

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	10th February 2016		
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

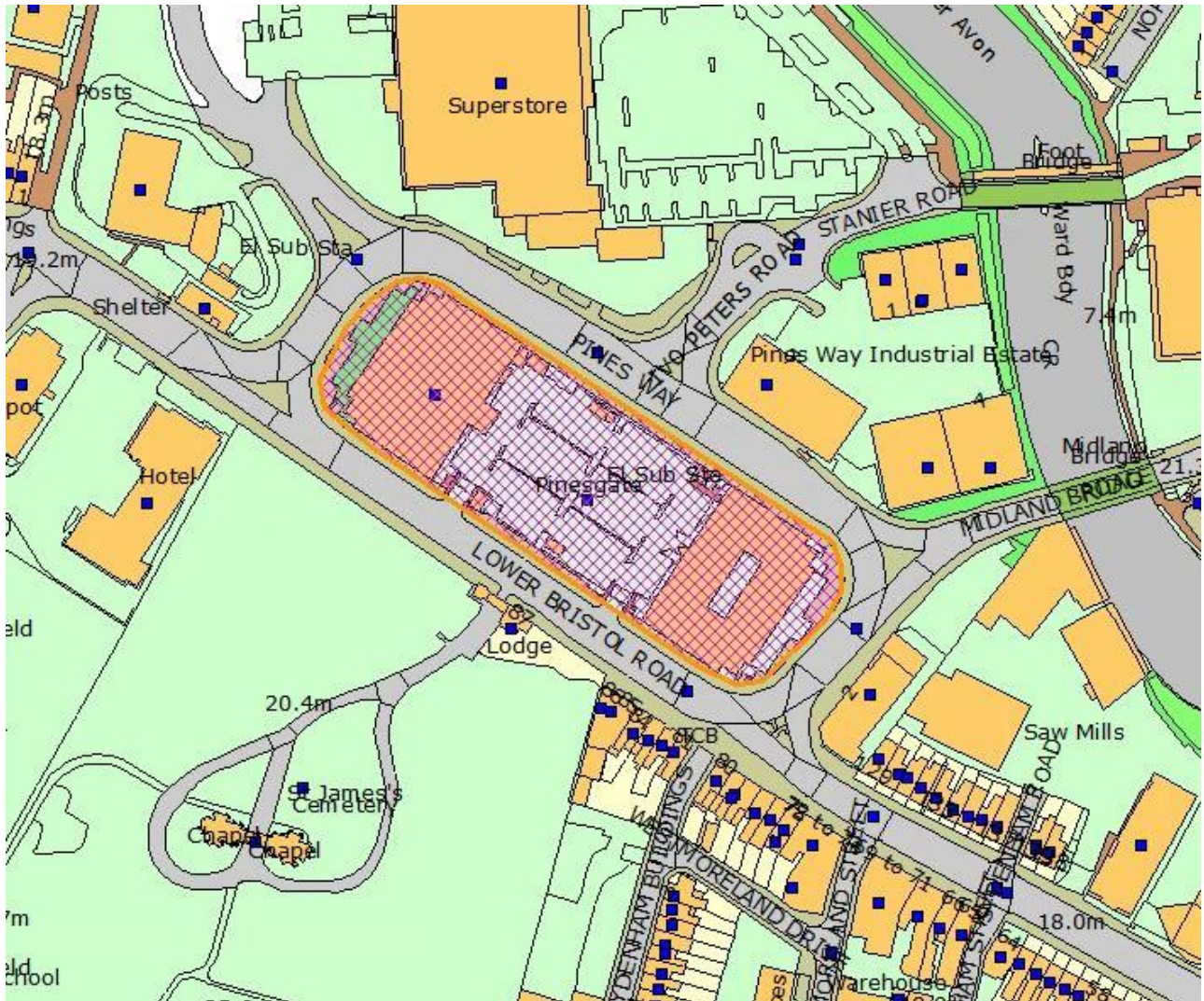
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	15/05026/EFUL 16 February 2016	Pinesgate Investment Company Pinesgate, Lower Bristol Road, Westmoreland, Bath, Erection of an office building (Use Class B1) totalling 15,348sqm GIA, and a purpose-built educational campus, comprising academic accommodation (Use Class D1) and integral student accommodation (Use Class C2) of 16,491sqm, together with basement parking, associated infrastructure and landscaping.	Widcombe	Rachel Tadman	REFUSE
02	15/04706/EFUL 8 March 2016	St. Monica Trust Former Cadbury Factory, Cross Street, Keynsham, , Partial demolition, change of use and extension of Building A and B to create a Care Village consisting of a 93-bed Care Home, 98 Extra Care apartments (Use Class C2) and communal facilities. Partial demolition, change of use and extension of Building C to B1 Office on part ground and upper floors (10,139m2 GIA), and Class D1 GP Surgery/Medical Centre (833m2 GIA) and Class A1 Retail (150m2 GIA) on part ground floor. Associated surface car parking, the use of basements for car parking, cycle parking, landscaping and associated infrastructure. Proposals altering previous site wide planning approval 13/01780/EOUT as approved on 19th February 2014.	Keynsham North	Gwilym Jones	PERMIT

03	15/05235/FUL 21 January 2016	Bath Rugby Recreation Ground, Pulteney Mews, Bathwick, Bath, Bath And North East Somerset Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years); construction of a replacement permanent West Stand (including roof and seating) following removal of temporary stand and seating.	Abbey	Gwilym Jones	PERMIT
04	15/05237/FUL 25 February 2016	Bath Rugby Recreation Ground, Pulteney Mews, Bathwick, Bath, Bath And North East Somerset Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years).	Abbey	Gwilym Jones	PERMIT
05	15/03453/FUL 12 February 2016	Ashford Homes (South Western) Ltd 48 Box Road, Bathford, Bath, Bath And North East Somerset, BA1 7QH Erection of 4no four-bedroom dwellings, each with a detached double garage, following demolition of existing bungalow. To include associated hard and soft landscaping works, construction of retaining walls to sections of the north, east and west boundaries, and improvements to site access.	Bathavon North	Alice Barnes	PERMIT
06	15/02290/LBA 16 December 2015	Mr Martin Pera Church Farm Derelict Property, Church Hill, High Littleton, Bristol, External alterations to create a new agricultural entrance to the rear of Church farm from the A39	High Littleton	Laura Batham	CONSENT

07	15/01802/FUL 16 December 2015	Mr Martin Pera Church Farm Derelict Property, Church Hill, High Littleton, Bristol, Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.	High Littleton	Laura Batham	Delegate to PERMIT
08	15/03743/LBA 16 October 2015	Mr Gabriel Fisher 12 Henrietta Villas, Bathwick, Bath, BA2 6LX, Internal alterations to add a set of wedding doors to ground floor living room/dining room.	Abbey	Adrian Neilson	REFUSE
09	15/02627/FUL 4 August 2015	Mrs Ruhin Begum Closed Public Toilets, North Parade Road, Bathwick, Bath, Bath And North East Somerset Demolition of dilapidated former public convenience, and construction of new artist studio building (B1 Use)	Widcombe	Tessa Hampden	REFUSE

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

Item No: 01
Application No: 15/05026/EFUL
Site Location: Pinesgate Lower Bristol Road Westmoreland Bath



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type: Full Application with an EIA attached
Proposal: Erection of an office building (Use Class B1) totalling 15,348sqm GIA, and a purpose-built educational campus, comprising academic accommodation (Use Class D1) and integral student accommodation (Use Class C2) of 16,491sqm, together with basement parking, associated infrastructure and landscaping.
Constraints: Agric Land Class 3b,4,5, Air Quality Management Area, Article 4, British Waterways Major and EIA, Flood Zone 2, Flood Zone 3, Forest of Avon, Sites with Planning Permission, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Pinesgate Investment Company
Expiry Date: 16th February 2016

Case Officer: Rachel Tadman

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application is being considered by Development Control Committee at the request of the Group Manager Development Management.

