailed criticisms.

Taken in isolation, these villas relate well to the overall form of villas found elsewhere in the city, however traditionally such villas would ordinarily be set in isolation in spacious and well landscaped grounds. In this case, the villas would be positioned closely together, with very little landscaping between them. Seen together from the other side of the valley and from the lower slopes of the site and canal, the repeated form of these detached and semi-detached villas, interspersed with garages and lacking sufficient space between them for appropriate landscaping, would appear incongruous in the context of their location within the World Heritage Site. Whilst of significantly greater scale, seen from a distance, the overall impression of this street frontage would be similar to that of a street of detached suburban houses.

Officers and English Heritage had significant concerns about the form and impact of blocks BF4 and BF5 (at the eastern end of the site) as originally proposed, which intruded into the open space and by backing onto Warminster Road had a very poor relationship with the public realm. Additionally as originally proposed these blocks were set well down the slope from Warminster Road so that the roof pediment was set at the level of the road. This would have offered a particularly poor form of development at a major gateway into the World Heritage Site.

The amended plans locate these blocks on the back edge of the pavement. This has improved the appearance of these blocks from Warminster Road, giving a clearer demarcation between public and private space, but urban design and conservation officers maintain concerns that these blocks are incongruous and out of scale with their context. These blocks by virtue of their scale and size would be very prominent in views, in particular from the canal and river, and the lower parts of the site.

Whilst the buildings are designed along classical Georgian principles, this is not followed through in the design of the windows, with many buildings having casement windows with a horizontal emphasis and / or square proportions, rather than the vertical and rectangular windows found on traditional Georgian properties. This results in many of the windows appearing squat and small, giving many buildings an inappropriate solid to void ratio. This is particularly the case in respect of the northern elevation of plots 137 - 144 (first floor) which would be very prominent when viewed from the open space to the north.

The buildings are proposed to be faced in a mixture of Ashlar stone on prominent elevations and render on less prominent side and rear elevations. Particularly prominent

buildings (buildings BF4, BF5 and plots 137 - 144) would be faced in ashlar stone on all elevations. On the whole officers consider this approach to be appropriate, and it is not considered that the approach to materials should be put forward as a reason for refusal.

IMPACT ON WORLD HERITAGE SITE SETTING AND SETTING OF CONSERVATION AREA

The site is at a sensitive location within the World Heritage Site and Conservation Area and close to part of the core Georgian area. It is on rising land above the Avon valley, immediately above the important green corridor of the K&A Canal and on the eastern edge of the city.

The City of Bath World Heritage Site Setting SPD, specifically identifies the Kennet and Avon Canal and its environs, its quality and character and the views to and from it as aspects of the World Heritage Site setting which convey its Outstanding Universal Value and also the importance of views from existing recreational routes following or near to historical routes. The document also refers to historic routes into the city, such as Warminster Road, and historic leisure walks such as along the towpath. The document comments (5.31) on the distinct character of the landscape surrounding the WHS, and characteristically penetrating into the Site, provided by the topography, the land-uses particularly the natural and agricultural land-use, landscape features, distinctive pattern and characteristics of villages, historic features and associations and qualities such as tranquillity. Both the canal and the road are key attributes of the World Heritage Site and have key associations with Georgian Bath.

The steep open slopes beside and to the south of the canal are a distinctive characteristic of the site. Of particular significance is the clear break between the village of Bathampton and the edge of Bath with open views across towards Beacon Hill, Larkhall, the Swanswick Valley and Little Solsbury Hill with the Downs beyond and the well treed character beside the road both at the edge of the village and the city respectively. Views to, from and through this open space are of particular importance with potential to affect the perception, character and quality of the World Heritage Site.

Whilst the amended plans reduce the extent to which the development would intrude into the undeveloped land, as a result of the footprint of plots 141 - 144, its parking court and BF 4, the development would still significantly erode the undeveloped land in a very sensitive location in landscape terms, and result in a significant loss of the green setting of the World Heritage Site with a resultant detrimental impact on the green corridor of the Kennet and Avon canal, on the green slopes below the Warminster Road and on views into and out of the site. This would be a significant detrimental impact on the WHS and its Outstanding Universal Value as well as the Bath Conservation Area. The intrusion of plot 40 beyond the existing fenceline into the canal corridor would also be harmful in these terms. The development as a whole would be harmful to the setting of the World Heritage Site and would harm the character and appearance of the Conservation Area.

C. IMPACT ON RESIDENTIAL AMENITY

Impact on Villa Rosa, The lodge and Orchard Leaze

Objections have been received that the development would have an overbearing overshadowing effect on the three bungalows to the west of the site (known as Villa Rosa, The Lodge and Orchard Leaze) which are located down the slope from the application site and would also overlook these properties. The residents have submitted photographs where they modelled the height and the position of the nearest terrace with balloons, to illustrate their concerns, which can be viewed on the Council's website.

Overlooking

Amended plans have been submitted setting plots 26 to 39 approximately 3 metres further away from these properties and detailed cross sections have been submitted assessing the relationship between the existing bungalows and the adjoining terrace. The latest amended plans (received 12.11.14) have also reduced the height of plots 31 - 34 from four to three storeys in height, when viewed from the rear.

The cross sections show a facing distance of approximately 20.5 metres between the development and the rear elevations of Villa Rosa and The Lodge. A recognised rule of thumb is a facing distance of 21 metres between facing properties will overcome overlooking conflicts, although this applies more to back to back relationships between new dwellings on level ground. Villa Rosa and The lodge are both set into the hillside and their east-facing windows predominantly look out onto their gardens which rise steeply up the hill to the east and their boundary fences. Both properties also have overhanging eaves (and in the case of Villa Rosa a covered walkway along its eastern elevation). The combination of these elements has the effect that direct views from the dwellings into these bungalows would not be possible.

As an exception to this analysis, Villa Rosa has a conservatory attached to its southern boundary, and views would be possible from the overlooking windows into the conservatory from a distance of 25 metres and onto the patio from a distance of approximately 21 metres at its closest point. The distance exceeds the 21 metres rule of thumb, however the development would look down into this property from higher land. Additionally, this property has limited outdoor space, and the patio and conservatory are important amenities for this resident, as is the garden to the east of the property, despite its small size. The latest amended plans change the four-storey plots (N7+) previously proposed opposite this property for three-storey dwellings, to a degree this would lessen the overbearing and overlooking impact of the development, however given the relative lack of alternative outdoor areas available to this resident and the relationship shown, the resident in using their conservatory, patio and eastern garden would be likely to feel considerably overlooked from the development, which would have also have a considerable overbearing effect. This would significantly and unacceptably harm their residential amenity.

In terms of the loss of privacy within the garden of The Lodge, this property has a large back garden. Whilst significant areas of the garden would be more than 25 metres away from the development, the proposals would nevertheless give residents the perception of a "wall" of development looking out over their garden.

The facing distance between Orchard Leaze (the southern-most bungalow) exceeds 25 metres and the property has a large garden, giving the resident options as to which part of

the garden they choose to use. Additionally this property has a mature boundary hedge dividing it from the MOD site. Therefore this relationship is considered to be acceptable.

Overshadowing and Overbearing impacts

Recognised guidance on overshadowing impacts (P Littlefair. Site layout planning for daylight and sunlight: a guide to good practice) advises that if viewed from potentially affected properties, development would rise above a level horizon by more than 25 degrees, unacceptable overshadowing impacts may occur, and should be assessed through further more detailed tests.

The cross sections suggest that viewed from Villa Rosa, the roof of the development (plot 30) would rise 24 degrees above a level horizon. Viewed from The Lodge, the ridgeline of the closest proposed dwelling would be 23 degrees above a level horizon.

This indicates that the development would be unlikely to give rise overbearing and loss of light issues from within the adjoining bungalows. Predominantly the bungalows are cut into the hillside and overshadowed by their boundary fences, and the cross sections suggest that viewed from within the bungalows the development would not rise above the horizon line set by the boundary fence.

The development would have a greater overlooking and overbearing effect when viewed from the gardens of the bungalows, by virtue of the height of the development, its proximity and its position on higher land, plus the terraced form of the overlooking plots. Viewed from the gardens of these properties the development would have a significant and unacceptable overbearing effect when viewed from the gardens of the bungalows, by virtue of the height of the development, its proximity and its position on higher land, plus the unrelieved terraced form of the overlooking plots. Additionally the proposed dwellings are understandably designed to capitalise on the views available across the valley by positioning the reception rooms (family room, dining room/kitchen and living room) at the back of the houses at ground floor levels.

From The Lodge and Villa Rosa in particular (due to its smaller garden and the position of its conservatory and terrace) the development would have an over-dominant effect, giving residents a sense of being overlooked. This would detract unacceptably from the amenity of residents.

Impact on Hazelwood House, Hazelwood Cottage and Hazelend

Objections have also been raised in respect of the impact of the development on the amenity of residents living in Hazelwood House, Hazelwood Cottage and Hazelend at the south-western corner of the site. These three properties are located in a large converted and extended Victorian Villa, set in within large grounds, with approximately a 33 metre deep back garden to the boundary with the MOD site. Hazelend, the easternmost property has a two-storey side extension which is not shown on the application plans.

Due to the size of the back garden, Hazelwood Cottage and Hazelwood House would not be significantly affected by the proposed development in terms of overlooking. The properties are also set well up the slope from the nearest facing properties, which are two-

storey in height, and therefore the development would not have a significant overbearing effect. The facing distance between these properties and the closest terrace to the south is approximately 44 metres. To an extent these properties would overlook the bottom end of the gardens, and the development would change the outlook from these properties, however the proposed terrace is only two storeys in height and is set at a lower level, and therefore the relationship is considered to be acceptable.

The end property, known as Hazelend would be more directly affected, with residential development wrapping around the northern and eastern sides of its garden. Plots 4 - 10 (which would be two-storey in height) would be sited approximately 12 metres from the side wall of the garden, which is quite narrow in width. Plots 1 - 3 would face onto Warminster Road, with plot 1 being located approximately 2 metres from the side boundary of Hazelend. The land here drops away steeply, and as a result at the rear, the ground floor slab of this plot would be approximately 1.2 metres above the natural ground level. Whilst this layout would be unlikely to result in overlooking into the property itself, cumulatively the proximity, position and height of plots 1 - 10 would be likely to result in overlooking into the rear garden of Hazelend resulting in an unacceptable loss of privacy and amenity for the occupiers of this property.

D. ECOLOGY

The undeveloped part of the site comprises part of a Site of Nature Conservation Interest (SNCI). The adjoining Kennet and Avon Canal is also a designated SNCI. The site lies within 1.2km of the nearest component site of the Bath & Bradford on Avon Special Area of Conservation (SAC). Bat surveys found a wide range of species across the site including lesser and greater horseshoe bats from the SAC. As currently proposed the development would erode the site area of the SNCI.

Saved Local Plan Policy NE.9 advises that development which would adversely affect the nature conservation value of such sites will not be permitted unless any harm to the value of the site is minimised; and compensatory provision of at least equal nature conservation value is made.

The developers have submitted a lighting impact assessment and Landscape and Conservation Management Plan, as requested by Natural England. The Lighting Impact Assessment assesses the existing lighting levels within the site and models the likely impact of the new development in terms of light from properties and access roads.

The assessment concludes that lighting levels would be generally low with virtually no spill light into the bat corridors and that lux levels on the new development should be significantly lower than the present office use. The Conservation Management Plan sets out management principles and maintenance operations and a maintenance schedule for the Site of Nature Conservation Interest, with the idea being that improved management of the SNCI will deliver biodiversity benefits which will compensate for the harm caused by the development intruding into this area.

Natural England have raised no objection to the Lighting Impact Assessment, and have made minor comments in respect of the Conservation Management Plan submitted, but appear to have no overall objection to what is proposed. Were planning permission to be

issued, the detailed approval of the Management Plan and its subsequently implementation would be made a subject of the Section 106 agreement.

E. TRANSPORT / HIGHWAY SAFETY / ACCESSIBILITY

As discussed in the highways comments, the application proposes the re-development of a previously developed site, which generated approximately the same traffic levels as the proposed residential use and the application proposes the re-use of the existing vehicular accesses into the site. Consequently, the proposals are considered to be acceptable in highway safety terms.

The site is located in a relatively sustainable, accessible position in the city, within easy walking distance of the city centre and bypassed by bus routes travelling into the city via Warminster Road. There is also an existing pedestrian bridge which provides access to the Kennet and Avon Canal at the north-eastern corner of the site.

Given the scale of development proposed, were the application to be considered to be acceptable, contributions would be justified to subsidise bus routes 4 and 265 which bypass the site, but are no longer commercially viable.

The concept statement for the site sets an aspiration to provide an additional bridge crossing of the canal towards the western end of the site. This is shown indicatively on the application drawings and the developer has committed to providing the bridge by means of the Section 106 agreement, but detailed plans of the bridge have not been prepared to date.

Were the bridge landing to be provided on highways land, or on other land within the Council's control, the bridge could be secured by means of a Section 106 agreement, however the bridge landing on the far side of the canal would be on land owned by the Canal and Rivers Trust, who have confirmed that they would not be a party to a Section 106 agreement, and raise objections to the location of the bridge currently envisaged.

As a consequence, at the current time, it does not appear to be possible to secure the provision of the new bridge through a Section 106 agreement. Were the application to be re-submitted, further discussions should be undertaken between the developer, the Council and the Canal Trust, with a detailed design being included in any resubmitted application that the Trust could support.

The trust have requested that contributions be provided towards the upkeep of the towpath. Such contributions would be justified in principle, but the level of the contribution would need reflect the low level of additional usage of the towpath resulting from the development, compared to the existing high level of traffic along the towpath. Contributions could also be justified to enhance or upgrade the existing bridge, were this to prove necessary.

F. TREE LOSS

Saved policy NE.4 advises that development will only be permitted where it does not have an adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and it includes the appropriate retention and new planting, or adequate compensatory provision.

The application proposes a significant amount of tree removal, comprising the removal of 126 trees including 63 B category trees and 1 category A tree. The proposals make insufficient provision to compensate for this degree of loss. There are also concerns about the inadequate provision for tree planting within the development.

The Council's tree officer also maintains an objection to blocks BF5 and BF4 to the east and the three units in the south western corner (Plots 1 - 3) which block the creation of a green corridor along Warminster Road.

Overall the proposals would involve a significant amount of tree removal, and make inadequate provision for compensatory replacement planting, and are consequently contrary to policy NE.4.

G. ARCHAEOLOGY

According to the applicant's documentation, the site has the potential to be rich in prehistoric and Roman remains. Consequently the possibility of archaeology being uncovered during development justified conditions being applied requiring a programme of archaeological work and field evaluation to be carried out.

H. DRAINAGE AND FLOODING

Saved Local Plan policy ES.5 states that development will not be permitted where there is inadequate provision made for sustainable foul and surface water sewerage infrastructure.

As detailed in the consultation responses, whilst the site lies within Flood Zone 1, the Environment Agency and the Council's flood risk team hold outstanding objections in that the Flood Risk Assessment submitted is based on out of date information (not reflecting the most recent flood mapping) and insufficient information is submitted to demonstrate that surface water would be properly managed.

Whilst this is an issue that could be relatively easily resolved, the objections have not been addressed and still stand. As full planning permission is sought and the application is accompanied by an Environmental Statement, these issues must be resolved prior to determination rather than by condition. Therefore this is put forward as a reason for the refusal of the application.

I. SUSTAINABLE DESIGN AND CONSTRUCTION

Adopted Core Strategy policy CP2 advises that Sustainable design and construction will be integral to new development.

The Concept Statement for the site sets out an aspiration to achieve Code for Sustainable Homes Level 5 or above for all housing across the development site, advises that the development should include resource minimization strategies for energy and water,

together with a waste reduction strategy and the designing in of appropriate low and zero carbon technologies is welcome

The proposed dwellings aim to achieve CO2 emissions reductions of 25% beyond Building Regulations Part L (2010) and are targeted to achieve Code for Sustainable Homes level 4.