DESCRIPTION OF SITE AND APPLICATION:

The application site is surrounded by Lower Bristol Road, Midland Bridge Road and Pinesway. The site is currently occupied by two 1980's office buildings and open car parking and servicing. The buildings are two commercial storeys with flat roofs. They are of identical appearance faced in white cladding and reflective glass. The central open area is enclosed behind brick walls with screen landscape of shrubs and trees to the back of pavement. Vehicle accesses are from the south off 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 Zone 1, 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 Lower Bristol Road.

The proposal is for the redevelopment of the Pinesgate site to include the erection of an office building and a purpose-built educational campus with a small courtyard/thoroughfare running north east/south west between the two buildings.

The proposed office building (Use Class B1) would provide 15,348sqm Gross Internal Area of office space and car parking arranged over a total of 6 storeys to include a basement car park below.

The proposed Office building would be located on the Western side of the site and forms three elements of design. There are taller corner elements on the eastern and western corners. The eastern corner also forms the single entrance point to the building.

The remainder of the Lower Bristol Road elevation, wrapping around the southern corner, is four storeys with an open structural frame/ pergola structure at fourth floor level and includes the basement car park entrance at ground floor level. The final element comprises the remainder of the Pinesway Elevation, wrapping around the northern corner, is five storeys with an open structural frame/ pergola structure at fifth floor level.

The basement car park would be accessed by a ramp on the Lower Bristol Road elevation of the Office Building and would provide 79 parking spaces and 74 cycle spaces for the use of the office.

The south west elevation (Lower Bristol Road) would be 22.8m high dropping down to 17.8m along this elevation. The north east elevation (Pines Way) would be 21.4m dropping down to 20.4m. It has a large footplate format measuring 68.5m wide and 46m deep and includes an internal atrium at first floor and above.

The main external walling material proposed is Bath stone in a honed finish and also a lined finish. An architectural pre-cast material is also to be used on the elevations particularly in areas where a stronger load bearing material is required..

The proposed Campus building would comprise academic accommodation (Use Class D1) across ground and first floor with student accommodation (Use Class C2) laid out on the floors above.

The Campus comprises a total of approx. 16,500 Sqm Gross internal area laid out over a total of 8 storeys including a basement car park. The top three, four and five storeys would be student accommodation comprising a total of 358 student bedrooms. The student accommodation would be used in conjunction with the campus below.

The basement car park below, also accessed by the ramp on the Lower Bristol Road elevation of the Office Building, and would provide a total of 37 parking spaces and 30 cycle spaces for the use of the education campus.

The building would be located on the eastern side of the site and is of a relatively uniform design. The south west elevation (Lower Bristol Road) comprises 7 storeys at the western corner dropping down to 5 storeys for the majority of the elevation. This elevation would be 23.4m high dropping down to 17.8m. The north east elevation (Pines Way) comprises 7 storeys across the elevation apart from a small element that drops down to 5 storeys. The elevation would be, in the main, 21.4m high dropping down to 16m.

The south eastern elevation (Midland Bridge Road) is, in the main, 5 storeys high rising to 7 storeys on the north eastern corner. The north west elevation alongside the courtyard would be 7 storeys in its entirety.

The building measures 78m wide and 48m deep and includes an open colonnade two storeys in height running around the north west (Pines Way) and south east of the building at ground floor.

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

Members may recall that planning permission ref: 14/02619/FUL for the erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building on Pinesgate East, Lower Bristol Road was refused on 16 February 2015.

Members considered the application at length and resolved to refuse planning permission for the following reason:

The proposed development, by reason of the materials and height, would have a detrimental impact on the character and appearance of the area and result in harm to the Outstanding Universal Value of the World Heritage Site. This would be contrary to Policies D2 and D4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, Policy B4 and CP6 of the Bath and North East Somerset Core Strategy, adopted July 2014, and the Bath Western Riverside Supplementary Planning Document, adopted March 2008.

The application is accompanied by an Environmental Statement that deals with:

Landscape and Visual Impact Assessment
Heritage Assessment

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATIONS AND REPRESENTATIONS:
OTHER REPRESENTATIONS / THIRD PARTIES

Highways Development Officer: Object for the following reasons:

- The proposed access to the basement car park onto the Lower Bristol Road would not facilitate the potential future closure of the gyratory at Pines way to the north as, in the event of its closure, the access would be hazardous and harmful to highway safety.
- The level of cycle parking provided for the Campus building below the minimum standard required for this type of educational establishment.

Planning Policy: No objection subject to the following comments:

Office development: The principle of office development on this site is supported by planning policy, with the delivery of new grade A office space making an important contribution to the city's office space requirements.

Education Campus: Whilst this element of the scheme was not envisaged within the Central area or the Sydenham Park of Bath the proposed development is not considered to affect the delivery of the Council's strategy.

The proposal also needs to be considered against Policy B5 of the Core Strategy which has been subject to modification in the Draft Placemaking Plan. These modifications are currently only a material consideration with limited weight, and are, subject to Examination, whereas the remaining policy wording is adopted.

Policy B5 seeks to manage the development of student accommodation in order to prioritise the delivery of housing and economic development. Whilst it is worded in the context of the Universities, it is not reasonable to expect the plan to foresee every potential development scenario. Changes proposed in the Draft Placemaking Plan seek to clarify this, and make it clear that the policy approach applies to all types of student accommodation and to additional teaching space. It is the Council's contention that this underlying objective is of significance to the determination of this application. This contention is demonstrably supported by the Inspectors Report into the Core Strategy.

Regardless of the reasonableness of applying this policy in the consideration of a purpose built educational campus or not, and regardless of what weight can be attributed to the proposed modifications put forward in the Placemaking Plan, the ultimate test is whether the proposals 'adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to housing and economic development'.

In conclusion, and as seen from the discussion above, the proposals are not considered to adversely affect the delivery of the Core Strategy, and so the proposed purpose built educational campus is acceptable on land use terms.

This conclusion is reached on the basis of the operation of the purpose built educational campus as proposed. Should this use be operated by one of the universities then the impacts on the city's housing stock, assuming any use of the building would be to accommodate an increase in their student numbers, is likely to be more significant as their courses typically last for three years, and the accommodation needs of students would unlikely to be met beyond their first year.

The site falls within an identified district heating priority area (Core Strategy policy CP4) and the information submitted appears to address this policy.

Sustainability Officer: Comments awaited

Planning and Conservation: Object

The proposed development by reason of its overall height and scale is unacceptable in its current form and conflicts with relevant development plan policies and the NPPF.

The development will have a considerable harmful impact on the setting and character of St James Cemetery, the entrance gateway, lodge and northern boundary wall of which are grade II listed as are the mortuary chapels in the centre of the cemetery.

The impact on the setting of Victoria Buildings (Grade II) and Green Park (Grade II) is very small and does not warrant more detailed comment.

Impact of the proposed development on the setting and significance of St James Cemetery

The cemetery and its collection of listed structures can claim heritage significance across the fourfold classification.

Evidential value as a relatively unaltered example of mid 19th century landscaped municipal cemetery design, historical value because of the way in which the cemetery links the past to the present, aesthetic value as an as an example of conscious design and finally communal value because the cemetery holds meaning for the surrounding community

The proposed redevelopment would be of considerably greater magnitude than the existing Pinesgate buildings. The efforts made to articulate the design to minimize the scale would do little to mitigate the overall height which would be in the order of 20 metres, a significant increase over the existing.

The gap between the buildings, at circa 13 metres, would appear as no more than a narrow corridor. Indeed from some viewpoints the space would not be legible.

The addition of several storeys of height across a much greater area of the site would further erode the setting of St James Cemetery and the contribution this makes to its significance.

The new building(s) would be much larger and more intrusive than any of the existing commercial structures in the vicinity.

The verified visual montages indicate that the development would have an overwhelming and dominating physical presence which would intrude on the cemetery as an area of peaceful contemplation and remembrance.

Impact on the Outstanding Universal Value of the Bath World Heritage Site

Redevelopment of the magnitude proposed will have a harmful impact on wider perceptions of the authenticity and integrity of the WHS.

Indeed the various verified photomontages clearly show that the development will impinge into views of the wider green setting around the WHS which is identified as an OUV attribute.

Impact on the setting of the Bath Conservation Area

Although the site lies outside the designated boundary, given the height and scale, the proposed development clearly has the potential to impact adversely on the character and setting of the conservation area.

Historic England: Significant concerns:

The height and scale of the new buildings would cause harm to OUV and potentially to the Conservation Area views across the River Avon. In the recent past UNESCO have been anxious over the impact of larger scale development in the City (Mission Report, 2008), including views to and from the City.

Due to the relatively modest profile of the existing buildings, views of the surrounding hillsides such as Beechen Cliff can be obtained from the roads surrounding the site and their positioning allows a sense of connectivity with the neighbouring street and spaces such as the cemetery to the south.

It is strongly recommended that this scheme be taken to the SW Design Review Panel for their consideration.

In addition, major reductions should be made to the overall height and scale of the development.

The main concerns are:

- The height and scale and the impact that they will have on the OUV of the WHS and views across the river valley between the two sides of the Conservation Area.

- The adverse impact on the adjacent historic environment by virtue of the increase in height of the development.
- The dramatic impact on the immediate surrounding area within Lower Bristol Road and Pines Way by the scheme.
- The proposal is not only at least 2 storey's taller than the existing buildings but is also more densely packed onto the island, leading to the impression of over development within the site.
- The submitted photomontages demonstrate that the separate blocks merge into one when seen from this distance, presenting the appearance of a single tall vertical wall within the backdrop of more modest buildings of mainly traditional form and scale.
- The two blocks will be in direct competition to the more mannered and polite form and scale of the traditional buildings that primarily characterise this part of the City.
- In terms of the green setting of the City in a hollow in the hills, (OUV - WHS), the proposals will impinge upon views out towards the green setting of the City, in particular, when viewed from the roads in close vicinity of the site.
- There are also concerns that the full impact of the scheme has not been thoroughly tested to show what impact there may be on views and visual connectivity between the northern and southern parts of the City Wide Conservation Area.

Urban Design: Object in principle

- The development has a poor relationship with the street: lack of activity, campus communal space is not related to the street, colonnade does not link through to west corner to create a public covered route leading to greater risk of crime.
- Massing, volume, bulk and scale of proposals incongruous and overbearing in context.
- Siting does not create an urban street or continuation of the Lower Bristol Road building line.
- Building is too tall, by 2 storeys in places, which is contrary to the BWR SPD.
- 7 storey development along the central route
- The lack of set backs at top floor level with the expression of full height facades, and the use of pergola type framework at top floor level, increases the visual impact compared with a true set back of the top floor.
- The buildings fail to reflect local context
- The single building line with flat facades, over such extensive frontage lengths exacerbates the anomalous and large massing of the development within the existing townscape.
- The central pedestrian route provides a poor quality street environment due to height to width ratio of the buildings, is contrary to the BWR SPD and the lack of a pedestrian crossing on Lower Bristol fails to full address permeability, the use of 7 storeys alongside the central route is unacceptable.
- The development is prominent within elevated views as well as short range views into and out of the site which are considered to have a harmful impact on the OUV of the World Heritage Site.
- Massing has a significant contribution to increasing the visual impact from street level and closer views.

- Buffer landscape areas to the east and west repeat the suburban townscape contrary to the BWR SPD.
- Materials are similar on each building and are broadly acceptable.

Overall the proposed development is contrary to the Bath Core Strategy, Draft Placemaking Plan and BWR SPD and is harmful to the Bath World Heritage site and setting of the Conservation Area and neighbouring listed cemetery by reason of siting, height mass and appearance. It fails to deliver the necessary quality of public realm or activity that is set out in published guidance.

Landscape Officer: Object

- The proposed scheme is unacceptable due to its excessive height, combined with its large bulk, which is out of scale and character with the city.
- The proposals would impact negatively both on views from the hillsides down into the city where the buildings would stand out as being inappropriately prominent and would impact negatively on local views from the surrounding neighbourhood and streets where the buildings would appear out of scale.
- The submitted Visual Montage's have demonstrated the massive nature of the proposed scheme and the effects it will have on the local landscape, specifically the Cemetery and the listed building, but also the relationship between the site, the existing low buildings and the landscape beyond.
- Views to the green hillsides are an important part of the OUV and this will be adversely and permanently affected.
- The VM's also demonstrate how ineffective the central 'corridor' will be in breaking up the mass.
- The development provides minimal green space which would help to soften the development and help to link it to the surrounding area and give it more of a human scale. The provision of some trees and green space is welcomed however it is squeezed to the edge of the development which limits its effectiveness in relation to the bulk, massing and height of the proposed development.

Arboricultural Officer: Not acceptable in its current form.

The proposal involves the removal of all trees within and around the perimeter of this high profile site and does not demonstrate due consideration of policy CP7 of the adopted Core Strategy and retained policy NE.4 of the Bath & North East Somerset Local Plan (2007).

Archaeology: No objections subject to conditions.

Canal and River Trust: No comments

Environmental Protection: No objection subject to conditions.

Environmental Monitoring (Air Quality): No objection subject to conditions.

Environment Agency: No objections subject to the site passing the sequential test to ensure new development is directed areas at least risk of flooding (e.g. flood zone 1) and conditions.

Drainage and Flooding Team: No objection subject to conditions.

Wessex Water: No comments received.

Ecology Officer: No objection subject to conditions.

Natural England: No objections

Crime Prevention Design Adviser: No objections

Local Representations: A total of 7 letters have been received, 1 of which supports the development and 6 of which object. The letters include objections from Bath Preservation Trust and Bath Heritage Watchdog which are summarised below:

Bath Preservation Trust: Object

- The height, bulk 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) is of concern.
- The buildings will be overly prominent and have an adverse impact on long views and short range views and would not sit comfortably within the historic environment of Bath.
- It is not well connected to its context, and the excessive height, scale and massing of the buildings would have an overbearing impact on the character of the local townscape, reduce visual connections to the natural landscape and would detract from the visual harmony of the city.
- The design aesthetic which is in existence at BWR should not necessarily be accepted as the design aesthetic for all new buildings in Bath or even in BWR.
- The light pollution implied by the extent of glass and banks of internal ceiling fittings is of concern in terms of the impact of the building on its surroundings and in the valley floor of an area which is to the South largely residential.
- The use of natural Bath stone is preferred in general in the City due to the homogeneity of material being part of the description of OUV of the World Heritage Site. However the use of Bath stone does not of itself make a design acceptable.
- The case for commercial viability is not sufficiently justified in support of the proposal, especially as another local office development in the Lower Bristol Road has been withdrawn due to lack of commercial interest, and the site is now being considered for housing.

Overall it is considered that the proposed development, by virtue of its inappropriate height, bulk, massing, appearance and failure to respond to the local context, would be incongruous and overbearing, and an overdevelopment that would neither preserve nor enhance the setting of the City of Bath Conservation area and would compromise the special qualities of the World Heritage Site.

The proposal is also contrary to the NPPF, the Planning (Listed Building and Conservation Areas) Act 1990, Policies D2 and D4 of the Bath and North East Local Plan, Policy B4 and CP6 of the Bath and North East Somerset Core Strategy, adopted July 2014.

Bath Heritage Watchdog: Strongly Objects to this Application.

The proposals as submitted will have an adverse effect on the setting/view and OUV of the World Heritage Site, the Conservation Area and setting of Listed Buildings. They are unacceptable in their current form and for the reasons stated above regarding height, scale, mass, over-development of the site, and design, contrary to Policies D2 and D4 of the BANES Local Plan. B4 and CP6 of the BANES Core Strategy and in conflict with the Bath Building Heights Strategy and Western Riverside SPD and should therefore be refused.