The development proposes the inclusion of the following features:

- Exceedance of Building Regulation insulation requirements and maximizing air tightness
- better heating controls for zoning and load compensation to reduce unnecessary wastage of heat; and
- A-rated gas fired condensing boiler with high efficiency.
- Age of mechanical ventilations and heat recovery systems and wood burning stoves.
- dwellings are laid out to capture solar gain during spring and autumn and minimise space heating
- the use of concrete floors and walls provide significant thermal mass to help reduce fluctuation in temperature during the day and also at night.
- Use of water efficient fittings, flow restrictors and water meters to minimise water usage.
- Use of "A" or "A+" rated building materials where possible / viable
- Use of Site Waste Management Plan to reduce waste and maximise recycling opportunities during the construction process. At least 50% of non-hazardous construction waste to be diverted from landfill.
- Applicant to register the project with the Considerate Constructors Scheme
- Development to incorporate fruiting tree and shrub species to provide an edible landscape; and native tree species

The proposals comply with Core Strategy policy CP2, but do not fulfil the aspirations set out in the Concept Statement. The Concept Statement does not however carry full weight in the determination of the application. Additionally the Government has made it clear through the Housing Standards Review Consultation (March 2014) that its intention is to consolidate and enforce energy efficiency and other technical standards through the Building Regulations system. Therefore the proposals are considered to be acceptable in terms of sustainable design considerations.

J. AFFORDABLE HOUSING

Adopted Core Strategy policy CP9 require the provision of 40% affordable housing on sites in Bath. Developments delivering on-site affordable housing should provide a mix of affordable housing units, with the size and type of affordable units being determined by the Council to reflect the identified housing needs and site suitability.

Affordable Housing should be integrated within a development and should not be distinguishable from market housing. The Planning Obligations Supplementary Planning Document sets out further design standards, including a requirement for 60% of the overall affordable housing contribution to be Lifetime Homes design compliant, and 10%

of the overall affordable housing to be Wheelchair design compliant. Affordable housing should be clustered together in groups not exceeding 8 units together.

Policy CP10 reinforces these messages, requiring new housing development, to provide for a variety of housing types and size to accommodate a range of different households, including the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs (including supported housing projects).

The amended plans increase the level of affordable housing to 40% in accordance with policy CP9; however an objection is raised from the Council's housing team that the mix of affordable housing, Lifetime homes and Wheelchair dwellings does not meet local needs.

Additionally, whilst the affordable housing is tenure blind in terms of its design and parking provision, the affordable housing is grouped together in very large groups of 23, 19 and 12 dwellings.

The proposals are contrary to Core Strategy policies CP9 and CP10 and to the guidance set out in the Planning Obligations SPD.

K. EDUCATION PROVISION

The Concept Statement identified a requirement for developers to provide sufficient land and to fund the construction of a 210 place school and associated facilities on the MoD Warminster Road site. The Council's Education Team have confirmed that the adjoining primary school does not have the capacity to accept pupils from the development, and needs to expand into the application site.

The Community Infrastructure Regulations (the "CIL" Regulations) is explicit that planning obligations and contributions should be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

In terms of the MOD development, this means that it is reasonable to require the development to provide sufficient land and funds to enlarge the adjoining school to meet the needs of the development (which would generate 55 pupils), in that such an obligation would be directly related and reasonably related in scale and kind to the development.

The requirement to provide land and contributions for a whole school (of 210 pupils) set out in the Concept Statement is not however directly related to the development or related in scale to the development and would not comply with the CIL Regulations, in that the development does not generate this level of need.

Should the Council wish to acquire further land in order to expand the school to a full 420 place school, it would need to purchase the additional land from the landowners in order to achieve this.

The developers have offered 2,068.78 square metres of land at the western end of the site to allow the expansion of Bathwick St Mary's primary school. The Council's Education team (and the school) have confirmed that this would be sufficient to allow the expansion

of the school, subject to a contribution of £773,297.15 also being provided to fund the expansion works.

On this basis, the proposals are acceptable in terms of their impact on educational provision.

L. PLANNING OBLIGATIONS

Were the development to be considered to be acceptable, the following planning obligations would need to be secured:

i. Affordable Housing provision at 40%, including Lifetime and Wheelchair homes.

ii. Education

- contributions of £730,811.93 and land measuring 2,165 m2 to fund and allow the expansion of the adjoining Bathwick St Mary primary school,
- £28,214.10 for youth service provision

iii. Public Open Space and Recreation

Formal green space provision

- Contributions of £40,911.75 - Land purchase
- Contributions of £325,641.00 - Construction costs
- Contributions of £314,003.25 - Annual maintenance:

Natural Green Space provision

- Contributions of £255,753.90 - Annual maintenance:

Off-site Allotment provision

- Contributions of £8,182.35 - Land purchase
- Contributions of £14,281.92 - Construction costs
- Contributions of £14,820.30 - Annual maintenance

iv. Public Transport, Walking and Cycling Provision and off-site highway works

- £10,000 to upgrade the existing Bathampton bound bus stop to include a new shelter with Real time information.
- Contributions of £42,435 per annum for three years to subsidise the running of Service Number 4 which has recently been deemed financially non-viable by the Council. Beyond this, it would be expected that an increased number of users would reduce the need for a subsidy.
- Reservation of car club space; and
- Complimentary bus ticket provision as part of Travel Plan (the Plan is to be secured by condition).

v. Conservation Management Plan

- The submission of a finalised and costed Conservation Management Plan setting out an agreed management regime and timetable for the management of the Site of Nature Conservation Interest.

vi. Maintenance of Canal Towpath

- Reasonable contributions towards the additional costs of maintaining the canal towpath, arising from its increased use by residents of the development.

CONCLUSION AND RECOMMENDATION

The application site comprises a large previously developed site in a prominent position, with citywide views across the Bath World Heritage Site and Conservation Area. It is also located prominently on the entrance to the World Heritage, both in terms of its visibility from the Canal and Canal Path and from Warminster Road itself.

The re-development of such a large and prominent site within a World Heritage Site would be expected to emerge from a detailed and well considered appraisal of the urban design context, with a clear understanding shown of why design decisions had been taken and how the development related to its context.

Such work seems to be largely absent in this application, and overall English Heritage, Conservation, Urban Design and Planning Officers are unified in considering that the proposals pay insufficient regard to their context, and in fact would detract from the character and setting of the Conservation Area and the setting of the World Heritage Site.

The development proposes to breach the existing fenceline, which sets a firm boundary between the developed land (which is of little landscape or ecological value) and the undeveloped land beyond, which forms the Site of Nature Conservation Interest, and its eastern end is of significant landscape value. As a result, the proposals would erode the green setting of the World Heritage and thereby detract from the setting of the World Heritage Site and Conservation Area. The intrusion of plot 40 beyond the fenceline at the western end of the site would also intrude into the canal corridor. Plots 1 - 3 would also stand forward of the building line on Warminster Road and appear incongruous and inappropriate.

The development would have an unacceptably harmful impact on the amenity of adjoining residents at Hazelend, Villa Rosa and The Lodge.

There is likewise an outstanding objection that the proposed development would give rise to significant tree loss and would provide insufficient replacement planting to mitigate for this loss.

Outstanding objections in respect of drainage and flooding details have not been resolved.

The Council's 5-year housing land supply relies on 150 dwellings coming forward within the site in the next five years. Any dwellings delivered above this level are welcome, but only to the extent that they represent good design.

The additional housing proposed over and above the level anticipated in the SHLAA would assist in meeting the Council's 5-year housing land supply, and the site is in a sustainable position for residential development. However, the development would harm the setting of the World Heritage Site, the character and appearance of the Conservation Area, and would also harm the amenity of adjoining residents. Overall the benefits of the additional housing would not outweigh the extensive areas of harm caused by the development in these and other terms, and the proposals are therefore considered to be unacceptable. The 5-year housing supply would not be prejudiced by the delayed delivery of this site.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by virtue of its layout and design (including domination of external spaces by car parking), lack of tree planting within the development, the inappropriate position of plots 1 -3, inappropriate detailed design and appearance (including elevational design) excessive intensity of development and failure to respond to the local context, would neither preserve nor enhance the character and appearance of the city of Bath Conservation Area and would compromise the Outstanding Universal Values and authenticity of the World Heritage Site. Therefore the development is contrary to Saved Policies D.2 (b, d), D4 a), BH.1, BH.6, and D.4 of the Bath and North East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007, policy CP6 of the Adopted Core Strategy, the guidance set out in the National Planning Policy Framework, the Bath World Heritage Site Setting - Supplementary Planning Document - Adopted August 2013 and the guidance set out in the Concept Statement (published September 2012).

2 The proposed development by virtue of the position and footprint of development at its eastern and western ends (plots 141 - 145 and plot 40), would unacceptably intrude into the wider undeveloped land and the setting of the canal corridor at the western end of the site. As such the development would cause unacceptable landscape harm, would harm views both within and into the Conservation Area and World Heritage Site, and would harm the setting of the Conservation Area and the setting of the World Heritage Site. The proposed development is contrary to Saved Local Plan policies D4 a), NE.1, NE4 (i) and ii), BH6 (iii, iv and v) of the Bath and North East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007, Adopted Core Strategy policies B1 (1 a, b and f), B4 and CP6. The proposed development is also contrary to the guidance set out in the National Planning Policy Framework, the Bath World Heritage Site Setting - Supplementary Planning Document - Adopted August 2013 and the guidance set out in the Concept Statement (published September 2012).

3 The development would result in excessive tree loss with inadequate replacement planting in mitigation. As such the proposed development would be contrary to saved policy NE.4 of the Bath and North East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007, policy CP6 of the Adopted Core Strategy, the guidance set out in the MOD Warminster Road Concept Statement and the National Planning Policy Framework.

4 Inadequate details have been submitted to demonstrate that surface water can be adequately managed. As such, the proposals would be contrary to saved policy ES.5 of the Bath and North East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007 and the National Planning Policy Framework.

5 By virtue of the height of the closest units, their proximity and position on higher land, and the internal layout of the individual dwellings, the development would have a significant and unacceptable overbearing effect when viewed from the gardens of the bungalows, The Lodge and Villa Rosa. From the gardens of these properties the development would have an unacceptable overbearing effect. This would detract unacceptably from the amenity of residents. By virtue of the position, proximity, internal layout and ground level of plots 1 - 10, the development would result in an unacceptable loss of privacy in the garden of Hazelend, detracting unacceptably from the amenity of the residents of this property. As such, the proposed development would be contrary to saved policy D.2 (f) of the Bath and North-East Somerset Local Plan Including Minerals and Waste Policies Adopted 2007.

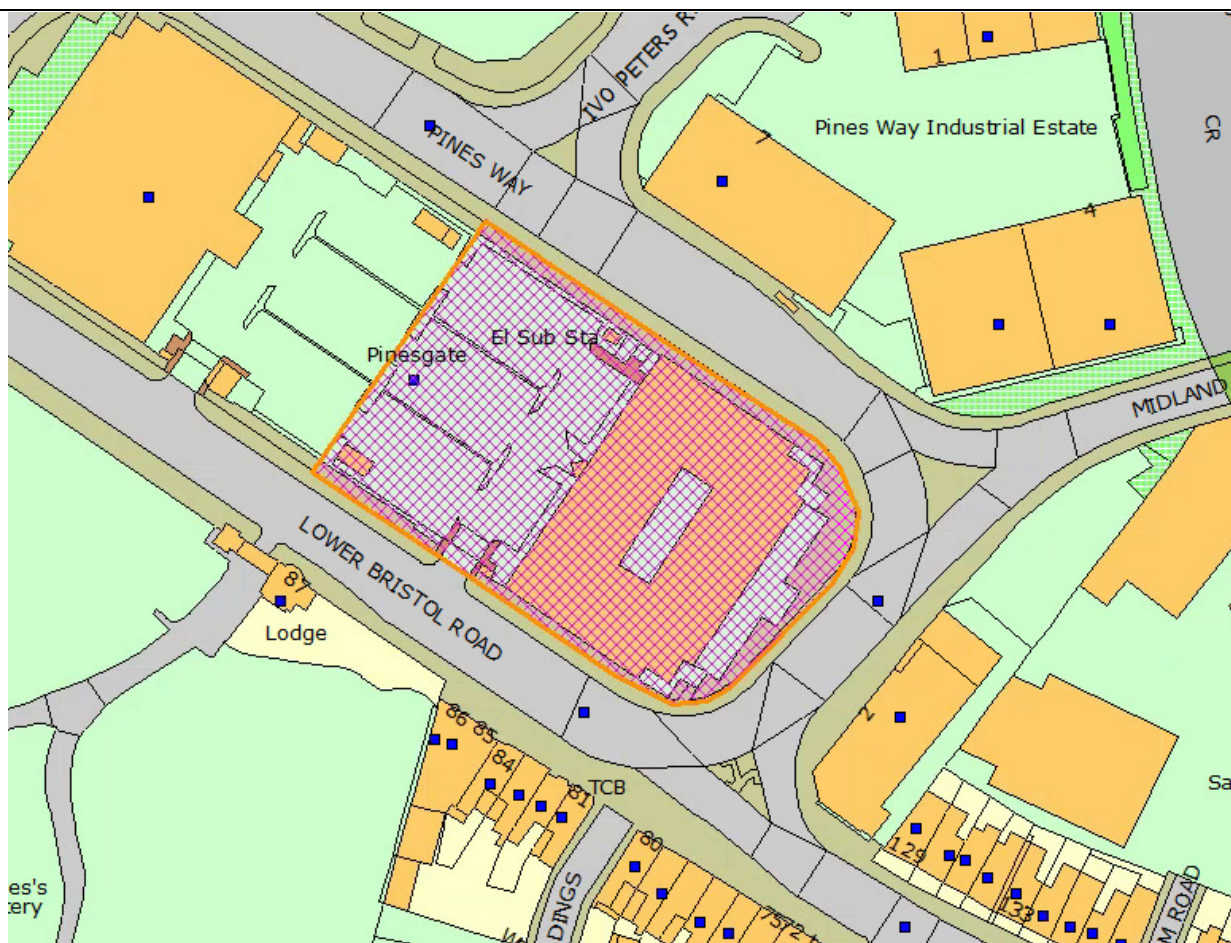
6 The development fails to provide affordable housing to meet local needs, by virtue of the inappropriate affordable housing mix (including the mix of lifetime homes and wheelchair homes), inadequate internal size standards and inappropriate clustering of affordable dwellings in large groups within the development. As such, the proposals are contrary to policies CP9 and CP10 of the Bath and North East Somerset Core Strategy - Adopted July 2014, the guidance set out in the Planning Obligations Supplementary Planning Document 2009 and the guidance set out in the National Planning Policy Framework.

PLANS LIST:

1 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. The Local Planning Authority has sought to work proactively with the applicants throughout the pre-application and application process to identify and find solutions to problems. Nevertheless the proposals are considered to be unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No:	02
Application No:	14/02619/FUL
Site Location:	Pinesgate Lower Bristol Road Westmoreland Bath Bath And North East Somerset



Ward: Widcombe

Parish: N/A

LB Grade: N/A

Ward Members: Councillor I A Gilchrist

Councillor Ben Stevens

Application Type: Full Application

Proposal: Erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building.

Constraints: Agric Land Class 3b,4,5, Article 4, British Waterways Major and EIA, Flood Zone 2, Flood Zone 3, Forest of Avon, General Development Site, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,

Applicant: Pinesgate Investment Company Ltd

Expiry Date: 16th January 2015

Case Officer: Rachel Tadman

REPORT

Reason For Reporting Application To Committee

In accordance with the Council's approved Scheme of Delegation the Group Manager, Development Management considers that this application should be considered by Committee.