- The development is of a scale, bulk, mass and height that is totally out of context for the location and one that will have a negative and detrimental impact on the setting of the wider Conservation Area along with views in/out and across the World Heritage Site that is in conflict with the OUV for which it is registered.
- The development does not comply with the Building Heights Strategy for the location and is 2/3 storeys too tall. No more than 3/4 storeys plus mansard or set-back type roof should be considered for this location.
- The structure will visually dominate its surroundings, glower over the listed St James's Cemetery, dwarf the modest residential terraces, and cast long shadows over the surrounding streets and buildings.
- There is also the potential to impact on the residential amenity of those living in the higher storeys and penthouses of the Western Riverside.
- Due to the glazing it has the potential to be a highly reflective building creating hotspots during the day and considerable light-spill in darkness.
- The design is not worthy for a valley location in the centre of a World Heritage Site. The Long facades with little or no articulation and are dominated by elongated window openings. Lack of horizontal detailing which emphasises height, incorrect ratio of solid/void and other lack of design details expected in Bath. No attempt at human scale and proportion which is the key to why architecture in Bath works.
- The roof is largely flat, featureless and of too great an area, it will be highly visible and attractive to sea gulls.
- The use of pre-cast materials is of concern and the high ratio of glass to stone precluding the use of Bath stone as load bearing walls which is disappointing.
- The perceived need for contemporary office space is unconvincing.

The remaining 4 letters of objection are summarised below:

1. The proposed use of the site as a new academic teaching facility for 650 students with substantial student accommodation is contrary to the principles and objects of the Policies of the Core Strategy.
2. The concerns on the Pinesgate East application were carefully balanced against the economic benefit, the same balance cannot be made with regard to the Pinesgate West or the development as a whole.
3. The cumulative impact is considerable and the development, including its height and massing, would have a significant detrimental impact on the character and the appearance of the area and result in harm to the outstanding universal value of the World Heritage site". It would dominate the views towards the city from the Lower Bristol Road in an inappropriate manner for one of the principal routes into the city.

4. The Planning Officer's concerns raised in the pre-application advice letter have not been addressed.
5. Increase in congestion within the City.
6. A building 7 storeys high in the centre of Bath would create a dominating building that is at odds with the scale and design of other buildings in the area and does not do enough to improve upon the existing site.
7. Development of this site should be considered in the context of the Bath City Riverside Enterprise Area with clear and wide traffic free links across to the Green Park Station area. The demolition of the existing buildings should be used as an opportunity to extensively redesign the road layout such that the new development is not isolated in the middle of a three lane traffic island
8. Residential housing should be provided. Student accommodation should not be built in such a prime location when there is frequently cited demand for more housing. These brownfield sites provide an ideal opportunity to meet new housing targets and must be prioritised for residential development ahead of any green field sites.

A letter of support has been provided by Bath Chamber of Commerce.

PLANNING ISSUES:

RELEVANT PLANNING HISTORY:

Planning permission ref: 14/02619/FUL for the erection of an office building (use class B1) with basement parking, associated infrastructure and landscaping following the demolition of existing office building on Pinesgate East, Lower Bristol Road was REFUSED on 16 February 2015.

Other Planning History:

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

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

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

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 B5 - Bath's Universities
- 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
- Policy SD1 - Sustainable Development

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.

- Policy D.2 - General design and public realm considerations
- Policy D.4 - Townscape considerations
- Policy BH2 - Listed buildings and their settings
- Policy BH6 - Impact on Conservation Areas
- Policy ET.2 - Bath City Centre Core Office Employment Area
- Policy GDS.1/B1 - General Development Site - Bath Western Riverside
- Policy NE.1 - Landscape character
- Policy NE.4 - Trees and woodlands
- Policy NE.12 - Landscape features
- Policy SR.3 - Provision of recreational facilities to meet the needs of new development
- Policy T.1 - Sustainable transport development
- Policy T.3, T.5, T.6 - Promotion of walking and cycle facilities
- Policy T.24 - General development control and access policy
- Policy T.26 - On-site parking provision
- At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant: Policy SCR1 - On-site renewable energy requirement
- Policy SU1 - Sustainable drainage
- Policy D1, D2, D3, D4, D5, D6 - General design policies
- Policy HE1 - Historic environment
- Policy NE1 - Development and green infrastructure

- Policy NE2 - Landscape character
- Policy NE2A - Landscape setting
- Policy NE5 - Ecological networks
- Policy NE6 - Trees and woodlands
- Policy PCS2 - Noise and vibration
- Policy PCS3 - Air Quality
- Policy PCS5 - Contamination
- Policy PCS7A - Foul sewage infrastructure
- Policy ED.1A - Office development
- Policy ST1 - Sustainable Travel
- Policy ST7 - Transport requirements for development
- Policy SB7 - Green Park Station West and Sydenham Park

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16 of the Act states that "In considering whether to grant listed building consent for any works the local planning authority or secretary of state shall have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic character which it possesses"

Section 66 of the Act transfers this statutory duty to the exercise of all planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority shall also have special regard to the desirability of preserving the building or its setting.

Section 72 of the Act imposes a general duty to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

The National Planning Policy Framework

This sets out the Governments planning policies for England and how these should be applied. Paragraph 13 states that the NPPF is guidance for local planning authorities and is a material consideration in determining applications.

Conserving heritage assets in a manner appropriate to their significance is one of the NPPF core planning principles.

Section 12 deals more specifically with Conserving and enhancing the historic environment

The NPPF defines the setting of a heritage asset as the surroundings in which as heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance asset, may affect the ability to appreciate that significance or may be neutral.

Planning Obligations SPD

OFFICER ASSESSMENT

OFFICER ASSESSMENT:

ENVIRONMENTAL IMPACT ASSESSMENT:

The proposed development is considered to constitute EIA development under Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application is accompanied by an Environmental Statement that identifies the environmental effects of the development as well as any proposed measures to mitigate those impacts.

PRINCIPLE OF THE DEVELOPMENT AND 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 Draft Placemaking Plan, although having limited weight, includes Policy SB7: Green Part Station West & Sydenham Park which sets out the vision and principles for the Pinesgate site and the surrounding area to include Homebase, Sainsburys and Pinesgate Industrial Estate. The Policy states that residential development should make up a significant proportion of floorspace (500 units), completed with around 1,000 sqm GIA of B1 employment floorspace along with other uses such as retail, hotel etc. The Policy is clear that purpose built student accommodation is not acceptable in this area.

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.

Proposed Office Building:

Considering the Office development first, 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 and the loss of poor quality office space through changes of use proposals and/or redevelopments.

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 Bath Commercial Edge 2015 report from Carter Jonas reinforces this view concluding that office availability in Bath totalled 90,282 sqft at December 2014, 46% lower than the 2013 level, supply has continued to be dominated by poor quality space, for which there is limited, although evident, demand in the absence of better space and that this severe lack of available good quality office stock has and will continue to force employers to consider relocating to surrounding markets, particularly Bristol and west Wiltshire. Furthermore it was identified that active demand continued to strengthen during 2014, in line with the national office market and therefore the development of new office accommodation is now urgently required within the City to ensure the future economic viability and prosperity of the Bath office market.

The development would provide a GIA of office floor space of 12,298 sqm (excluding the basement car park). However, as the overall development would result in a loss of approx. 6,827 sqm GIA of floor space, the office development would provide a net gain of approx. 5,471 sqm 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 contribution to this goal.

Policy B2 also confirms that a net increase of 40,000 sqm of modern office space is required in the Central Area. This figure relates to GIA (gross internal area).

The proposed development would provide approx. 5,471 sqm of this target, approx. 13% of the plan periods net requirement for office space.

The proposal also comprises 39% of the 14,000 sqm GIA office space required within the Plan period by Policy SB7 of the Draft Placemaking Plan.

The proposed development therefore represents a qualitative improvement to the office space on offer within Bath which is considered to be of benefit to the city's economy as well as an opportunity for employment provision and business creation.

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 866 jobs. Compared with the existing Office capacity across the whole site of around 495 jobs, it results in an increase of capacity in the region of 371 jobs which is a material consideration.

Education Campus and Student Accommodation:

The proposed development includes on the Eastern part of the site an education campus with student accommodation above.

The education campus would be approx. 4,000 sqm GIA of teaching space over the ground and first floors. The campus would have a capacity of up to 650 students.

The operating model is based on the use of the building as an international college for language learning and tuition by the intended occupier, Kaplan International Colleges.

To explain, Kaplan is a recognised provider of further education and training and it is proposed that this site would provide a bespoke building within which the tuition would focus on language tuition, particularly for international students seeking to commence higher education courses in the UK. Kaplan currently operates a small college facility within Trim Street, Bath which caters for approximately 150 students with students being provided with accommodation in 3 locations within the City. The proposed development represents a significant expansion in the number of students being accommodated and taught within Bath creating over 140 new full and part-time jobs in the city.