Members will be aware that this application was considered at Development Control Committee on 10 December 2014. At the meeting Members resolved to defer the application in order for samples of the proposed external materials to be made available for Members to view and for Members to have a technical briefing on viability. The technical briefing has now taken place and the applicant has been asked to provide samples of the facing materials.

Site Description and Proposal

The application site forms half of the Pinesgate site that is surrounded by Lower Bristol Road, Midland Bridge Road and Pinesway. The site currently holds two office blocks which are two storey in height with a surface parking area in between. Pedestrian and vehicle access to the existing site is located on Lower Bristol Road.

The site is not within the Bath Conservation Area but is within the World Heritage Site. The site is also located within Flood Zone1, 2 and 3 and is within the Bath Western Riverside area and Enterprise Area. The Grade II listed Cemetery Lodge and Gateway to Widcombe, Lyncombe and St James's Cemetery is located opposite the site on the south side of Lower Bristol Road.

The revised proposal is for the redevelopment of the eastern part of the Pinesgate site to provide an office building of 17,535 m2 Gross External area arranged over 5 and 6 stories including a basement car park of 84 spaces and 73 cycle parking spaces.

The proposed building would be located centrally within the application site and forms three elements of design. There is a taller tower element on the northern corner and which also forms the single entrance point to the building and a slightly lower element fronting Pinesway and wrapping round onto Midland Bridge Road. This side of the building comprises of 6 storeys overall with the car park below ground at this point and with the 6th floor set back. The remaining element fronts onto Lower Bristol Road, wrapping onto Midland Bridge Road, and comprises 5 storeys with the basement car parking being partially below ground and the 5th floor set back.

The building would be 21.5m high at its highest, dropping down to 20.5m along Pinesway and the element fronting Lower Bristol Road would be 18m in height. It has a large footplate format measuring 70m wide and 47.5m deep and includes an internal atrium at first floor and above.

The main external walling material is proposed to be brick.

The proposal has also included information to show that this proposed development would not prejudice the future closure of the Pinesway Gyratory.

Since the application was originally submitted the proposal has been revised to reduce the height of part of the building and to slightly increase its footprint.

RELEVANT PLANNING HISTORY:

DC - 03/01156/AR - RF - 24 June 2003 - 3 no. recruitment banners for temporary display for 6 months (Retrospective application)

DC - 03/01311/FUL - PERMIT - 18 July 2003 - Extension to plant room East Building, extension to plant room West Building and erection of enclosure compound at West Building

DC - 04/00255/FUL - PERMIT - 23 April 2004 - Erection of entrance foyer and covered courtyard to Pinesgate West

DC - 04/03759/FUL - PERMIT - 10 February 2005 - Provision of motorbike/cycle/smoking shelters and relocation of bin store and fenced enclosure

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy: No objections.

Core Strategy Policy B2 (Central Area Strategic Policy)

The site falls within the scope of Policy B2 of the Core Strategy where it states 40,000sqm of modern office space is required in the Central Area.

The original proposal would represent a net increase to 10,250 m2 GIA, 25% of the plan periods net requirement for office space. It would also replace 2790s m2 of 1980s space with 13,000 m2 of brand new space and, if built this project would be a valuable addition to the stock of office premises, providing a new product, choice and competition.

Part 2 of Policy B2 provides Placemaking Principles to guide development proposals in the Central Area. The Placemaking Plan remains at a very early 'options' stage of preparation. It is a material consideration but currently little weight can be afforded to it in the determination of this application.

The site in question is specifically identified under bullet (i) of Part (3) for economic development-led mixed use development. Rather than being led by economic development uses the proposal is for 100% B1(a) use. It is not therefore mixed use, but this may well be part of the Central Area where a 100% office scheme is more appropriate, contributing to a wider mixed-use environment.

BANES Local Plan 'saved' Policy GDS.1/B1 and accompanying BWR SPD

In respect of uses and design, Policy GDS.1/B1 and the BWR SPD will apply to the determination of applications in this area, alongside Core Strategy Policy B2, until the Placemaking Plan is adopted. In respect of planning obligations, Policy GDS.1/B1 and the BWR SPD will apply until the CIL charging schedule is adopted.

Bath Building Heights Strategy (BBHS)

The BBHS is a material consideration. The BBHS strategy observes at para 3.2 that the use of 'storeys' (in relation to describing height) is a straightforward concept that allows the simple understanding, controlling and administering of building height. As the evidence within the BBHS is translated into policy officers will determine if it is currently too straightforward in the Bath context. Indeed, the experience of this application suggests that

further guidance on actual heights for storey/indicative heights may be needed to be considered. It is too blunt a tool to apply without critique to every site that it covers.

The outputs for zone 3 of the BHHS study, within which the site is located, suggest 4 storey with a 5 set back as potential modifier. Whilst the addition of a modifier for a residential or mix residential and office scheme might be appropriate re ultimate heights, it does not necessarily follow that is acceptable for a 100% office scheme. It needs to be properly tested.

Sequential Test for Town Centre Uses

GDS.1/B1 of the BANES Local Plan specifically allocates the site within a wider 'allocation' in the way that the Core Strategy does not. This means that although the site is edge-of-centre, the need to apply the sequential test is not engaged. In terms of NPPF (24), although this is a main town centre use not in an existing centre, the proposal is in accordance with an up-to-date Development Plan i.e. the land is allocated for town centre development.

Planning Obligations re the BWR SPD

The BWR Supplementary Planning Document (SPD) provides a comprehensive Spatial Masterplan and an Implementation Framework including infrastructure requirements and developer contributions. The SPD was prepared on the basis that all infrastructure costs within the SPD area were funded proportionately from contributions from all development and Appendix C of the SPD sets out the basis for developer contributions.

According to the formulae set out in Appendix C, a total contribution of £2,026,412 is required.

Conclusion

A lack of modern office floor space has long been identified as a major issue in Bath. This scheme will address that to a significant degree within the Central Area, in an area earmarked for an extension to the city centre. This is sustainable development and the 'presumption in favour' applies very strongly. There is serious debate to be had on the height scale of massing of the building and its impact. Part of that debate should consider what is required to make redevelopment a financially viable proposition. There may be some consequences to the implementation of this scheme in the short term in respect of the likelihood of other central sites coming forward, but this is not necessarily a reason for refusal. Crucially, the sequential test does not apply as the site is partly allocated for business development.

Highways Development Officer: Revised Comments dated 25th November 2014:

The scheme as originally submitted was considered to be unacceptable, however following ongoing discussions and further meetings with the applicant's transportation consultant, further information has been submitted to address these concerns and there are now no objections to the scheme subject to conditions and the following being secured through a S106 legal agreement. It is suggested that items 1. to 5. be secured as 'works' to be

undertaken prior to occupation. Item 6 could also be a non-financial commitment written into the agreement, whereas item 7 would be a financial contribution:

1. New signal-controlled Toucan pedestrian and cycle crossing of Pines Way between the northern site access and Ivo Peters Road.
2. New continuous shared footway/cycleway around Pinesgate development site and additional cycle links to crossing points around gyratory.
3. Improvements to signalled crossings around gyratory including Pelican to Toucan crossing conversion of Pines Way/Stothert Avenue junction.
4. Lane reallocations including possible alterations to signal detection loops, Pines Way gyratory west side between Lower Bristol Road and Ivo Peters Road.
5. Traffic management requirements for the above including TROs etc.
6. Before & after monitoring of car parking in residential areas.
7. Contribution of £4,500 for real-time passenger information at Ivo Peters Road bus stop.

Urban Design: Not acceptable in the current form.

- Lack of comprehensiveness with rest of BWR/Enterprise Area proposals.
- No holistic improvement of public realm and pedestrian movement in proposals.
- Massing, volume, bulk and scale of proposals incongruous and overbearing in context.
- Refs include World Heritage Site Setting SPD, D2, D4, CP6, B2 and B4

Economic Development: Support subject to comments:

We have reviewed and taken account of the applicant's details for the proposal, and are supportive of the overall aims for development of the site, subject to a number of comments set out below.

There is a lack of modern office floor space in Bath, as identified in various studies underpinning the EA Masterplan. This scheme will address that to a significant degree within the Central Area, in an area earmarked for an extension to the city centre.

There are issues of comprehensiveness and the relationship to the siting of other potential issues, such as the retail store, which need to be considered. However in overall terms the application is welcomed due to the wide ranging economic and regeneration benefits it will deliver, and should be supported.

Core Strategy Objective 6 includes promoting and delivering employment, training and regeneration opportunities that can contribute to a reduction in the health and social inequalities across the District, and as a result the delivery of economic development will be facilitated by the B&NES Economic Strategy, the Regeneration Delivery Plans and the Development Management process.

The draft B&NES Planning obligations Supplementary Planning Document seeks the following:

- a contribution towards the cost of delivering a local Targeted Recruitment & Training (TR&T) package;
- Participate in a TR&T Management Board;

- Undertake to facilitate an agreed level of local employment, together with associated training and skills during occupation of the on-site employment space.

and should be included as provisions within a Section 106 Agreement.

English Heritage: The Landscape and Visual Impact Assessment (VIA) indicates that the development will be dramatically higher than the current building on this site and will, therefore, have an impact on the immediate vicinity of the site. The closest designated heritage assets are Grade II and the site is not within the Conservation Area.

It is unfortunate that this proposal does not include both buildings as they form a harmonised composition that will be damaged by only bringing forward one of the blocks for redevelopment.

The closest Grade II* listed buildings are in Norfolk Crescent and we do not consider that there will be a direct impact on their setting. However the VIA does not show winter views.

Our main concern remains with the height and scale of the proposed development and the impact that this will have on the Outstanding Universal Value (OUV) of the World Heritage Site (WHS).

Further comments on revised scheme: We note that the roof form has had some variations added to soften the height. However the overall scale remains an impact that causes concern within the context of the OUV of the WHS.

Landscape: Not acceptable in its current format.

I have no overall problem with redeveloping this site and I am pleased that the opportunity has been taken to utilise under-building car parking.

However, I have read the LVIA submitted with this application and whilst the proposed building may not have significant levels of visual impact from medium / longer distance views, I do think that there would be a major adverse impact on short range views.

I do understand the relationship with the nearby (recent) buildings but my main concern arises primarily from the way the new building sits right on the outside of its site and would tower over the users of the roundabout - both pedestrian and vehicular. The building would overpower this very busy location and this would be experienced by large numbers of pedestrians and car users.

I am sure there are (architectural) ways that the building form could be amended to reduce this impact and I would ask that these are looked at.

Soft landscape within this 'roundabout' is also very important and the building needs to either retain the existing established or leave adequate space for new (and appropriately sized) trees on all sides if possible. I do not think adequate space has been allowed.

Further comments: The LVIA addendum confirms that the building footprint is identical and that only one element of the roofscape has been reduced by 1 storey. The diagram on

p5 of the revised D&AS Chapter 6 serves to illustrate my points, which I do not think have been adequately addressed.

As such, I continue to conclude that it is unacceptable in its current format.

Ecology: Raises concerns but no objection in principle subject to conditions.

A brief ecological assessment has been submitted, which does not find any key ecological constraints nor bat roost potential at the site and does not make any recommendations for further ecological assessment..

The ecological assessment states that planting will be chosen to provide ecological benefit, but it is not clear that the above commitments have been incorporated into the plans. There is scope for significant benefit especially for the species mentioned and I would recommend drawings are revised to include a strong provision for swifts and potentially other bird species. It is disappointing that the proposed footprint and layout leaves less rather than greater opportunity for planting or habitat provision.

Flood Risk Management and Drainage Team: No objections subject to conditions.

Environment Agency: No objection in principle to the proposal subject to conditions.

Canals and Rivers Trust: No comments

Contaminated Land: No objection subject to conditions:

Environmental Health: No objection subject to conditions.

Archaeology: No objections subject to conditions.

Crime Prevention Design Adviser: No objections

Conservation: The English Heritage letter raises the same objections to the scheme (.... dramatic adverse impact on the adjacent historic environment by virtue of the increase of height of the eastern block).

Further comments: The small reduction in massing proposed for the Pinesgate redevelopment does not alter my previous comments about the scheme.

Arboricultural Officer: Object - the submission does not include a tree survey, arboricultural impact assessment or any heads of terms for an arboricultural method statement following the recommendations contained within BS5837:2012 have been provided.

Therefore proposal currently does not demonstrate due consideration of retained policy NE.4 so my current response must be an objection.

Further comments: I have reviewed their submissions and according to the photographs (existing views) submitted they lose the four trees on the east side (two Pines and two

other) and the replacements are edged out towards the road within a narrow planting area.

The row of Limes along Pines Way are significant trees and have great potential for the future - no space for replanting.

Bath Preservation Trust: Object

1. There is a lack of a commercial case for office development on this site, especially as other schemes nearby have not been implemented.
2. It has failed to follow the overarching principles of the BWR SPD
3. Overly large and oppressive and has not responded to the Bath context
4. Footprint is too large and the height, bulk and scale do not relate comfortably with the adjoining townscape and would have an overbearing impact on that townscape.
5. The use of brick is of serious concern, natural Bath stone is preferable.
6. The design aesthetic is unconvincing
7. Could create a precedent for height/scale for this area
8. Fails to preserve or enhance the Conservation Area and would compromise the special qualities of the World Heritage Site.

Local Representations: A total of 12 letters of representation have been received, of which 9 are objections. 2 are general comments and 1 is a letter of support. The concerns raised include:

1. Lack of cycling infrastructure and lack of consideration for cyclists in the design of the highway works
2. The development is of a poor quality design and layout, the scale and massing is out of context with the surrounding area
3. Design is out of character and scale with the surrounding buildings and the World Heritage Site
4. The development is contrary to the BWR SPD particularly with regard to its scale and proportions
5. The footprint is too large
6. The massing will have an overbearing impact on the character of the local townscape and will have a negative impact in views across the World Heritage Site
7. Harmful impact on listed buildings.
8. Light spill from upper floor windows is of concern
9. The roof is flat with little articulation and will likely experience problems with gulls nesting
10. The use of brick is of serious concern - Bath stone should be used.
11. The building is too tall and does not comply with the building heights strategy
12. Detrimental impact on the Conservation Area
13. By providing 25% of the Enterprise Area's office requirements on this site it would preclude the future development of a zone of multiple developments of differing sizes spread through the Enterprise Area.

POLICIES/LEGISLATION

POLICY CONTEXT:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Saved Policies from the Bath & North East Somerset Local Plan (2007)
- Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

- Policy DW1 - District Wide Spatial Strategy
- Policy B1 - Bath Spatial Strategy
- Policy B2 - Central Area Strategy
- Policy B4 - World Heritage site and its setting
- Policy SD1 - Sustainable Development
- Policy CP2 - Sustainable Construction
- Policy CP3 - Renewable Energy
- Policy CP5 - Flood Risk Management
- Policy CP4 - District Heating
- Policy CP6 - Environmental Quality
- Policy CP7 - Green Infrastructure

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

- D.2 and D.4 - General design and townscape considerations
- BH2 - Listed buildings and their settings
- ET.2 - Bath City Centre Core Office Employment Area
- GDS.1/B1 General Development Site - Bath Western Riverside
- NE.4, NE.12 - Landscape features and trees
- T.24 and T.26 - Highways Safety

Bath Western Riverside Supplementary Planning Document
Bath Building Heights Strategy

National Planning Policy Framework
National Planning Practice Guidance

OFFICER ASSESSMENT

PLANNING POLICY CONSIDERATIONS:

The site is located within the Bath Western Riverside (BWR) area which is an extensive (33.05 Ha) regeneration area to the west of Bath City centre, but within the established built up area of the City. In the Local Plan Policy ET.2 is applicable and which supports the provision of additional office space on this site, the site also appears as an Allocated Site under Policy GDS.1, with the designation B1. Western Riverside where it seeks a comprehensive mixed use scheme including Use Class B1 uses. This policy is saved and therefore remains relevant to this application.

A Supplementary Planning Document (SPD) for Bath Western Riverside was approved by the Council in March 2008. The SPD document is comprehensive in its guidance as to what is expected for the long term redevelopment of the site and includes requirements for information that should be submitted as part of any application for planning permission.

This site is located within BWR East and whilst the SPD clearly outlines the development aspirations for the wider development site, it is also very specific in the design principles for each separate area of the site.

The site also falls within the scope of Policy B2 of the Core Strategy and this policy, along with Policy GDS.1/B1 of the Local Plan are to be considered alongside each other until such point that the Placemaking Plan is adopted.

The site is also within the Bath City Riverside Enterprise Area which is part of the emerging Bristol and West of England City Deal aimed at promoting economic and employment growth. Overall the Enterprise Area has the capacity to deliver up to 9,000 jobs, 200,000sqm of new employment space and 3,500+ new homes.

The Bath Regeneration Delivery Plan identifies the BWR East and Green Park area as a key site with the potential to deliver up to 3,500 new jobs. It is also understood that, since 2011, there has been no significant new office development in the city whilst there have been a number of losses of office space connected with the relaxation of permitted development rights that came into force in April 2013.

Evidence provided by the Economic Development Team also states that the recent Bath Office Market Review 2014 (Lambert, Smith Hampton on behalf of B&NES) identified quality and location as key issues, however it was also found that there was a shortage of Grade A space capable of meeting modern occupier requirements. Furthermore it is stated that much of the better quality space was not in preferred central locations which has led to a latent un-met demand in the central area for in excess of 18,000sqm of office space.

The development would provide a Gross Internal Area (GIA) of office floor space of 12,300 m² (excluding the lower ground floor which is mostly a car park with cycle storage). As the development would be replacing 2,790 m² GIA of floor space, this results in a net gain of 10,205 m² GIA of office floor space.

Considering Policy B2 of the Core Strategy first, this forms the strategic policy for the city centre and neighbouring areas where the long term aspiration is for the city centre to expand to 'colonise' BWR East. The site is therefore located in an area where significant change is anticipated in the future and it is clear that this scheme would make a significant contribution to this goal.

Part (1) of Policy B2 requires that changes within the Central Area should improve Bath's profile and performance across eight headline criteria (a-h) and the provision of modern office space meets criterion (c) in providing "a more dynamic place for business, enterprise, creativity and invention". The scheme should also be well designed so as to also be able to contribute to criterion (b) re design and (h) re connectivity. However the site also lies within the World Heritage Site and therefore criteria (a), which refers to Bath

being an international cultural asset i.e. the OUV of the World Heritage Site is also relevant. The building's design should therefore sit comfortably with this designation.

Although there are concerns with regard to the design of the proposed development, discussed further below, the proposed development is considered to provide a dynamic place for business and connectivity and is therefore supported from an economic development perspective.

Part 2 of Policy B2 provides Placemaking Principles to guide development proposals in the Central Area. They comprise assets and positive characteristics of the Central Area that the application should 'demonstrably' draw on, if relevant, in formulating their proposals. In time the Placemaking Plan will translate these general principles to site specific requirements, but that will not happen in the timeframe within which this application will be determined. The Placemaking Plan remains at a very early 'options' stage of preparation and whilst it is a material consideration, only limited weight can be afforded to it in the determination of this application.

Turning to Part 3 of Policy B2 the Pinesgate site is specifically identified as a site where, within the context of the NPPF, economic development-led mixed use development is welcomed.

It is considered that this specific development cannot be described as mixed use as, although the submitted documents mention the potential for future changes of use on the ground floor, primarily to include active frontages to the building, it is nevertheless being proposed as a 100% B1 Office use. However whilst the lack of active frontages is a concern with regard to the design of the proposal, discussed further below, it nevertheless forms part of the Central Area where it is envisaged, and there is scope for it to form part of a wider mixed-use environment.

Furthermore, given its location on the edge of the Central Area, it is considered that this is a location where a 100% office scheme is more appropriate.

Part 4 of Policy B2 relates to criterion (c) of Part 1 and confirms that 40,000sqm of modern office space is required in the Central Area. This figure relates to GIA (gross internal area). The proposed development would provide approx. 12,900 m² of this target, approx. 25% of the plan periods net requirement for office space.

The proposed development is considered to be of significant importance and benefit to the city's economy as well as an opportunity for employment provision and business creation. The proposal also provides much needed grade A space in an identified preferred location for office occupiers.

Furthermore, in terms of job creation, using the Homes and Communities Agency employment guidance, the development, if fully occupied could provide office floor space for 868 jobs. Compared with the existing capacity of 279 jobs, it results in an increase of capacity in the region of 589 jobs which is a strong material consideration in favour of the development.

Turning to the 'saved' Local Plan Policy GDS.1/B1 and accompanying BWR SPD, they seek, inter alia, high density urban form and significant provision for business

development. A key further aspect of the GDS.1/B1 is its pursuit of a comprehensive mixed-use scheme across the entire allocation through a masterplan approach. This means that any planning application will need to demonstrate that it is consistent with and contributes to the delivery of comprehensive development of the whole site by reference to the BWR SPD. The SPD seeks a masterplan approach to the redevelopment of BWR East and clearly sets out in Paragraph 3.2.5 the requirement for individual phases of development to provide a Context Plan for the entire development zone (BWR East) within which the site is located.

The SPD requires the Context Plan to go into some depth to show how the streets, squares and open space within each zone are to be connected to surrounding neighbourhoods, identify the network of movement patterns for people to surrounding neighbourhoods, define the heights, massing and bulk of buildings, include the immediate interface to that zone and include two dimensional layout plans and three dimensional massing diagrams. It is then envisaged that future applications within the zone would follow the agreed principles so that it fits with the approved Context Plan.

Unfortunately this application has not been accompanied by a Context Plan that goes into the level of detail required by the SPD. However, it is acknowledged that the site forms a small area on the edge of the wider Bath Western Riverside site, therefore the applicant has little control over land not within its ownership.

In light of this, the lack of a comprehensive Context Plan is not of overriding concern especially as the submitted application has attempted to engage with the principles of the SPD and also show how this site can be developed in a way that would not prejudice or overly constrain a number of options for the remainder of BWR East.

However this is with the exception Pinesgate West, the adjoining site which is also in the Applicants ownership. Whilst Pinesgate West is let on a long lease and is therefore unlikely to come forward for development in the near future, nevertheless, in light of the site forming part of the same ownership, and the same planning unit, it is of significant concern that this site is neither included in the application (as part of a phased development) or that more significant detail has been shown to demonstrate how the future buildings would sit together. This is considered to be a significant failing of the application as it shows a lack of a comprehensive approach.

Notwithstanding this, in demonstrating that the development would not prejudice the future development of the remainder of BWR East, the road network is a key consideration in this case. It seems clear that at least three spurs of the Pinesway Gyratory will likely have to remain, and building an office building here does not preclude the partial truncation of the fourth (if this was deemed appropriate in the Placemaking Plan).

With regard to the sequential test for offices, crucially GDS.1/B1 specifically allocates the site within a wider 'allocation' in the way that the Core Strategy does not. This means that although the site is edge-of-centre, the need to apply the sequential test is not engaged. In terms of NPPF (para 24), although this is a main town centre use not in an existing centre, the proposal is in accordance with an up-to-date Development Plan i.e. the land is allocated for town centre development.

If permitted and delivered within the next few years it would take some time for this site to be fully occupied. The existence of this new development may deter office proposals coming forward on alternative sites in the short term as the current scheme could attract any pent up demand. However, the SPD (1.5.22) states that BWR will play an 'early' role in providing commercial space and so the Council has endorsed a sequentially less preferable approach to implementing its economic objectives.

DESIGN, LAYOUT AND IMPACT OF THE DEVELOPMENT ON THE WORLD HERITAGE SITE AND SURROUNDING AREA:

The proposed layout, whilst developing only half of the overall Pinesgate site, includes an area of circulation space along the north south boundary that provides a new through route from Lower Bristol Road to Pinesway. This is a distinct benefit of the scheme as it provides permeability by allowing pedestrians to walk through, something that cannot be done at present. This also frames the gates to St James Cemetery which is beneficial and reduces the impact on this listed structure to an acceptable level.

Since the application was first submitted the proposed building has been revised in order to address the concerns of Officers with regard to the height and massing of the building. The revisions to the scheme has resulted in the loss of a floor on part of the building fronting onto Lower Bristol Road but has resulted in a slightly larger footprint.

The overriding design approach is of a contemporary modern office block building that uses a mixture of glass and walling to break up its mass and to provide verticality. The development has a single entrance layout which is located on the north west corner and is given prominence by the use of a tower element at that point.

The larger element of the scheme, fronting Pinesway, uses large expanses of glass at ground and first floor level, above this the window size is reduced and is balanced with an increase in walling running vertically from second to third floor level. The fourth floor is set back with full height glazing and metal louvres. The element fronting Lower Bristol Road uses smaller windows at ground floor level and then vertical windows and walling running up to second floor level with a full height glazed third floor, again set back.

Turning to the Bath Building Height Strategy (BBHS), this is a strategy that was compiled as part of the evidence base to the Placemaking Plan. In light of this, and as it is endorsed within the Core Strategy, it is considered to be a material consideration and therefore can be afforded some weight.

The application site is located within Zone 3 Valley Floor of the BBHS which applies across an extensive area of the river corridor. The BBHS strategy observes at para 3.2 that the use of 'storeys' is a straightforward concept that allows the simple understanding, controlling and administering of building height'.

The outputs for zone 3 of the Strategy states that the recommended height should be 4 storeys with one additional setback storey within the roof scape likely to be acceptable. It also states that, as a modifier, 1 additional storey may be acceptable along Lower Bristol Road except where it is in close proximity to existing 2-3 residential areas. Furthermore 1 additional storey may be appropriate fronting public space and marking key locations such

as corners or gateways to mixed use centres although these modifiers are at the discretion of the Council to be considered on a case by case basis.

In relation to Building heights, the BWR SPD sets out a range of 3-6 storeys (assuming 2.5m residential floor to ceiling heights). If one converts this to 3.0m floor to ceiling heights for office use, one arrives at a range of about 9-18m (excluding rooftop details, any plant etc). The SPD advises that the assessment of buildings with commercial uses will have to be adjusted to take into account the use of residential storey heights in the SPD. Generally speaking, commercial schemes with 4m floor to ceiling heights will be limited to 4.5 floors if 18m is the limit. Given that one cannot have half a commercial floor, the building height of a wholly commercial building would be limited to 16m unless, through site specific analysis (absent in the SPD and the Buildings Height Strategy) 20m is deemed acceptable. The proposal seeks to develop the office building to a height of between 20m and 21.5m when viewed from Pinesway and drops down to 18m when viewed from Lower Bristol Road. Overall this is considered to be largely in line with the SPD guidance.

The overall approach to the design is considered to be acceptable and represents a modern office block design. Furthermore the reduction in height on the Lower Bristol Road frontage is welcomed and does represent an improvement to the scheme. This frontage now addresses the two/three storey residential scale buildings opposite more successfully than before.

However, despite the revisions, the scheme has attracted a number of concerns, some significant, from the Conservation Officer, Landscape Officer, Urban Design Officer and English Heritage along with other local representations including Bath Preservation Trust.

To detail them further, there remain concerns that the building is very large, both in its height and massing. The supporting VIA serves to demonstrate that the building is prominent within short/medium range views of the site and the Landscape Officer has expressed the view that it would have a major adverse impact on short range views. The flat roof particularly appears as a large expanse.

A further concern is the use of the large block footprint which is considered to preclude flexibility and only provides a single through route for pedestrians. There are concerns that the building would overpower this very busy area especially as it forms an entrance point into the Bath Western Riverside area when approached from the East. balanced against this however it needs to be recognised that this is a single use proposal.

It is considered that the public realm that this creates is relatively poor and reinforces the island in the middle of roads, even though one of these could eventually become pedestrian only following the closure of the gyratory. This does remain a concern as the improvement of pedestrian movement routes and environments should be an important driver of proposals on not only this site but also within the wider BWR area.

The single point of entry has also resulted in the site having a poor relationship with the surrounding streets. The boundaries are shown as impermeable and, were the future highway works completed, the building would still offer a 'dead' frontage on all three sides. The submitted documents mention the future provision of active frontages but it has not

been demonstrated how this could be achieved. Furthermore the building has a large expanse of blank walling on its south eastern corner, right at the pedestrian junction point.

The height and mass of the building where it fronts onto Midland Bridge Road leads it to somewhat dwarf the Thrings building opposite, which is currently the largest building in the immediate vicinity.

In particular these elements of the design and layout of the scheme are considered to result in some localised harm to the area which needs to be weighed against the benefits of the scheme.

Turning to materials, the information provided variously describes the external walling materials as lime mortared brickwork and lime rendered brickwork which is considered to be unacceptable and a natural bath stone should be used instead. The Applicant has confirmed that they are willing to be flexible on the materials however they are concerned about the additional expense that natural materials will involve.

Officers are of the view that, in this case, due to the size of the building, its prominence within the street scene and its location within the World Heritage Site that, the use of the proposed brick would have a harmful impact on the character of this part of the World Heritage Site. In light of this it is considered that the use of natural Bath stone is necessary to make the development acceptable and an appropriately worded condition has been attached. With this condition it is considered that the proposed building will not harm the Outstanding Universal Value of the World Heritage Site.

TREES, LANDSCAPING AND ECOLOGY:

The proposed development would result in the loss of a number of trees that currently exist on the site, particularly those forming landscaping around the periphery of the building and adjacent to the surrounding highway.

The information submitted is considered to be inadequate by the Arboricultural Officer and, in her view, does not demonstrate due consideration of Policy NE.4 of the Local Plan. Since these comments were made an additional Arboricultural Report has been received but further comments from the Officer have not been received.

Although the scheme proposes some replacement planting, the Arboricultural Officer is of the view that their location is unsatisfactory, being edged out towards the road within a narrow planting area, and that the level is inadequate compensation for the number and size of trees lost.

These concerns are echoed by the Landscape Officer who is also of the view that soft landscaping is an important requirement for this development, given its location surrounded by highways, and that either the existing established planting should be retained or adequate space is provided for new (and appropriately sized) trees on all sides if possible. As a consequence a planning condition is proposed to secure an acceptable landscape scheme.

Whilst the Ecologist is largely happy with the proposal and the submitted information she has also expressed concern that the proposal represents a reduced opportunity, in

comparison with the existing, for planting or habitat provision. Furthermore, no consideration appears to have been given to alternative options such as green roofs etc and overall represents a lost opportunity to strengthen "greenness" and green infrastructure in this city centre location.

IMPACT ON RESIDENTIAL AMENITY:

The site is not directly adjoining residential properties but it must be acknowledged that there are two storey commercial properties nearby on the south side of Lower Bristol Road which could have residential accommodation on their first floors. To date no objections have been received from these properties and with these properties and as they are separated from the application site by the Lower Bristol Road it is not considered that the proposed development would adversely effect the amenity of any residential occupiers of these properties.

IMPACT ON HIGHWAYS SAFETY:

The original scheme raised significant concerns with the Highways Development Officer who initially objected to the scheme. Since then significant negotiations have been made resulting in the submission of further information to address those concerns.

The scheme provides 84 parking spaces for the occupants with an additional 73 cycle storage spaces within a basement parking area that is accessed off Lower Bristol Road. Deliveries and refuse are to be collected from the front of the building (East elevation) with vehicle entering the site from Lower Bristol Road and exiting onto Pinesway. Removable bollards will be provided to prevent a through route by general traffic.