As well as the education campus, the proposals also includes the provision of 358 Student bedrooms to accommodate a proportion of the 650 students taught within the campus floorspace.

The remaining 292 students would be encouraged to sign up to the Kaplan's Homestay programme and live with a British family during their stay. The supporting information states that it is expected that of the 292 students not accommodated on site:

- 200 would be accommodated through Homestay
- 50 will be day students i.e. travel to Bath and depart on the same day
- 40 will live in other rented accommodation organised by Kaplan.

The application documents also state that, due to the above operating model, the students would be highly unlikely to live within HMO's and therefore the development would not lead to an increase in HMO's within the surrounding area.

Furthermore as the campus accommodation is to be used in conjunction with the student accommodation above it would be necessary to attach conditions to ensure that this remains the case.

Notwithstanding the above, the proposed use of the education campus and student accommodation building relies heavily on the operating model of Kaplan and it must be borne in mind that the building could be occupied by another education provider operating on a different, more conventional British University model.

Were this to be the case it should be acknowledged that the 292 students not accommodated on site could potentially look to the existing family housing stock for accommodation leading to an increase in HMO's in the surrounding areas.

In Policy terms the provision of an education campus and student accommodation was never envisaged for this site, and is not therefore included within either Policy B1 or B2 of the Core Strategy. In light of this it is necessary to consider whether, by permitting an education campus on this site whether it would adversely affect the delivery of the Council's Core Strategy, specifically with regard to the delivery of homes and employment space.

Furthermore, it must also be considered whether or not the proposed self-contained educational facility is contrary to Core Strategy Policy B5, and how much weight can be attributed to the modifications made in the Draft Placemaking Plan.

With regard to the question of whether the provision of an education campus would adversely affect the delivery of the Council's Core Strategy, Core Strategy Policy B1 sets out that the city requires the delivery of about 7,000 homes over the plan period. This is the headline figure, and is monitored on a regular basis against delivery.

Policy B2 applies specifically to the Central Area and sets out the expectation to achieve 'about 500 additional dwellings as part of mixed use schemes on the key development opportunities that have been identified'.

However Policy SB7 of the Draft Placemaking Plan requires that residential development will make up a significant proportion of floorspace (over 500 units) even though Policy SB7 covers a much smaller area.

The housing delivery figure for the Central Area has in effect had to be increased through the Placemaking Plan process to reflect the delivery and trajectory of housing throughout the wider city. It is also important to recognise that these numbers are in effect only a minimum, and additional housing may be required where the projected delivery targets are not being met.

It is therefore clear that there is an expectation that this development site, forming part of the wider Sydenham Park area, should make a contribution towards this housing need in order for the delivery targets to be met.

However the proposed development does not provide any housing and in considering the proposal against the above policies it is concluded that whilst it is desirable to achieve 500 dwellings in the Sydenham Park area (in accordance with the Draft Placemaking Plan), there is flexibility in this and it is therefore considered that , at this time and, in part, due to the limited weight afforded to the Placemaking Plan, the lack of housing within the Pinesgate development is not considered to adversely affect the delivery of the Council's housing strategy within the City or the overall district.

Turning to the consideration of the development against Policy B5, this is an adopted policy in the Core Strategy, which has been subject to modification in the Draft Placemaking Plan. These modifications are currently only a material consideration and

subject to Examination, so, in the meantime the Core Strategy wording of Policy B5 retains full weight.

Policy B5 is a strategic policy for Bath's Universities and off-Campus Student Accommodation and states that off-campus student accommodation will be refused within the Central Area, the Enterprise Area and on MoD land where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to housing and economic development

The Objective of Policy B5 is to manage the development of student accommodation in order to prioritise the delivery of housing and economic development. Whilst it is worded in the context of the Universities, it is not reasonable to expect the plan to foresee every potential development scenario. It is the Council's contention that this underlying objective is of significance to the determination of this proposal. This contention is demonstrably supported by para 64 of the Inspector's Report into the Core Strategy. He expressed the view that the approach of Policy B5 to refuse off-campus purpose-built student accommodation in the Central Area and Western Corridor (Enterprise Area), if they would adversely affect the realisation of other aspects of the vision and spatial strategy, is reasonable as there other priorities for these areas which cover only a small part of the City.

He further asserts that 'avoiding additional student pressures in the housing market is part of the underlying strategy which the Council would need to take into account in determining whether any proposals conflicted with this policy. A growing need for such off-campus accommodation would be a matter to address in a review of the plan.'

In this instance there are changes to Policy B5 proposed in the Draft Placemaking Plan to make it clear that the policy approach applies to all types of student accommodation and to additional teaching space.

Notwithstanding this, the ultimate test is whether the proposals 'adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to housing and economic development'.

In this instance, and in conjunction with the conclusion above that the proposed development is not considered to adversely affect the delivery of the Council's strategy for housing, the proposed purpose built educational campus is not considered to be unacceptable on land use terms.

This conclusion is reached on the basis of the operating model of the purpose built educational campus as proposed. Should this use be operated by one of the universities then the impacts on the city's housing stock, assuming any use of the building would be to accommodate an increase in their student numbers, is likely to be more significant as their courses typically last for three years, and the accommodation needs of students would unlikely to be met beyond their first year.

Delivery:

From the information submitted it is clear that the applicant intends to bring the education campus element of the development forward first with the office development following on behind.

However, many of the longer term economic benefits of the development, both in terms of job creation and business rates, would be as a result of the occupation of the proposed office development. Furthermore, the initial provision of the education campus would result in the loss of the Pinesgate East office comprising a 3,315 sqm GIA loss of office floorspace. In the absence of the office development coming forward an unacceptable loss of office space would occur from the academic space being developed.

As a result it has been recommended by the Economic Development Officer that the delivery of the proposed new office floorspace should be secured by Section 106 obligation, to shell and core standard prior to the occupation of the new educational campus.

In response the Applicant has suggested that the following condition could be attached to any planning permission: "Prior to the occupation of any part of the International College Campus hereby approved, a contract for the construction of the office development hereby approved shall be entered into and exhibited to the Council"

Reason: To ensure the comprehensive redevelopment of the site.

As the application is otherwise unacceptable, for reasons detailed below, Officers have not explored this issue further at the time of writing this report.

Context

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 demonstrate the design principles for the area within which the site sits. This application has not been accompanied by a Context Plan that goes into the level of detail required by the SPD. However, it has been agreed previously that as the site forms a small area on the edge of the wider Bath Western Riverside site, 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.

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.

Ideally the office development would be coming forward within the city centre on sites even closer to train /station and bus station e.g. Avon Street and Manvers Street however the Enterprise Area masterplan (evidence base to the Placemaking Plan) seeks significant office development.

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.

The BWR SPD also provides an Implementation Framework including infrastructure requirements and Appendix C outlines the developer contributions required. However Appendix C has now been superseded by the adoption of CIL and the Planning Obligations SPD in April 2015.

In line with the Planning Obligations SPD the Economic Development Officer has requested that, were the development to be considered acceptable, 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.

Regard has been had to the Bath City Riverside Enterprise Area Masterplan, which has been endorsed by Cabinet. In light of this the document does form a material consideration but has limited weight.

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.

As part of the site is within Flood Zone 3, and the development includes student accommodation, which is classed as 'More Vulnerable' in the NPPG, the exceptions test also needs to be passed.

Information, including a Flood Risk Assessment, has been submitted to demonstrate that the development would pass the Exceptions test and, having assessed this, officers are of the view that the Exceptions test has been passed. There is therefore no objection in principle, for flooding reasons, to the development of this site for office or campus and student accommodation.

The Environment Agency has been consulted and have raised no objections but have advised that, as the site is within a flood warning area, a Flood Warning and Evacuation Plan for future occupants is required for 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 could be dealt with by condition if permission were being recommended.

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

As already explained above, planning permission ref: 14/02619/FUL for the erection of an office building (use class B1) was refused by Development Control Committee on 16 February 2015.