In line with the requirements of the BWR SPD the scheme has also provided evidence to show that the development would not preclude the closure of the eastern part of Pinesway, between Ivo Peters Road and Midland Bridge Road at a future date.

Furthermore, traffic flows and signalised junction assessments have been considered and have been found to be acceptable.

Whilst trip generation and highways impact has been found to be acceptable, the Highways Development Officer has commented that the development does provide reduced levels of parking. The proposed parking standards for new developments in the Enterprise Area, given in the draft Bath Transport Strategy, state one space per 200 m² for office uses. The Pinesgate East scheme proposes 84 spaces for 18,280 m² (Gross External Area) equivalent to one space per 217 m². This proposal is therefore close to the required standard, which reflects aspirations for encouraging sustainable travel through a policy of parking restraint. On this basis the car parking proposals are supported by the Highways Development Officer.

Nevertheless there remains a risk of a potential overspill impact on local streets. It is considered that this can be adequately managed through a condition requiring the submission of a car parking management and access plan along with a programme of before and after monitoring, to be secured through a S106 agreement, to confirm whether off site car parking is occurring in connection with the development, and whether

extension of residents parking zone 5 is required (subject to consultation with residents) as a result.

With regard to pedestrian safety, significant concerns were initially raised by the Highways Development Officer that the proposed pedestrian access to the north side of Pines Way would generate strong demand for crossing movements to the Sainsbury's site, the Green Park area and hence the city centre and that this had not been adequately addressed within the application.

Whilst regard was had to the future closure gyratory, at which time the concerns would be overcome, this issue would arise in the interim period. A number of options were considered and it was concluded that a signalled solution was the most appropriate. Details have now been submitted to show a pedestrian/cycle crossing facility of Pines Way and it is now considered that the significant pedestrian safety concerns have been overcome and furthermore will not affect the operation or capacity of the road network.

Concerns have been raised by residents and grounds about the lack of cycle infrastructure in the planned highway layout following the future closure of the Pinesway Gyratory. These concerns have been considered with revised plans submitted plans showing a shared cycle/pedestrian route can be provided around the outside the whole of the Pinesgate 'island'. Together with the proposed new crossing of Pinesway, and improvements to the equipment on existing crossing points in the area, cycle accessibility is greatly improved, both in terms of safety and linkages to existing routes.

As can be seen from the comments of the Highways Development Officer above, the initial objections have now been overcome subject to conditions and a number of measures and financial contributions being secured through a S106 agreement. There is no reason to disagree with this view and therefore it is considered that the development would not have a harmful impact on highway safety.

FLOODING:

The site is within Flood Zones 2 and 3 therefore the development has required the submission of a sequential test to ensure that there are no sequentially preferable sites available in areas at lower risk of flooding.

The sequential test clearly identifies the terms of reference under which it has been carried out and the approach has been found to be acceptable and shows that there are no sequentially preferable sites that meet the criteria. The sequential test is therefore passed.

A Flood Risk Assessment (FRA) has been submitted as part of the application and which has been considered to be acceptable by the Environment Agency.

The Environment Agency has advised that the site is within a flood warning area and therefore Flood Warning and Evacuation Plan for future occupants is required for the development and will be produced as part of the development. Furthermore, as the basement car park is at a low level, and therefore prone to flooding, details of flood mitigation measures are also required. These items can be dealt with by condition and a suitably worded condition has therefore been attached.

DEVELOPER CONTRIBUTIONS:

The BWR SPD provides an Implementation Framework including infrastructure requirements and developer contributions. The SPD was prepared on the basis that all infrastructure costs within the SPD area were funded proportionately from contributions from all development and Appendix C of the SPD sets out the basis for developer contributions.

According to the formulae set out in Appendix C of the BWR SPD, a total a contribution of £2,026,412 is required to fund necessary infrastructure to achieve the comprehensive development of the BWR. However it has been argued by the developer that the payment of such a high level of contributions would make the scheme unviable and as a consequence a Viability Assessment Report was submitted to demonstrate this. Officers have since employed Consultants to scrutinise the submitted financial information where it was concluded that the scheme is unviable and recommended that the Council did not seek any S106 contributions.

The Economic Development Officer has requested that the following provisions be included in a S106 legal agreement:

- a contribution towards the cost of delivering a local Targeted Recruitment & Training (TR&T) package;
- Participate in a TR&T Management Board;
- Undertake to facilitate an agreed level of local employment, together with associated training and skills during occupation of the on-site employment space.

Whilst it is acknowledged that these provisions are included within the Draft Planning Obligations SPD, this document is not yet adopted and therefore carries limited weight. In light of this it is considered that the requested provisions cannot be required at this time.

VIABILITY:

The proposed development, with specific regard to the provision of additional office space within the Central Area, and Enterprise Area, of Bath is considered to be largely in accordance with Policy B2 of the Core Strategy and Policy GDS.1/B1 of the Local Plan as well as the BWR SPD.

Overall the policies seek to facilitate and encourage the redevelopment of the BWR East area to provide a mixed use development by expanding the city centre to 'colonise' this area. In doing this there is also a requirement to provide some 40,000 m² of office floor space and this site is specifically identified within Policy B2 as being within one of the areas with the most capacity for significant change and key regeneration opportunities. In this regard the development would result in a net increase of approx. 9,500 m² GIA of high quality flexible floor space by replacing the existing 1980's office floor space of 2790 m². This would provide approx. 25% of the plan periods net requirement for office space and would go some way to meet the identified unmet demand by providing much needed grade A space in an identified preferred location for office occupiers. It would also represent a significant qualitative improvement to the office space on offer within Bath.

In terms of job creation, the development, if fully occupied, could provide office floor space for 868 jobs, an increase of capacity in the region of 589 jobs which is a strong material consideration in favour of the proposed development.

The BWR SPD also provides an Implementation Framework including infrastructure requirements and developer contributions with Appendix C setting out the formulae. Using this, a total contribution of £2,026,412 is required to fund necessary infrastructure to achieve the comprehensive development of the BWR.

In response the Applicant has submitted Viability Assessment Report, which following scrutiny, has demonstrated that the development is unviable and therefore the Council cannot seek any S106 contributions.

SUSTAINABILITY AND RENEWABLE ENERGY:

A sustainability statement has been submitted as part of the application and which explains the measures within the building to achieve energy efficiency and sustainability.

These measures have been incorporated into the design of the building and the scheme aims for a BREEAM 'Very Good' rating. It is proposed that this will be achieved by including:

- Water efficiency measures to minimise water use
- Sustainable drainage systems to reduce water run off rates
- Provision of cyclist facilities to encourage sustainable transport
- Energy efficient lighting design and controls
- Improvement of Part L Building regulations (U-Values)
- Use of renewable technology to provide 15% of the Energy Demand.

PLANNING BALANCE AND CONCLUSION:

With regard to the design and layout of the scheme, there are a number of benefits including increased permeability through the Pinesgate site as well as the use of a contemporary design approach that uses a mixture of glass and walling to break up its mass and to provide verticality. The development has also located its car park within the basement precluding the need for a large car park that would potentially be visible within the street scene.

Overall the approach to the design is not considered to be unacceptable and the reduction in height on the Lower Bristol Road frontage means the development now addresses the two/three storey residential scale buildings opposite more successfully than before.

However, there remain concerns regarding the height, massing and size of the building with the submitted VIA demonstrating that the building is very prominent within short/medium range views. The flat roof particularly appears as a large expanse. Furthermore the use of a large block footprint is considered to preclude flexibility and only provides a single through route for pedestrians. The proposal is considered to create a poor public realm and fails to provide active frontages with impermeable boundaries.

The proposed external walling materials of brick are considered to be unacceptable and in light of the size of the building, its prominence within the street scene and its location within the World Heritage Site that the use of natural Bath stone is necessary to make the development acceptable and an appropriately worded condition has been attached.

However, the concerns referred to above have to be carefully balanced against the location of the site within the BWR area where, as has been explained above, a high level of development is planned for the future. Therefore, whilst there are no current permissions for the redevelopment of the surrounding sites, such as Homebase or Sainsbury's, and there is no guarantee that there will be in the future, it is nevertheless envisaged that the surrounding area will undergo significant redevelopment in the coming years.

Consequently although the building may be prominent, particularly in short/medium range views of the site, when it is first constructed, the impact will potentially be lessened once buildings of similar heights are constructed within the area to the north and west i.e. the Sainsbury's and Homebase site. Therefore whilst the existing context of the site around the corner of Midland Bridge Road and Lower Bristol Road is unlikely to change in the future, the rest of the surrounding area could potentially change significantly to reflect the comprehensive redevelopment of the BWR area. The site is also located at a corner and complies with the Building Heights Strategy.

Whilst more could potentially be done to reduce the bulk and massing of the building this would further reduce the floorspace and render the development unviable. The height of the building is largely in accordance with the SPD and the BBHS. Furthermore, with particular regard to the impact on the OUV of the WHS, a particular concern raised by English Heritage, the proposed building is not considered to have a significant visual impact from medium / longer distance views, and whilst it will have an impact on the WHS, it is relatively localised and will potentially be lessened if and when the rest of BWR is redeveloped. The proposal is therefore not considered to be contrary to Policy B4 of the Core Strategy.

The scheme proposes some areas of landscaping and tree planting to replace those lost as a result of the development. However, the level of provision is considered to be inadequate by the Arboricultural Officer and Landscape Officer, and in the view of the Ecologist, represents a lost opportunity to strengthen the green infrastructure in this city centre location, but conditions are proposed to address this.

With regard to highway safety, the proposed development has adequately shown that it would not prejudice the future redevelopment of BWR East or the future closure of the Pinesway gyratory.

The application proposes a basement car park and, whilst the level of parking provided is slightly below that recommended in the Bath Transport Strategy for the Enterprise Area, it is considered that any potential for overspill parking on residential street can be adequately controlled and monitored through conditions and a S106 legal agreement.

Initial concerns about pedestrian safety have now been overcome and information has been provided to show that cycle accessibility, including improvements to existing crossing points, will be improved as a result of the development. Therefore, in terms of

the impact of the development on highway safety, all outstanding concerns have now been overcome and the scheme is considered acceptable.

Overall there are a number of outstanding concerns with regard to the development principally in relation to its design, layout and impact on the World Heritage Site. There are also some aspects of the development that are considered to be at odds with the adopted Policies and SPD, however these need to be carefully balanced against the benefits of the scheme through the provision of a significant level of high quality office space thereby helping to fulfil an identified unmet need within Bath. Furthermore the location of the building within BWR and the Enterprise Area would represent a significant start to the regeneration of this area and represent an increase of capacity in the region of 589 jobs.

In light of the above, the arguments for and against the development are considered to be finely balanced but overall the very strong economic and regeneration benefits of this scheme outweigh the identified concerns and the recommendation is therefore to delegate to permit subject to an acceptable S106 legal agreement and conditions.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

A. Authorise the Group Manager, in consultation with the Planning and Environmental Law Manager, to enter into a Section 106 agreement to provide the following:

1. New signal-controlled Toucan pedestrian and cycle crossing of Pines Way between the northern site access and Ivo Peters Road.
2. New continuous shared footway/cycleway around Pinesgate development site and additional cycle links to crossing points around gyratory.
3. Improvements to signalled crossings around gyratory including Pelican to Toucan crossing conversion of Pines Way/Stothert Avenue junction.
4. Lane reallocations including possible alterations to signal detection loops, Pines Way gyratory west side between Lower Bristol Road and Ivo Peters Road.
5. Traffic management requirements for the above including TROs etc.
6. Before & after monitoring of car parking in residential areas.
7. Contribution of £4,500 for real-time passenger information at Ivo Peters Road bus stop.

B. On completion of the Section 106 Agreement Permit with the following conditions:

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

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

- 2 No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out only in accordance with the details so approved.

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

3 Notwithstanding the details on the approved plans, the development shall be constructed of natural Bath stone in accordance with a sample panel that shall have been erected on site and agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out strictly in accordance with the sample panel which shall be kept on site for reference until the development is completed.

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

4 Notwithstanding the submitted details no development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of planting to benefit wildlife; details of the surface treatment of the open parts of the site; and a programme of implementation. The scheme shall also include details of ecological features including incorporation of nesting provision for swifts and sparrows on or into the buildings, to include specifications of numbers, locations, dimensions, materials and design.

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

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

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

6 No removal of buildings or structures shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no building or structure shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason: to protect nesting birds

7 No occupation shall commence until the area allocated for cycle parking on the approved plan has been provided for use by the occupants. The area shall thereafter be kept clear of obstruction and shall not be used other than for the parking of cycles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

8 No occupation shall commence until the access, parking and turning areas have been properly bound and compacted (not loose stone or gravel) in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be kept clear of obstruction and shall not be used other than for the access, turning and parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

9 No occupation shall commence until a Car Parking and Access Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Plan.

Reason: To ensure the safe operation of the highway.

10 Within three months of first occupation of the approved development, a final 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.

11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, the need for cranes for construction etc. All construction and demolition works shall thereafter take place in accordance with the approved details.

Reason: To ensure the safe operation of the highway.

12 No development shall commence until a detailed surface water drainage strategy Plan has been submitted to and approved in writing by the Local Planning Authority.

The strategy should:

1. Review the existing drainage records (the FRA mentions a 'drainage survey') to determine the surface water drainage strategy and methods for drainage (at the moment this is undecided) and it should do this in such a way as to satisfy planning authorities that the most sustainable surface water drainage solutions have been considered for the development
2. Include drawings showing the proposed drainage system. Drawings should show all locations, connections and discharge points and details for any proposed infiltration, attenuation or flow control devices
3. Where infiltration techniques are proposed, include infiltration test results (BRE Digest 365) to show feasibility
4. Include estimates for volume of runoff pre and post development and identify how the additional runoff will be dealt with
5. Provide supporting electronic windes calculations showing the simulated performance of the proposed system at the critical storm durations (1in30 and 1in 100yr +climate change events)
6. Identify discharge points
7. Detail the ownership and long-term maintenance of the drainage system.

Reason: In the interests of flood risk management

13 No development shall commence until details of the drainage connection to the Wessex Water drainage network have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being first occupied.

Reason: In the interests of flood risk management

14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Issue A03, dated 02 July 2014) by Waterman and the following mitigation measures detailed within:

1) Limiting the surface water run-off generated by the proposed developed up to and including the 1 in 100 year (plus climate change) critical storm to 26l/s so that it will provide a 25% betterment over the run-off from the existing site.

2) Finished floor levels within the development are set no lower than 19.96m above Ordnance Datum (AOD).

Reason: To ensure satisfactory storage of/disposal surface water from the site and reduce the risk and impact of flooding on the development and future occupants.

15 No occupation shall commence until an Emergency Flood Response and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be managed and occupied in accordance with the approved details.

Reason: In the interests of flood risk management and safety

16 No development shall commence until a scheme to provide flood mitigation to the basement car parking has been agreed in writing with the Local Planning Authority. The scheme shall subsequently be implemented as agreed prior to occupation of the development. The scheme should include either a warning system on internal and external entrances to the basement to warn people about the potential onset of flooding in the basement or alternatively a mechanical gate incorporated into the basement entrance. The mitigation measures will also need to be incorporated in an Emergency Flood response and evacuation Plan for the development as required by the condition above.

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: In order to ensure 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.

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

Reason: In order to ensure 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.

19 Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason: In order to ensure 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.

20 Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: In order to ensure 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.

21 Long Term Monitoring and Maintenance - A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Reason: In order to ensure 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.

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

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

23 No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

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

24 The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to

and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

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

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

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

PLANS LIST:

1 This decision relates to drawing nos 1669/P/001 P1, /002 P1, /020 P1, /021 P1, /051 P1, /052 P1, /061/ P1, /062 P1, /063 P1, /064 P1, 071 P1, /072 P1, /100 P3, /101 P3, /102 P3, /103 P3, /105 P3, /107 P3, /301 P3, /302 P3, /321 P3, /322 P3, /323 P3, /324 P3, /421 P3, /422 P3.