Members considered the application at length and resolved to refuse planning permission for the following reason:

The proposed development, by reason of the materials and height, would have a detrimental impact on the character and appearance of the area and result in harm to the Outstanding Universal Value of the World Heritage Site. This would be contrary to Policies D2 and D4 of the Bath and North East Local Plan, including minerals and waste policies, adopted October 2007, Policy B4 and CP6 of the Bath and North East Somerset Core Strategy, adopted July 2014, and the Bath Western Riverside Supplementary Planning Document, adopted March 2008.

In light of the similarities in the previous development and the scheme now being proposed, the previous refusal is a material consideration that has significant weight. Therefore, in order for the development to be considered acceptable, it has to be shown that the revised scheme has addressed the previous reason for refusal. This, along with a wider consideration of the acceptability of the development is provided below:

The site is located within the Central Area of Bath (Policy B2 of the Core Strategy) and more specifically the Sydenham Park area (Policy SB7 of the Draft Placemaking Plan). Therefore it must be acknowledged that, whilst the development has to be considered within its existing context, the future context of an area that is likely to change significantly over the coming years as it is regenerated and redeveloped is also a material consideration.

Prior to the submission of this application for planning permission, Officers have been involved in lengthy pre-application discussions which have achieved many improvements to the scheme. One example is the swapping of the location of the office building from the eastern end of the site to the west where, given its more central location within the future development area of Sydenham Park, a larger scale building could be achieved without significant harm to its surrounding context. This then allowed the education campus to be located on the eastern end where, as the building could be split up into elements, its height etc. could be changed to address the lower level buildings to the east and south of the site.

The proposed layout now locates a similar sized building at either end of the site with an area of shared space in the middle between the two buildings which provides a new pedestrian route from Lower Bristol Road to Pinesway but also acts as a service route for the buildings. The provision of this route for pedestrians is a distinct benefit of the scheme as it provides permeability by allowing pedestrians to walk through, something that cannot be done at present. It also frames the gates to St James Cemetery.

The overriding design approach is of contemporary buildings using a mixture of glass and walling to break up its mass with higher elements to mark the corners. The office building has a single entrance layout located on the south east corner. The education campus has two entrances, the college entrance on the north east elevation and the student accommodation entrance on the south east elevation.

However, despite the extensive pre-application discussions, the scheme has still attracted a number of concerns, some significant, from the Conservation Officer, Landscape Officer, Urban Design Officer and Historic England along with other local representations including Bath Preservation Trust and are reflected in the explanation below.

Whilst there are numerous concerns in relation to detailed design, which are outlined in the Urban Design Officer's comments above, the main concern regards the height and massing of the development which remains of significant concern especially when judged against the BWR SPD and the Bath Building Height Strategy (BBHS).

In terms of height, the BWR SPD sets out a range of 3-6 storeys (assuming 2.5m residential floor to ceiling heights). The BBHS, forming part of the evidence base to the Placemaking Plan, is also a material consideration although has limited weight.

The application site is located within Zone 3 Valley Floor of the BBHS which applies across an extensive area of the river corridor and 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 considered on a case by case basis.

The BBHS does also go on to state that "...Unlike other zones, this zone provides the opportunity to maximise development potential while ensuring the protection of the OUV of the Georgian City and its primacy within the urban form. The Georgian city centre with its

compact urban form provides the highest densities in Bath and should provide a good model for new urban development to make the most of the opportunities such a large site offers, particularly given the lack of other such sites within Bath. New built form can further strengthen and improve the western approach to the city. A cohesive development of this zone should be achieved through creative, comprehensive and master planned place shaping...."

The appropriateness of proposed height and massing has been assessed by the Urban Design Officer against the guidance within the BWR SPD codes as well as the visual impact on the World Heritage Site Outstanding Universal Values and relationships with the surrounding context.

There are many areas within the development where the height is considered to be in excess of the BWR SPD and BBHS guidance, 2 storeys too tall in places, and is particularly the case with respect of the areas of the development where 7 storeys are proposed. In other areas, whilst the storey heights, with set back of the top storey, are in themselves considered to be acceptable, the provision of the structural frame/ pergola structure at top floor level means the façade is read from street level as being full height. The purpose of a set back is to reduce the impact of the height of the façade on street level whilst still achieving an extra storey of development above; the design approach used in this case fails to achieve this aim.

In the main the roof form is flat, despite advice being given to avoid flat roofs due to both the impact on elevated views of the development but also to prevent issues of gull nesting. However the proposed roofing materials are not reflective which is of benefit.

The application has been accompanied by an LVIA which has carried out a comprehensive assessment of the development. This in turn has been carefully considered by the Landscape Officer, Urban Designer and Historic England who each have raised significant concerns that the development would have an unacceptable impact on the Outstanding Universal Value of the World Heritage Site.

The Landscape Officer has assessed the LVIA in some detail and has concluded that there are many areas of the document where he is not in agreement with the views reached and is of the view that the level of harm apportioned is incorrect. In the main, it is his view the harm would be more significant than the documents suggest and that this is borne out by the visual montages submitted .

Furthermore Historic England are also concerned that the two blocks will be in direct competition to the more mannered and polite form and scale of the traditional buildings that primarily characterise this part of the City and will impinge upon views out towards the green setting of the City, in particular, when viewed from the roads in close vicinity of the site. They conclude with a wish to see major reductions to the overall height and scale of the development.

The submitted LVIA montages illustrate that the building is visible from elevated viewpoints and has an impact on views of the World Heritage Site from the hillsides. The southern, eastern and western frontages of the site are considered to be the most sensitive as they are at the boundary between BWR and the lower scale and finer grained more suburban environments to the south, west and east and project BWR's scale south.

The use of full height facades with flat roofs, rather than top floor set-backs with mansard roofs, exacerbates the visual impact. There are also significant concerns that in elevated views, due to the narrow nature of the dividing pedestrian corridor, coupled with the sheer size and bulk of the buildings, they merge and are read as one single building.

In shorter distance views the montages demonstrate that the existing views to the green hillsides around the City over and through the site, that comprise an important part of the OUV of the World Heritage Site would be adversely and permanently affected. Furthermore in shorter range views they also demonstrate that the buildings will dominate and overshadow the street scene and would be viewed as one extremely long building.

The site is not within the Bath Conservation Area which is located to the north and south of the site but it is within its setting. Historic England have raised concerns that the full impact of the scheme on views and visual connectivity between the northern and southern parts of the City Wide Conservation Area is not fully understood based on the information submitted. Both the Conservation Officer and Urban Designer have raised similar concerns.

The Local Planning Authority, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, has a duty to ensure that developments will preserve or enhance the character of the Conservation Area. In this case, in light of the height of the proposed buildings and their relative location within the setting of the Bath Conservation Area it is considered that the development neither preserves or enhances the setting of the Conservation Area and is therefore unacceptable.

With regard to the design and layout of the buildings, the Urban Designer has raised concerns about many different aspects of the scheme which are summarised in his comments above. There is a particular concern that the overall design of the buildings fails to reflect the character of the surrounding area or the local context. The buildings have very flat uniform elevations which, given their significant height and length only serves to exacerbate the excessive massing of the development. The solid to void ratio on the elevations is also not reflective of the area and the setting back of the buildings off Lower Bristol Road does not create a continuation of the strong Lower Bristol Road line. Finally it is considered that the development has a poor relationship with the street, having a lack of activity at ground floor level and a central pedestrian corridor that, as it is bound by 7 storeys of development, would create a poor quality street environment, compounded by the fact that it also forms the service access for delivery vehicles.

Finally, consideration must be given to whether the proposed development, particularly the education campus building, would address the previous reason for refusal ref: 14/02619/FUL on grounds of height and materials.

The previously proposed building on Pinesgate East was 21.5m high at its highest, dropping down to 20.5m along Pinesway and 18m in height along Lower Bristol Road.

The proposed education campus building (which is located on Pinesgate East) would be, mainly at a height of 21.4m high dropping down to 16m on Pinesway and 23.4m high dropping down to 17.8m along Lower Bristol Road.

In comparison along Pinesway the building is a similar height at its highest and 2m taller at its lowest. Along Lower Bristol Road it would be in excess of 5m taller at its highest and a similar height at its lowest.

It is therefore clear that the building is actually taller than the refused scheme in many places, significantly taller in some, and similar in height in others. In order to address the previous reason for refusal it would have been expected that a building of overall lower height would have been proposed.

With regard to materials, previously this was proposed to be lime rendered brickwork. The scheme now proposes a mixture of pre-cast concrete and Bath stone on both buildings. This is broadly in conformity with BWR guidance and is considered to be acceptable subject to conditions requiring provision of sample panels etc.

In light of this it is considered that, whilst the concerns about materials have been addressed, the proposed development does not address the previous reason for refusal of application ref: 14/02619/FUL by reason of its height and therefore remains unacceptable.

In addition, considered the development as a whole, it would, for the reasons explained above have an unacceptable detrimental impact on the character and appearance of the area and the Outstanding Universal Value of the World Heritage Site .

IMPACT ON THE LISTED BUILDINGS:

As explained within the Conservation Officers comments, St James Cemetery is a typical example incorporating a prominent gated entrance flanked by a lodge. The Cemetery includes a number of listed buildings; the entrance gateway, lodge and northern boundary wall are all grade II listed as are the mortuary chapels in the centre of the cemetery. Furthermore it is considered that the entire cemetery, encompassing all the listed structures, should also be regarded as a non-designated heritage asset and therefore a material consideration in the determination of the planning application.

Although originally located towards the edge of the city, St James Cemetery always had a clear and strong physical proximity to the built up area. Indeed the Railway Goods Yard was built only a few years later. For almost all its life the cemetery has had semi commercial/industrial context and therefore has a historic relationship with the surrounding townscape.

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that Local Planning Authorities, in deciding whether to grant listed building consent and/or planning permission, shall have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic character which it possesses and shall also have special regard to the desirability of preserving the building or its setting.

Currently the elongated oval Pinesgate Site is occupied by a pair of two storey office buildings approximately 10 metres in height. The existing buildings, due to their design and use of materials cannot be considered to make a positive contribution to the setting of St James Cemetery.

Nevertheless their impact is tempered by the significant degree of physical separation between them and the open space between the existing buildings provides a sense of relief and visual permeability across the site towards the entrance gates to the cemetery and beyond to the chapels. Overall it is considered that the existing buildings fit quite comfortably with the ambient building heights in the immediate area.

The proposed redevelopment would be of considerably greater magnitude than the existing Pinesgate buildings. Whilst efforts have been made to articulate the design to minimize the scale this would do little to mitigate the overall height which would be in the order of 20 metres facing the Cemetery, a significant increase over the existing. Unlike the existing unequivocal gap between the buildings, the space offered in the new development at circa 13 metres wide, would appear as no more than a narrow corridor. Indeed from some viewpoints the space would not be legible.

Having considered the information submitted the Conservation Officer has concluded that the harm to the designated and non-designated heritage assets would be less than substantial for the reason that the addition of several storeys of height across a much greater area of the site would, in comparison with the existing situation, further erode the setting of St James Cemetery and the contribution this makes to its significance. The proposed buildings would be much larger and more intrusive than any of the existing commercial structures in the vicinity. Furthermore the verified visual montages indicate that the development would have an overwhelming and dominating physical presence which would intrude on the cemetery as an area of peaceful contemplation and remembrance.

Paragraph 134 of the NPPF requires that, where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Furthermore para 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that, in this case, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset .

It has already been established above that there would also be harm to the setting of the Bath Conservation Area and the World Heritage Site, both of which are designated heritage assets and therefore this harm also needs to be weighed against the public benefits of the proposed development.

In this case the public benefits of the proposal are considered to principally arise from the economic benefit that the development would bring to the City, particularly with regard to the Office development, and the regeneration of the Pinesgate site. In this regard the benefits, as already outlined at the start of this report, are acknowledged to be significant but nevertheless are not considered to outweigh the harm to either the designated or non-designated heritage asset s .

This is particularly so in this case as it is not the simple case that the harm is unavoidable as it still remains the case that the level of harm could be significantly improved through improvements to the overall height and scale of the development whilst having a relatively small impact on the overall public benefit.

Overall it is considered that the proposed development would have a harmful impact on the setting of the designated and non-designated heritage asset, which is not considered to be outweighed by the public benefits and is therefore contrary to the policies in the Local Plan and the NPPF.

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. These trees, a semi-mature row of Limes growing along the north of the site, are developing well and, given the space, have the potential to become significant trees providing multiple benefits.

Unfortunately the proposed development only provides limited planting space for replacement trees and is more uniform and regimented in appearance than existing with no planting on the north side proposed. This has raised concerns with the Arboricultural Officer who is of the view that the overall result is a net loss of trees and the multiple functions which trees provide, particularly within the urban environment, has been overlooked.

Similar concerns are also raised by the Landscape Officer who is of the view that the development provides minimal green space which would help to soften the development and help to link it to the surrounding area and give it more of a human scale. Whilst the provision of some trees and green space is welcomed, they are squeezed to the edge of the development which limits its effectiveness in relation to the bulk, massing and height of the proposed development.

Whilst the Ecologist is largely happy with the proposal and the submitted information she has also expressed concern that the scheme offers no improvement to the lack of greenery, habitat connectivity and green infrastructure in this location. This represents a missed opportunity as the redevelopment could offer significant potential to strengthen green infrastructure and also enhance the appearance, overall environmental quality, and biodiversity value for this area where it is currently sparse.

Although the Ecologist does not raise an objection, subject to conditions, the above concerns have led to an objection by the Arboricultural Officer and a view that the scheme is unacceptable in its current format by the Landscape Officer. These concerns are considered to amount to an objection to the scheme and a reason for refusal is included in this regard.

IMPACT ON RESIDENTIAL AMENITY:

The site is not in close proximity to any residential dwellings and therefore would not have a detrimental impact on the residential amenity of any neighbouring occupiers.

The proposed development would provide residential accommodation to students who, due to the proximity of the student accommodation to the surrounding roads, would be impacted significantly by noise from road traffic.

As a result it is proposed to include appropriate sound insulation into the building envelope which, although this will be dependent upon the provision of mechanical ventilation within the residential and teaching accommodation, can be secured by condition.

PLANNING OFFICER ASSESSMENT OF HIGHWAY ISSUES:

The previously refused application for an office building on Pinesgate East (14/2619/FUL) identified the need for various improvements to be made to the surrounding highway network concluding with a 'package' of required transport measures being agreed with Highways. This point is acknowledged within the submitted Transport Assessment.

However the development as now proposed would have a considerably greater impact than that previously considered in 14/02619/FUL, not least the expected increase in footfall locally with the two-way person trips expected to rise from circa 1,500 to 4,600 over a weekday 7:00am-7:00pm period.

As a result the following comments take into account the issues previously agreed as part of the refused planning application but also include an assessment of the new issues that this expanded development raises.

Proposed Parking

The proposed development would provide a total of 125 on-site parking spaces, all located at basement level, 79 spaces for the use of the Office building and 37 spaces for the education campus building.

The office provision is considered to be acceptable.

However, turning to the education campus, the proposed provision of 37 spaces is considerably lower than the maximum parking standard 114 spaces, as noted in the Transport Assessment.

Nevertheless the arguments put forward for a lower level of parking provision have been accepted by the Highways Development Officer and he is satisfied that the levels proposed would adequately serve the operational requirements of this type of use .

Notwithstanding the above, the potential shortfall in basement parking provision for academic staff will be likely to lead to parking pressures, with free parking on nearby residential streets likely to be a prime target .

In the event that permission were to be granted it would be considered necessary for a scheme for monitoring the effects of this development on neighbouring residential areas not covered by a Residents Parking Zone (RPZ) to form an obligation within a S106 legal agreement. (we refused it)

Finally, it has been stated that the operator of the education campus has no need for all 37 spaces and therefore propose to offer the surplus parking spaces to third parties on a leasehold basis. It has also been stated that preference would be given to staff within the college.

Although it is stated that there is no intention whatsoever for the car park to become a 'public' car park there are significant concerns about allowing car parking spaces, which are otherwise required to make a development acceptable, to be offered to drivers unconnected with the development.