2 Informative:

SuDs Approval Bodies have not been established and it is unclear when they will be set-up. As such Bath & North East Somerset Council will not adopt SuDS features, therefore the applicant should detail the long-term maintenance of the drainage system. The ownership and maintenance responsibility of the SuDS features should be explained as part of the drainage strategy. (Model legal agreements that provide a mechanism for SuDS maintenance can be accessed from Ciria (Publication 626))

Flood Warning and Evacuation

The site lies within a Flood Warning area. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.

3 DECISION MAKING STATEMENT

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

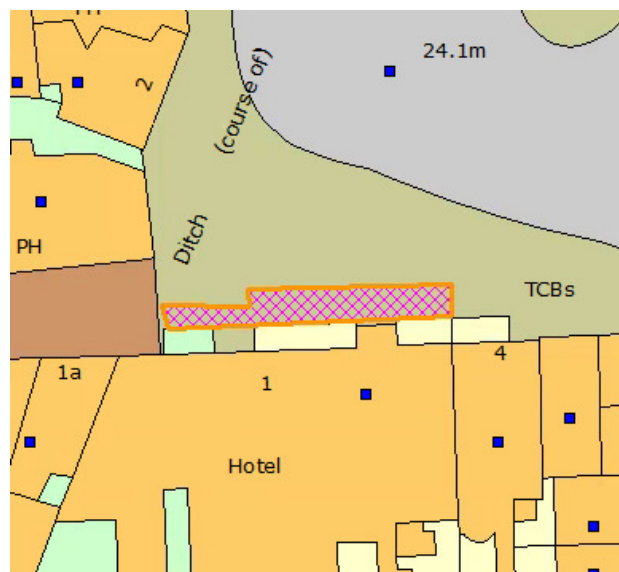
4 ADVICE NOTE:

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

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

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

Item No: 03
Application No: 14/04189/FUL
Site Location: Abbey Hotel 1 North Parade City Centre Bath Bath And North East Somerset



Ward: Abbey **Parish:** N/A **LB Grade:** IISTAR
Ward Members: Councillor B J Webber Councillor Manda Rigby
Application Type: Full Application
Proposal: Change of use of public highway for the sitting of 12 tables and 48 chairs with planters and parasols.(Retrospective) (Resubmission)
Constraints: Article 4, Bath Core Office Area, Conservation Area, Forest of Avon, Hotspring Protection, Listed Building, Site Of Special Scientific Interest (SI), World Heritage Site,
Applicant: Abbey Hotel
Expiry Date: 2nd December 2014
Case Officer: Alice Barnes

REPORT

Reason for reporting the application to committee

The application is being referred to the committee at the request of Councillor David Dixon

The application has been referred to Councillor Curran who has agreed that the application will be considered by the Development Control Committee.

Description of site and application

The Abbey Hotel is located within Bath city centre. It is Grade II* listed building located within the Conservation Area and World Heritage Site. The application site is located at the southern edge of terrace walk. The surrounding area is characterised by a mix of uses, including two public houses.

This is an application for a change of use of the public highway for the siting of 12 tables and 48 chairs with planters and parasols. The applicant is proposing to place the tables and chairs on the highway between April and October. Outside of these months the tables and chairs will be completely removed. The tables and chairs would be used between the hours of 07:00 and 23:00. Outside of these hours the tables and chairs will be stacked to the side of the highway and secured to the existing railings.

Relevant History

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

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

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

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

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

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

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

DC - 14/00955/FUL - WD - 25 July 2014 - Change of use of public highway for the siting of 12 tables and 48 chairs (Retrospective)

DC - 14/00981/FUL - PERMIT - 11 July 2014 - Change of use of public highway to allow temporarily siting of chalet to house outside catering bar

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highways: No objection

Councillor David Dixon: Support. The Abbey Hotel has improved the surrounding area. The tables and chairs are of a high quality and enhance the surrounding area. The pavement is wide enough to accommodate the tables and chairs.

Representations: Two representations have been received in support of the application for the following reasons;

There is ample space for tables and chairs on the highway.

It will support economic growth for local businesses.

This has enhanced the area and stopped the area turning into a coach park.

A Boards should not be placed on the highway.

One representation has been received making the following comments;

If consent is granted the amount permitted should be strictly adhered to.

Conditions should be monitored

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

Core Strategy

Saved Policies in the B&NES Local Plan (2007)

Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

B4 - The World Heritage Site and its Setting

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations

D.4: Townscape considerations

Bh.2: Listed buildings and their settings

Bh.6: Development within or affecting Conservation Areas.

S.7: Siting of tables and chairs outside A3 and A4 uses in Bath City Centre

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

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance 2014

OFFICER ASSESSMENT

Permission was first granted for tables and chairs on the highway in 2004. This permission and other subsequent permissions included a condition requiring the tables and chairs to be removed from the highway between 23:00 and 07:00.

The applicant has made two applications under references 13/01969/VAR and 13/03241/VAR to vary the condition to allow the tables and chairs to be stored on the highway between 23:00 and 07:00 rather than be removed. The applications were refused for the following reason;

The proposed variation of condition 2 would result in unnecessary clutter within the street scene which would fail to preserve the setting of the adjacent listed buildings and the character and appearance of the conservation area, contrary to policies D.2, D.4, BH.2, BH.6 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007.

Proposal

In this application the applicant has submitted a full application as the layout of the tables and chairs has been altered from the previous permission. The applicant has proposed to use the tables and chairs between the hours of 07:00 and 23:00. Outside of these hours the tables and chairs will be stacked on the highway. This would only occur between the months of April to October. During the winter months the tables and chairs would be removed completely. This differs from previous applications where the applicant applied for year round use of the tables and chairs. During the winter months permission exists for the siting of an outdoor chalet bar.

The storage of the furniture would take up less area of the pavement, however the visual impact of the use would be significantly different as the furniture would appear disordered and cluttered in this arrangement. The requirement for the furniture to be stored inside overnight is considered to be reasonable to facilitate the benefits of the outdoor seating without unduly impacting upon the setting of the adjacent listed buildings and the character and appearance of the conservation area. The proposed tables and chairs would be stacked against the railings of the Grade II* listed building. The visual impact of the use would be significantly different as the furniture would appear disordered and cluttered in this arrangement. Therefore to store the tables and chairs on the pavement would fail to preserve the character of the surrounding Conservation Area.

There are a number of A3 and A4 uses in the surrounding area and this application could set an unwanted precedent for similar developments nearby.

Policy S.7 of the local plan relates to the provision of tables and chairs outside of A3 and A4 uses. The policy states that development will be permitted except where it adversely affects the character of the Conservation Area or setting of a historic building. In this case the tables and chairs will be stacked on the highway between the hours of 23:00 and 07:00. This is considered to be harmful to the character of the surrounding Conservation Area and the setting of the Grade II* listed building. Therefore the proposed development is contrary to policy S.7 of the local plan.

Whilst the applicant has stated the tables and chairs would be completely removed from the pavement in the winter months this does not outweigh the harm caused when the tables and chairs are stacked on the highway.

Amenity

The tables and chairs will not be used by customers between the hours of 23:00 and 7:00 so are not considered to harm the amenity of nearby residential occupiers.

Conclusion

The storage of tables and chairs on the highway will fail to preserve the character of the surrounding conservation area and the setting of the Grade II* listed building. Therefore the application is recommended to be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

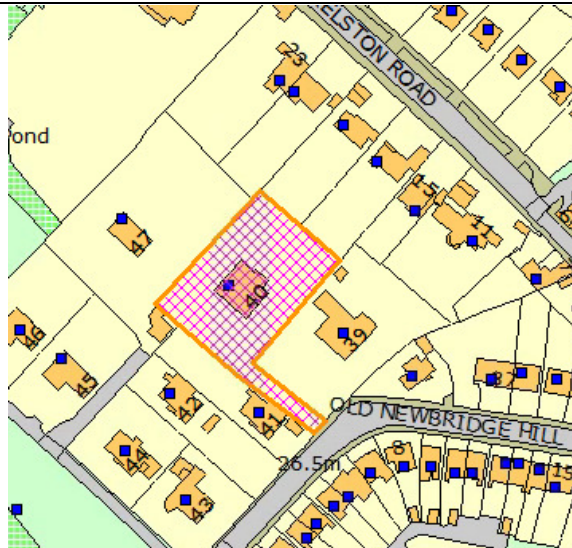
1 The storage of tables and chairs on the highway between the hours of 23:00 and 07:00 would result in unnecessary clutter within the street scene which would fail to preserve the setting of the adjacent Grade II* listed building and the character and appearance of the conservation area. The proposed development is therefore contrary to policies D.2, D.4, BH.2, BH.6 and S.7 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST:

1 External seating 442.1 E

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application.

Item No:	04
Application No:	14/04850/FUL
Site Location:	40 Old Newbridge Hill Newbridge Bath BA1 3LU



Ward: Newbridge	Parish: N/A	LB Grade: N/A
Ward Members:	Councillor L Morgan-Brinkhurst Councillor C M L Roberts	
Application Type:	Full Application	
Proposal:	Remodelling and refurbishment of a 1960s detached property, including the provision of roof extensions (Resubmission of 14/01361/FUL).	
Constraints:	Agric Land Class 3b,4,5, Article 4, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, World Heritage Site,	
Applicant:	Mr Ben Simpson	
Expiry Date:	17th December 2014	
Case Officer:	Alice Barnes	

REPORT

Reason for reporting the application to committee.

The application is being referred at the request of Councillor Caroline Roberts.

The application has been referred to Chairman of the Development Control Committee who has agreed that the application shall be considered by the committee as it is a varied and complex application which is recommended for refusal.

Description of site and application

Old Newbridge Hill is located on the western edge of Bath. Number 40 is a large detached property located outside the Conservation Area but within the World Heritage Site. The existing properties on the western side of Newbridge Hill have been constructed from reconstituted stone with tiled roofs. This results in a hillside setting of large detached dwellings with brown roofs which step gradually up the hill. The site is visible from nearby Newbridge Road and Old Newbridge Hill.

Number 40 is a two and a half storey dwelling set into the hillside. The ground floor of the building includes the garage and storage area. The accommodation is located on the first

floor and within the roof. The land slopes upwards behind the dwelling so that the rear garden is at first floor level.

The application relates to the erection of a rear roof extension, side dormer window and alterations to the exterior of the existing dwelling.

The applicant proposes to render the exterior of the existing building to a colour similar to the existing stone. The front dormer window would be enlarged and the existing terrace would be extended to the east.

A dormer window is proposed on the side elevation. A roof extension is proposed on the rear elevation. This will be timber clad from the ridge to the ground level. The rear conservatory will be removed.

Relevant History

DC - 14/01361/FUL - WD - 8 July 2014 - Extension and refurbishment works to 40 Old Newbridge Hill

14/03645/PREAPP - Revised proposal for Extension and refurbishment works to 40 Old Newbridge Hill. Negative response given to the pre-application enquiry.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Caroline Roberts: The development would not have a detrimental effect on other properties and would be in keeping with the area.

Representations: Four representations have been received in support of the application as they consider it to be an improvement to the existing dwelling.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

Core Strategy

Saved Policies in the B&NES Local Plan (2007)

Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality

B4 - The World Heritage Site and its Setting

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application.

D.2: General design and public realm considerations

D.4: Townscape considerations

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

National Policy

The National Planning Policy Framework adopted March 2012

National Planning Practice Guidance 2014

OFFICER ASSESSMENT

The application proposes to render the exterior of the existing building to a colour similar to the existing stone. The front dormer window would be enlarged and the existing terrace would be extended to the east.

A dormer window is proposed on the side elevation. A roof extension is proposed on the rear elevation. This will be timber clad from the ridge to the ground level. The rear conservatory will be removed.

The existing property occupies a large plot and has been constructed from reconstituted Bath Stone. The property occupies a steeply sloping site and the dwelling includes an undercroft and front balcony at first floor level.

Design

The clay roof tiles will largely be retained which is in keeping with properties on the surrounding hillside. The dwelling is proposed to be rendered. Providing that the proposed render matches the existing stone colour the provision of render would be considered to be acceptable.

The proposed development will result in a number of large roof extensions. The front dormer window will be enlarged. The front dormer has been set down from the ridge line and above the eaves level. This results in a subservient appearance to the proposed dormer.

The proposed rear roof extension would result in a large addition to the host building. The dormer has been set against the eaves of the property. The proposed dormer would be timber clad from the ridge to the ground floor. This would give the appearance of a rear extension that will cover the majority of the rear elevation and which is considered to have a dominant and overbearing appearance to the rear elevation.

The proposed development includes the provision of a side dormer window which would be located on the west elevation. This has been sited within a central position within the roof and has been set down from the ridge line and up from the eaves. However the provision of a dormer on the side elevation would increase the bulk of the existing roof and would distort the appearance of the existing roof.

The proposed side dormer and rear roof extension would greatly distort the profile of the existing roof. The proposed width and height will result in an incongruous addition to the existing roof that forms a bulky addition to the host dwelling. Policy D.4 requires development to respect and complement the host dwelling and for the reasons stated above the proposed dormer window and roof extension are not considered to do so.

Amenity

The proposed development will result in the increase in the size of the existing balcony. The size of the balcony will increase to the east but will not move forward of the front elevation. Therefore this will not increase overlooking of nearby dwellings sited below the property.

Conclusion

The proposed development would extend to existing roof and would fail to respect and complement the host dwelling. Accordingly, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed side dormer window and rear roof extension due to their siting, scale and design would result in a dominant and overbearing impact to the host building. They will also fail to respect and complement the host dwelling and will greatly distort the appearance of the existing roof. The proposed development is therefore contrary to policies D.2 and D.4 of the Bath & North East Somerset Local Plan including minerals and waste policies - adopted October 2007

PLANS LIST:

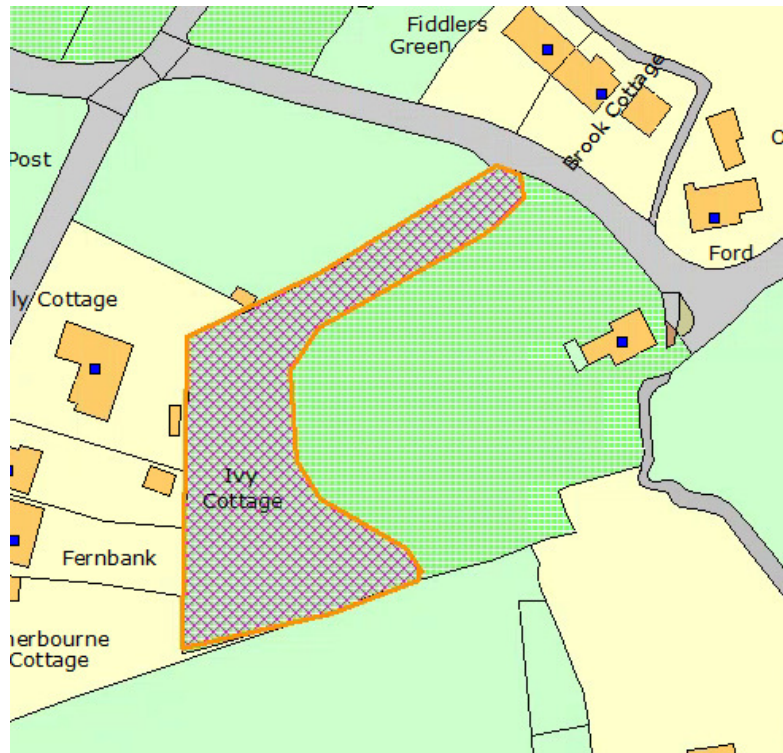
As proposed - site plan P001-P3
As proposed - lower floors P002- P3
As proposed - upper floors P003 - P3
As proposed - elevations P101 - P3
As existing - lower ground and ground floor S101
As existing - first floor and roof plan S102
As proposed - elevations P102 - P3
As proposed - sections P103 - P3
As existing - east and west elevations S201
As existing - north and south elevations S202
As existing - sections S301

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

Item No: 05

Application No: 14/05160/OUT

Site Location: Sherbourne Cottage Redland Lane Bishop Sutton Bristol Bath And North East Somerset



Ward: Chew Valley South

Parish: Stowey Sutton

LB Grade: N/A

Ward Members: Councillor V L Pritchard

Application Type: Outline Application

Proposal: Proposed dwelling on land to the rear of Sherbourne Cottage (Revised proposal).

Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones, Water Source Areas,

Applicant: Mr Barrie Lake

Expiry Date: 2nd January 2015

Case Officer: Tessa Hampden

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

The application has been referred to Committee by the Chairman of Committee due to the request of Cllr Kew who supports this planning application.

DESCRIPTION OF SITE AND APPLICATION

The application site is located to the east of Bishop Sutton Village outside of any defined Housing Development Boundary and within the Green Belt. The application site sits between Sherbourne Cottage, a detached dwelling accessed from Redland Lane, and Copping Hill Cottage to the north. Copping Hill Cottage originally formed an outbuilding/barn within the paddock area to the rear of Sherbourne Cottage.

The application seeks outline permission with all matters reserved for the erection of a detached dwelling and double garage . An indicative plan has been submitted which illustrates the development located close to the rear boundary of Sherbourne Cottage. The access will be taken from Stowey Bottom to the north west of Copping Hill Cottage.

The application is a resubmission of an application which was withdrawn in May 2014.

Relevant planning history

DC - 13/00457/FUL - PERMIT - 3 May 2013 - Provision of new vehicular access and hardstanding

DC - 14/00875/OUT - WD - 2 May 2014 - Proposed dwelling on land to the rear of Sherbourne Cottage

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - Object to the development due to the unsustainable location of the site.

Cllr Key has requested that this application is referred to the Development for decision if the recommendation is to refuse:

- 1.The reasons for this request is to test the situation to concur with the NPPF that all applications should be approved unless there is good reasons for refusal.
2. This application lies within a small settlement and is surrounded by other houses and blends in naturally, small individual development should be preferred to large scale developments in rural locations.
3. It provides family accommodation ensuring care in later life.

Representations

5 objections have been received (this does not include multiples from the same household) The comments can be summarised as follows:

- loss of privacy
- increased noise and disturbance
- loss of rural character
- inappropriate development in the Green Belt
- precedent for future development
- loss of trees
- lack of need for the development
- drainage and flooding issues

-highway safety issues

6 supporting comments have been received (this does not include multiples from the same household) The comments can be summarised as follows:

- no adverse impact
- allow applicants to remain in the community
- building not out of character
- this application seems to be attractive, in an already well maintained garden, far enough away from other houses not to encroach,
- the entrance is not in Redland Lane so would not cause any traffic problems
- personal circumstances of the applicant

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

DW1: District wide spatial strategy

CP6: Environmental Quality

CP8: Green Belt

Save policies of the Bath and North East Somerset Local Plan (2007)

D.2: General design and public realm considerations

D.4: Townscape considerations

GB.2: Visual amenity in the Green Belt

T.1: Overarching access policy

T.24: General development control and access policy

Also of relevance are the following documents:

National Planning Policy Framework (NPPF)

Section 7: Requiring good design

Section 9: Protecting Green Belt Land

National Planning Practice Guidance (NPPG)

OFFICER ASSESSMENT

Principle of development

The site falls within the designated Green Belt, outside of any defined settlement, where special controls over development exist. In accordance with the NPPF, development in the

Green Belt is considered inappropriate unless it is included within the exceptions set out in paragraphs 89 and 90. Policy CP8 of the Core Strategy echoes this guidance. The proposal does not meet any of the exceptions as the new dwelling is not considered to be infill development, is not the replacement of an existing dwelling and is not the partial or complete redevelopment of a previously developed site. It should be noted that the application site is not defined as 'previously developed land'. Accordingly, and in accordance with paragraphs 89 or 90 of the NPPF the proposal is regarded as inappropriate development in the Green Belt.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicants have put forward personal reasons to justify the need for the dwelling in the Green Belt. These relate to the need for applicants to downsize and be close to family, allowing the applicants the opportunity to remain in the community in which they are actively involved. However, personal circumstances seldom outweigh identified harm and these are not considered to represent very special circumstances which outweigh the harm identified by reasons of inappropriateness.

In addition to the harm arising by reason of inappropriateness, the proposed dwelling would likely result in a significant loss of openness and harm to the visual amenities of the Green Belt, due to the creation of this additional built form. It would also represent encroachment into the countryside which is contrary to purposes of land being included within the Green Belt. As a result, the development would likely cause significant additional harm to the Green Belt.

Further, it should be noted that the development is outside of any defined housing development boundary. The Parish of Stowey Sutton itself does not have a defined Housing Development Boundary, with the nearest being Bishop Sutton. The development, falling a significant distance from this settlement, would therefore also be contrary to Core Strategy policies DW1 which seeks to resist unsustainable development outside of settlements. The development is not for a rural worker and as such also conflicts with saved Local Plan policy HG10.

The development is therefore considered to be unacceptable in principle.

Sustainability/highway safety

Although the site is considered to be relatively close to local services and facilities, it is considered to be unsustainable as there is not a safe route to these services/facilities without the need to use a car. Access to the village would be via the A368 or Bonhill Lane and Ham Lane, which are without separate pedestrian facilities and lighting, so while in terms of distance the site is not an excessive walking distance, the route is not safe or secure and would therefore not encourage walking or cycling. The development is therefore considered to be in an unsustainable location as it would be reliant on car travel.

There are no site specific issues with regards the access arrangements or parking provisions for the proposed development.

Character and appearance

Although this application is outline, with all matters reserved, an indicative layout has been submitted. The site is relatively well screened, but a dwelling on this plot will still be visible from outside of the site. The development would result in the subdivision of an existing plot, and would involve the erection of a dwelling in a position away from the pattern of the development of Redland Lane, encroaching into undeveloped land. This would be out of context with the built environment in this locality. This encroachment into the countryside would have a detrimental impact upon the rural character of the area resulting in significant harm.

Residential amenity

A number of third party comments have raised concerns that the siting of the dwelling and garage has the potential to result in significant harm to the residential amenity of the neighbouring occupiers in terms of loss of privacy, increased sense of enclosure and increased noise and disturbance. However as it is an outline application with all matters reserved, no elevations have been submitted to demonstrate the height of the building or the position of windows and a reason for refusal on these grounds could not be substantiated at this stage. It is considered that a dwelling could be sited on this plot without resulting in significant harm to the residential amenity of the adjacent occupiers.

Conclusion

The proposed development, outside of any defined Housing Development Boundary and in the Green Belt would represent inappropriate development, which by definition is harmful to the Green Belt. Further harm would be caused to the openness and visual amenities of the Green Belt. No very special circumstances have been demonstrated that outweigh the identified harm. Further the proposal, with access to the village that is not of an appropriate standard for pedestrian use, is located remote from services, employment opportunities and alternative travel modes. The development is therefore considered to be located in an unsustainable location.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, outside of any defined Housing Development Boundary and in the Green Belt would represent inappropriate development, which by definition is harmful to the Green Belt. Further harm would be caused to the openness and visual amenities of the Green Belt. No very special circumstances have been demonstrated that outweigh the identified harm. The proposal is therefore contrary to Policies CP8 and DW1 of the Core Strategy 2014, and saved policies GB2 and HG10 of the Bath & North East Somerset Local Plan 2007 and guidance in the National Planning Policy Framework.

2 The proposal, with access to the village that is not of an appropriate standard for pedestrian use is located remote from services, employment opportunities and alternative travel modes. The development is therefore contrary to the key aims of saved policy T.1 of

the Bath & North East Somerset Local Plan 2007, Policy DW1 of the adopted Core Strategy and the guidance of the National Planning Policy Framework, which seek to facilitate the use of sustainable modes of transport and to locate development in sustainable locations.

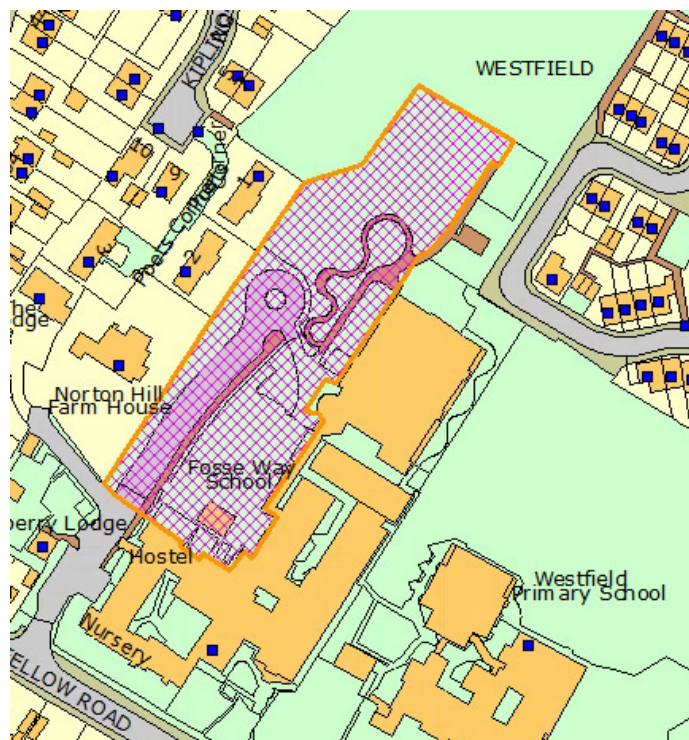
PLANS LIST:

Drawing 07 Nov 2014 CONTEXT PLAN REV A

Drawing 07 Nov 2014 LAKE.PRS.003 REV. C INDICATIVE SITE PLAN BLOCK PLAN REV C

OS Extract 07 Nov 2014 LOCATION PLAN REV A

Item No: 06
Application No: 14/05168/VAR
Site Location: Fosse Way School Longfellow Road Westfield Radstock Bath And North East Somerset



Ward: Westfield **Parish:** Westfield **LB Grade:** N/A
Ward Members: Councillor R Appleyard Councillor Robin Moss
Application Type: Application for Variation of Condition
Proposal: Variation of condition 4 attached to planning permission 13/05256/FUL (Provision of new building to accommodate Post 16 teaching area)
Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary,
Applicant: Fosse Way School

Expiry Date:	2nd January 2015
Case Officer:	Tessa Hampden

REPORT

Reason for reporting this application to committee

This application has been referred to the Development Control Committee due to the request by the local Ward Member and the objections of Westfield Parish Council. These comments are summarised within the Representation Section of this report.

Site description and proposal

The application relates to Fosse Way School located adjacent to Westfield Primary School, and accessed from Longfellow Road in Westfield. The site is within a primarily residential area, bound by a number of residential streets including Tanner Close, Wesley Avenue and Longfellow Road.

The school is a special school academy for children and young people with a very broad range of abilities, aged 3-19 years old. Planning permission (13/05256/FUL) was recently granted for the provision of new building to accommodate a post 16 teaching area. At this time it was confirmed that the building would not result in an increase in the number of staff or pupils attending the school with the development providing teaching areas of an appropriate size and design to meet the curriculum requirements of pupils aged 16-19 with special needs.

Due to the existing on-going concerns with regards to travel issues at the school and the issue of highway safety a condition was included on this planning permission to ensure that the development permitted did not result in an increase pupil numbers, without first addressing the current highway safety issues. This condition (number 4) stated:

The school shall not increase pupil attendance over its existing capacity of students, which shall first be submitted to and agreed in writing by the Local Planning Authority, without planning permission being granted for increased parking and access provision, and improved Travel Planning.

Reason: In the interest of highway safety and local amenity

This application seeks to vary this condition to allow for a temporary increase in pupil numbers. The suggested wording of the proposed condition is as follows:

'Following implementation of the development hereby approved pupil numbers at the Fosse Way School will not exceed 195 except for a temporary period of two years until September 2017 where student number can increase up to 225 after which time the Fosse Way School will return to provision of accommodation for no more than 195 pupils. A Travel Plan will be updated, submitted and approved in writing to the LPA to cover the temporary period and then adjusted thereafter'.

This rationale for the increased pupils numbers relates to the creation of a new Mendip School. The new Mendip School will be a 'free school' that has received approval from the

Education Minister to proceed towards the funding agreement for a new 120 pupil all-through school. The site search for the permanent home for The Mendip School is focused in the Shepton Mallet area, and once opened will provide a high quality alternative to main stream provision for pupils for ASD and LSCN between the ages of 4-19.

The submission explains that under the free school programme it is common for the schools to be opened in temporary accommodation initially to accommodate a small intake of pupils that will be transferred to the permanent site following its construction. Discussions are currently active with Mendip District Council, which is highly supportive of the Mendip School and it is anticipated that planning permission will be granted to allow the construction of a permanent home for the Mendip School to be open by late 2016.

The Planning Statement explains that the Fosse Way School presents an ideal solution to finding a temporary site for up to two years accommodation for the Mendip School. The Mendip School will utilise supplementary accommodation at the Fosse Way School, which has the infrastructure and safe-guarding to accommodate the specialist nature of the pupils who will occupy the temporary accommodation at its existing site. The use of the site by the Mendip School would result in a net increase in pupils across the two year period of approximately 30 pupils when at maximum capacity. The temporary use would also generate five teaching posts and seven teaching assistant positions.

Once the Mendip School vacate the site after two years temporary use, the Fosse Way School will have the benefit of having secured construction of the post-16 building and the use of the site will revert back to the original proposals as set out in Planning Application 13/05256/FUL.

This variation of condition application is supported by a revised site layout plan which demonstrates how an additional nine on-site parking spaces can be provided within the grounds of Fosse Way School.

Relevant planning history

DC - 13/05256/FUL - PERMIT - 4 July 2014 - Provision of new building to accommodate Post 16 teaching area

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Highway Development - no object subject to condition and enduring that this is a temporary permission. Any harm would not be severe and therefore not refusable under the guidance of the NPPF.

Cllr Moss - objection to this variation, anything that adds to parking is unacceptable

Westfield Parish Council - objects to the variation on the grounds of road safety and nuisance to the neighbouring houses, in that the numbers of students has already increased massively to 195 and any further increases are not sustainable. Furthermore there is plenty of space within the school grounds to create adequate parking space and this should be addressed before numbers are allowed to increase further.

1 objection comment has been received. This can be summarised as follows:

Errors in the transport statement:

I.e. No 1. Parking in St. Peter's car park. If there is a funeral service or an event in the church or church hall all vehicles have to return to parking on surrounding roads. This is not a permanent solution as this concession could be withdrawn at anytime.

No.2. The schools cafe is open from 8am until 4pm, Not As They State from 10am until 2pm.

No.3. The 'photos taken showing parking in the residential part of Longfellow Road are really misleading

I expect the school knew these 'photos were being taken and the staff were advised not to park in this area.

No.4. Where the monitoring unit was set up across the road between the church and Westfield County Primary School it did not cover the taxis, buses and parents cars the access the school through firstly Ruskin Road, Wesley Avenue then the top of Longfellow Road.

Where will the builders vehicles be parked when building commences? More congestion for us.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)*
- Joint Waste Core Strategy

DW1: District wide spatial strategy

CP6: Environmental Quality

Save policies of the Bath and North East Somerset Local Plan (2007)

D.2 General Design and public realm considerations

D.4: Townscape considerations

CF.2: Provision of new or replacement community facilities

SR.1A: Protection of playing fields and recreational open space

ES.5: Foul and surface water drainage

ES.12: Noise and vibration

NE.4: Trees and woodland conservation

NE.10: Nationally important species and habitats

NE.11: Locally important species and habitats

T.1: Overarching access policy

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

T.20: Loss and provision of off-street parking and servicing

T.24: General development control and access policy

T.25: Transport assessments and travel plans

T.26: On-site parking and servicing provision

OFFICER ASSESSMENT

The main issues that need to be considered are i) whether the principle of the development is acceptable, ii) whether it would result in a significant impact upon highway safety, and iii) whether it would result in significant harm to the residential amenity of the neighbouring occupiers.

Principle of development

The principle of a new school building on this site was accepted under the previous planning permission. Although for a two year period, this building would accommodate pupils from the Mendip School as opposed to those of the post 16 section of Fosseway School, the policy position is not significantly different given that this building would remain in D1 use class (Non-Residential Institutions). Following the two year period, the use would be as described under ref 13/05256/FUL.

Sport England has been consulted on this proposal and has, as with the last application, raised an objection as the proposed development fails to meet their exception criteria. In particular, it has not been successfully demonstrated that the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

This objection mirrors that of their objection to the previous application. A similar conclusion can be reached on this issue. The benefits of the provision of this teaching facility, for the temporary two year period for the Mendip School, and following this time for post 16 pupils, are recognised and the merits of this scheme need to be balanced against the loss of this section of open recreational space. The parcel of land to which the application relates is not used for any formal sporting activity, and due to the nature of the pupils at Fosse Way School, the proposed building is not considered to impinge on any current or future sporting activities in the school. The site benefits from a number of sporting facilities, including a football pitch which accommodates either a large football pitch or two mini 5 a side pitches, indoor swimming pool, indoor gym, multi-use games area (used predominantly for 5 a side football and basketball), a hard standing area used by cycles and pedals, 4 playgrounds, and a sensory area.

Paragraph 72 of the NPPF also states that Local Planning Authorities should give great weight to the need to create, expand or alter schools, and overall therefore, given the demonstrable need for this development, the loss of this parcel of land, although linked to the main playing field, is considered to be outweighed by the benefits of the proposal. Sufficient land is retained to meet the recreational needs of the users of the site and is not considered to significantly compromise the use of the overall site for existing or future sporting or recreational activities.

There is therefore no objection to this development in principle.

Highway Safety

During the assessment of the previous application it was recognised that there are on-going concerns with regards to travel issues at the school. It is clear that the local area is subject to extreme parking demand generated by users of the school. The area is particularly busy during school drop off/pick-up times. The Area Traffic Engineer has previously raised concerns over congestion and safety, especially for young pedestrians. It is however recognised that there is also a Primary School and Nursery within close proximity to this site and these are likely to contribute to the existing situation. In relation to Fosse Way School it is noted that due to the nature of the school, pupils do not necessarily come from localised catchments area and due to the particular needs of many of the pupils, they are not able to use more sustainable forms of travel and rely on private vehicles, including taxis and mini buses when travelling to and from the site.

It is critical to ensure that any development does not exacerbate the highlighted issues to a degree that would result in any significant harm to highway safety. Although it was previously confirmed that the new building would not result in any increase in pupil or staff numbers, the use of the building for the new Mendip School would increase the number of pupils and staff at this school. As explained above, this will be for a period of two years, after which it is anticipated that the number of pupils will be less than the current level.

It is therefore important to understand how this will impact upon the parking, congestion and access issues. In order to understand this, a Travel Statement has been submitted with this application, providing a full analysis of this impact based on forecasted trip rates and assessment of the existing use of the site from up-to-date traffic data collected on Longfellow Road. The Travel Statement concludes that the development proposals are not expected to generate any detrimental impacts in highways terms.

In order to mitigate against the increase in parking needs which have been calculated at 10 spaces, an additional 9 will be accommodated on site. The parking surveys undertaken have illustrated that the 1 remaining space can be accommodate on the public highway without resulting in significant harm.

The drop-off and pick-up for of school pupils takes place within the school site using the dedicated turning area and drop-off bay. This is a managed arrangement to ensure that pupils and transport are efficiently coordinated and ensures that this can happen without having to park on the public highway. The vehicular movements associated with this will increase as a result of the development, but this will predominantly be contained within the existing drop off area within the site. The levels as outlined within the submission are not considered to be at a level that would result in significant harm to highway safety.

An updated school travel plan has been submitted during the process of this application, but at the time of preparing this report has not been assessed by the relevant School Travel Plan Officer. An update will be provided to Members at Committee.

Overall, although it is recognised that the variation of this condition will result in an increase in parking requirements for staff, this has been mitigated by the additional parking provision within the site. The variation will also result in the increase in pupil drop off/pick up, but given the limited numbers calculated within the Travel Statement, and the dedicated area for drop off, this is not considered to result in significant harm. In NPPF terms the development will not result in a 'severe' adverse impact which would warrant a refusal of this planning application.

Character and appearance

The additional parking spaces resulting from the increased parking demand will be located within the school site and seen in the context of the existing development. It is not considered to result in any significant harm to the visual amenities of the surrounding area.

Residential amenity

It is noted that the existing development currently causes a degree of noise and disturbance to the neighbouring residential occupiers relating to dropping off and picking up pupils. It is also recognised that there is the potential for this to increase for a temporary period as a result of the development. However, any increase in noise and disturbance is not considered to be at a level as to warrant a refusal of this application.

Conclusion.

It is noted that the development will increase the numbers of vehicles accessing the site, and the parking demand during the day. However, mitigation measures have been put forward to overcome the identified harm resulting from this increased demand in parking. Although the increase in dropping off/picking up has the potential to result in the growth of congestion/traffic issues, this can be addressed through the submission of a travel plan and effective site management. Whilst there may be a degree of harm, this is not considered to be severe. Further the advice of the NPPF should be given significant weight. This explains that Local Planning Authorities should take a proactive, positive and collaborative approach to ensure that a sufficient choice of school places is available, giving great weight to the need to create, expand or alter schools. The variation of condition 4 will contribute to the development of a new school, bringing significant benefits to the wider community. Therefore, on balance, it is considered that the condition should be varied to allow for an increase in pupil numbers for a two year period.

However, it should be noted that as Sport England object to the proposal the application will need to be referred to the Secretary of State who will decide whether or not to 'call in' the application for a decision.

RECOMMENDATION

PERMIT

CONDITIONS

Subject to the Secretary of State not calling in the planning application authorise the Group Manager to PERMIT subject to the following conditions:

1 No development shall take place until an arboricultural method statement with tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The statement shall include proposed

tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

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

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

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

3 Following implementation of the development hereby approved pupil numbers at the Fosse Way School will not exceed 195 except for a temporary period of two years until September 2017 where student number can increase up to 225 after which time the Fosse Way School will return to provision of accommodation for no more than 195 pupils.

Reason: In the interest of highway safety and residential amenity

4 The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan(s) for the parking and turning of vehicles, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development, in accordance with the details of the approved drawings.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety

5 Prior to the occupation the development hereby approved an updated School 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 School Travel Plan.

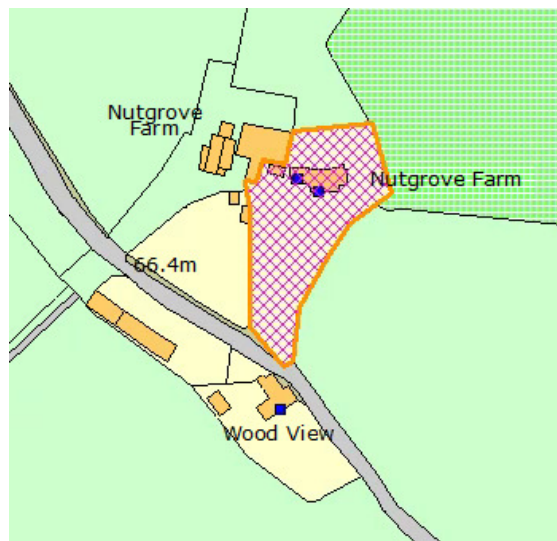
Reason: In the interests of sustainable development and highway safety.

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

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

PLANS LIST:

Item No: 07
Application No: 14/04783/FUL
Site Location: Nutgrove Farm Hunstrete Lane Compton Dando Bristol BS39 4NY



Ward: Farmborough **Parish:** Compton Dando **LB Grade:** N/A
Ward Members: Councillor S Davis
Application Type: Full Application
Proposal: Erection of two storey side extension to form annexe ancillary to main dwelling.
Constraints: Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Greenbelt, SSSI - Impact Risk Zones,
Applicant: Mr Jack Carpenter
Expiry Date: 15th December 2014
Case Officer: Rae Mephram

REPORT

REASON APPLICATION BEING REFERRED TO COMMITTEE

Cllr Sally Davis - request that the application comes before the Development Control Committee if the officer is minded to refuse - the application is for an extension to enable the family to care for the elderly owner/occupier, very special circumstances have been submitted with the application and the agent and local residents feel that the application will not have a detrimental impact on the Green Belt.

Support from Compton Dando Parish Council - The very special circumstances put forward outweigh any Green Belt issues and there is no detrimental impact on the openness of the Green Belt. The extension balances the other end of this building, the pitched roof will mask the existing flat roof extension, and the materials are in keeping with the area.

Site description and proposal:

The application relates to a large dwelling located in the rural area of Compton Dando, and within the Bristol/Bath Green Belt. The dwelling has previously been extended by virtue of a two storey rear extension and a two storey annexe to the west.

The application seeks planning permission for the erection of a two storey annexe with conservatory to the east of the property.

Relevant planning history:

38352 - Alterations and additions - Permit - 16.07.1957 (This application relates to the existing two storey rear extension)

WB 7650 - Extension to existing farmhouse - Permit - 11.12.1980 (This application relates to the existing two storey annexe known as "The Cottage". This is noted as an adjoining dwelling on the submitted plans, however the annexe is tied by a legal agreement to Nutgrove Farm, can only be occupied in conjunction with the main dwelling, and cannot be sold as a separate unit. As such this extension is included within the relevant cumulative volume calculations required for applications of this type.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Compton Dando Parish Council - Support.

Third party representations:

Comments have been received from 20 residents, 18 of which are support comments and two are representations. These are summarised as:

- The proposal will allow the occupant to continue living on his farm
- The proposal will facilitate care for the occupant by his family whilst retaining his independence
- The proposal cannot be used as an independent dwelling
- The proposal will have no negative impact on surrounding properties or detract from the openness of the Green Belt
- The proposal is for a small extension not visible to anyone and is not intrusive
- The proposal would blend in harmoniously and sympathetically with the existing farmhouse and adjacent buildings
- The proposal would have a positive impact upon the community

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy
- Saved Policies in the B&NES Local Plan (2007)
- Joint Waste Core Strategy

The following policies of the Core Strategy are relevant to the determination of this application:

CP6 - Environmental Quality
CP8 - Greenbelt

The following saved policies of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007 are also relevant to the determination of this application:

BH.6 - Development within/affecting Conservation Area
D.2 - General design and public realm considerations
D.4 - Townscape considerations
GB.2 - Visual amenity of the Green Belt
HG.15 - Dwelling extensions in the Green Belt

Supplementary Planning Document - Existing Dwellings in the Green Belt adopted 2008.

National guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance are also a material consideration. The following section of the NPPF is of particular relevance:

Section 9: Protecting Green Belt land

OFFICER ASSESSMENT

The main issues for consideration are 1. Principle of development, 2. Character and appearance, 3. Residential amenity.

1. Principle of development:

Inappropriate development in the Green Belt:

Section 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt if the proposed extensions or alterations are considered to result in disproportionate additions over and above the size of the original building. Policy HG.15 of the Local Plan reflects National Policy and states that in relation to existing dwellings permission will not normally be given for development other than limited extensions that do not result in a disproportionate addition over and above the size of the original dwelling or contribute to a deterioration in rural character as a result of the cumulative effect of dwelling extensions.

In order to assess whether the proposed development does constitute inappropriate development and is therefore by definition harmful to the Green Belt, it is necessary to consider the advice contained in the Councils Supplementary Planning Document on extensions in the Green Belt which was adopted to give advice on the Councils interpretation of Policy HG.15.

In order to guide consideration of what constitutes a disproportionate addition to the original building a calculation of its volume of the original building can be used. "Original"

means how the building existed on the 1st July 1948 or if the building was built after this date, as originally built.

The dwelling has previously been extended by virtue of a two storey rear extension, which represented an approximate 20% increase to the original dwelling. The two storey annexe to the west represented an approximate 65% increase, resulting in a cumulative increase of approximately 85%.

The application seeks permission for further extensions, and these would represent approximately a further 35% increase over that of the original dwelling, meaning cumulatively the extensions would represent approximately a 120% increase. In volume terms, the development when assessed with previous extensions can therefore not be considered to be a proportionate addition.

It is recognised that the volume alone cannot be the only consideration. The Green Belt SPD also makes it clear that when considering whether an extension is disproportionate the character of the dwelling and its surroundings also need to be considered. The proposed extension is to the side of the property, and consists of a two storey annexe with kitchen/dining, toilet, and one bedroom, with shared utility and bathroom, as well as a single storey conservatory. The extension would introduce additional built form which would detract from the character of the building and consequently the rural character of the area and green belt. This harm combined with the increase in volume represents inappropriate development in the Green Belt and is harmful by definition.

Very special circumstances:

The application has been submitted with a case for very special circumstances: The applicant has lived in the property and worked the farm for seventy years, but now requires care in his advancing years. The building of the proposed annexe would allow the applicant's daughter to care for her father, and also live in relative privacy. The applicant's son currently resides at 'The Cottage', and is intending to in order to run the farm full time. The daughter's partner would also live in the annexe, and intends to assist the applicant's son on the farm.

Whilst sympathetic to the needs of the family, personal circumstances such as these will seldom outweigh the more general planning considerations. In this situation, only limited weight can be attached to the personal circumstances concerning the applicant and his family, and they cannot be considered to be very special circumstances.

Openness:

The proposal consists of a two storey extension and a single storey conservatory, ranging from 4.3m to 5.6m high, and adding an additional 9.6m to the width of the dwellinghouse. It is noted that the annexe replaces an existing small lean-to, however the proposals are considered to be an extensive addition on an already large property, into previously undeveloped land. This is considered to be harmful to the openness of the Green Belt.

2. Character and appearance:

The proposal has been set down from the main ridge, and is set in from the front elevation and would be of matching materials to the host dwelling and these are positive factors. However the extension would notwithstanding this result in harm to the character of the building and the rural character of the area by virtue of the additional bulk added to the building.

3. Residential amenity:

The proposal is within a relatively isolated location, and is not considered to cause harm to residential amenity.

Conclusion:

The harm by reason of inappropriateness, harm to rural character and to the openness of the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The application is recommended for refusal in accordance with section 9 of the NPPF, Policy CP8 of the 2014 Core Strategy, Policies HG.15 and GB.2 of the 2007 Local Plan and the Green Belt SPD.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, due to the size, scale and siting of the extension would result in a disproportionate addition over and above the size of the original dwelling which would be harmful to openness and would be harmful to the rural character of the area. The proposal represents inappropriate development within the Green Belt, which is, by definition, harmful. No very special circumstances have been submitted which would be sufficient to outweigh the presumption against inappropriate development in the Green Belt. The proposal is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy adopted 2014, and saved policies GB.2 and HG.15 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007.

PLANS LIST:

- This decision relates to:

P01 BLOCK PLAN
P05 PROPOSED FLOOR PLANS
P06 PROPOSED ROOF PLAN AND PROPOSED SOUTH ELEVATION
P07 PROPOSED EAST AND NORTH ELEVATION

all submitted 20th October 2014.

DECISION TAKING STATEMENT:

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant choose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.