It has already been identified above that the development is likely to lead to additional parking pressures on the surrounding residential streets, and the leasing of some of those limited parking spaces would only serve to exacerbate this issue. The fact that preference would be given to existing staff in the granting of leases also implies that staff parking is in any case necessary.

At the very least any spaces should be offered to the existing office development in the first instance but any excess over and above this should not be made available to third parties not connected with the use or occupation of the buildings.

Cycle Parking

The Office building would provide calculated 74 cycle spaces which in excess of the 52 spaces required by Policy T.26 of the Local Plan and is considered acceptable.

The education campus building however will provide of 30 cycle spaces which is significantly lower than the minimum standards of 93 stands required for the 650 students on site.

The Applicant has argued that this is in line with the proposed operator's requirements and that most students will not have access to a bike. However given that, as accepted, most of the students attending will not have a car, it will be doubly important, in the aims of sustainability, to require that cycle parking provision meets the necessary standards.

Furthermore it must again be borne in mind that, whilst the operating model of Kaplan only requires a low level of cycle parking, were the development to be occupied by another education provider, such as one of the local Universities, it is very likely that the higher levels of cycle parking would be essential.

The level of shower/locker provision for the college is also well below the provision made for the office building. Only two shower stalls are shown, without separate changing for males and females. In contrast, the office provision shows a total of 10 showers split between male and female facilities.

Access to the basement car park for cyclists would, in the main be via the main vehicular access ramp. With regard to the student building, the plans also show that separate pedestrian access to the cycle facilities at the college is available at lower ground floor level. This should be open and available to college users, without recourse to these cyclists having to obtain access via the vehicle ramp and car park and could be covered by condition.

Traffic Generation and Wider Parking Demand

It is accepted that the additional traffic generated 'locally' at the Pines Way gyratory and its immediate junctions will be little different to that expected with the existing case with both existing office buildings occupied.

Nevertheless, the wider network effect will inevitably be greater in that the office development alone can be expected to create a much larger overall vehicle generation and demand for parking in either existing public off-street car parks or on-street.

The supporting information recognises that increased on-street parking on surrounding residential streets is a risk where existing controls are not in place. It is also accepted by Officers that the Bath Transport Strategy will need to provide the sustainable travel choices to assist in meeting travel demand in the longer term.

However, it is equally important to ensure that the shorter term impacts of this development are identified and as such the requirement for a scheme for monitoring the effects of this development on neighbouring residential areas not covered by a RPZ, as part of a S106 is reinforced were permission to be recommended.

Closure of the Gyratory and Basement Car Park Access

The closure of the south eastern arm of the Pinesway Gyratory has been a long held vision for the area and as a result the application has included information to show that this proposed development would not prejudice its future closure.

In light of this the development has been considered both in relation to the existing road layout but also in respect of a revised layout should the gyratory be closed in the future. The layout of the buildings on the site, with them being set back from Lower Bristol Road, is partly to accommodate the future widening of the road necessary.

Overall it is considered that the scheme does not prejudice the future closure although the proposed access to the basement car park, by way of a ramped entry/exit onto Lower Bristol Road, to the east of the central courtyard area between the two buildings is an area where concerns have been raised.

Whilst the car park access is considered acceptable based on the present road layout, the Highways Development Officer is of the view that, were the gyratory to be closed, the location of the access would then become harmful to highway safety.

In particular the Officer is concerned that turning right out of the access would be particularly hazardous, and would also potentially prevent opportunities for providing a replacement eastbound bus stop in this location.

Whilst further information has been submitted in an attempt to address these concerns the concerns nevertheless remain.

Although it is appreciated that the closure of the gyratory has formed part of the vision for redevelopment of Bath Western Riverside, the Draft Placemaking Plan, identifies in Policy SB7 that 'the gyratory is an important part of the highway network and its existing vehicular capacity will need to be maintained'. Although this document has limited weight it

acknowledges that the closure of the gyratory is not feasible and therefore is not something that is being sought for the future.

In light of this it is considered that the concerns of the Highways Development Officer can only be given limited weight and that a reason for refusal regarding the design of the basement access cannot be justified.

Servicing Access

The route between the two buildings has been proposed as having a dual purpose of pedestrian thoroughfare and service access. The principle of this was established and agreed as part of the previous application (14/2619/FUL) albeit this application was refused on other grounds.

However, the servicing for the educational premises will be much greater than that for the offices given the requirements for the refectory, accommodation cleaning and maintenance etc. which could result in the central access area being much busier than that previously envisaged. This could undermine the nature of this area as a pedestrian friendly place. As such these concerns will need to be addressed through a Service Access Management Plan.

There are remaining concerns regarding the length of the pull in on Lower Bristol Road but the Highways Development Officer has not raised an objection on this basis.

Pedestrian/Cyclist Access

Due to the proposed uses within the development it is likely that footfall within the vicinity of the site and use of the existing crossing points will be significantly increased.

In this instance the 'package' of works agreed previously as part of the refused planning permission Ref: 14/2619/FUL remains necessary to ensure that the development is acceptable in highway safety terms. A summary of these works are as follows:

- Signalisation of the Pines Way/Ivo Peters Road junction, a new signal-controlled Toucan pedestrian/cycle crossings and the enlargement of the existing triangular traffic island on the north side of the junction
- Improvements to existing signalled crossings around gyratory to include Puffin to Toucan crossing conversion, equipment upgrades, crossing widths upgraded to 3.0m minimum.
- The provision of a minimum 3.0m wide shared footway/cycleway around the perimeter of the Pinesgate site.
- Upgrading the existing footways around the gyratory to facilitate shared use footway/cycleways and linkages to existing routes.
- Traffic management requirements for the above including TROs etc.

The above package was agreed on the basis of the previously proposed office use, however as an education campus is now also proposed, with a significant level of students living off site, wider consideration now needs to be given to improvements to walking and cycling infrastructure in the wider vicinity of the site to cater for movements from different directions.

The education campus is considered more likely to generate very high demand for additional pedestrian movement from the predominantly residential area to the south. Improvements are therefore now considered necessary at the Brougham Hayes/Lower Bristol Road junction to include upgrading of signal equipment, widening of crossings along with improvements to ease pedestrian movement across the eastern A36 arm of the junction where no controlled crossing facilities currently exist.

Finally improvements are also considered necessary including lane lining changes between the A36 Lower Bristol Road (West) and Ivo Peters Road entries along with a peripheral 'on-carriageway' cycle lane along the circulating section between the A36 eastbound entry and the Ivo Peters Road exit has been requested by Highways although the feasibility and impact of this still needs to be examined.

Whilst mentioning the previously agreed improvements, the Transport Assessment makes no commitment to delivering any of them as mitigation works associated with the development. The reasoning behind this, given in paragraph 9.1.12 to the Transport Statement (item xv.), states that "An interim highway improvement, which includes the signalisation of the Ivo Peters Road arm of the gyratory and inclusion of pedestrian and cycle crossing facilities, could be provided by the development. However, given the Council's stated desire to remove the gyratory, it is suggested that the funds for this improvement be made available to the Council to assist with funding the closure. Should the closure not come forward for any reason, then the interim improvement could be provided".

The point is accepted but it is considered unlikely that a closure scheme would be implemented in the next five years, so there would be a danger of s106 funding lapsing if it was elected to 'hold' on potentially abortive works to provide an interim scheme. As such, the preference would be to secure the works described above through a s106 Agreement.

Public Transport

The scale of the development will place a significant extra demand on peak hour public transport in the area and it is considered that improvements and contributions should therefore be secured as part of a S106 agreement.

Frequent services from Twerton and Southdown (Services 5 and 10) do stop on Pines Way, but there are limited links to residential areas in Weston (hourly Service 20) and no links to the Newbridge Road area.

There is some commonality between this scheme and the Bath Western Riverside Development, in that when the access is developed through to BWR via the Destructor Bridge, there is a proposal for Service 1 (half hourly) to re-route through BWR, coming out at Pines Way. This would provide the Newbridge linkage, but it is considered that the frequency of service would be inadequate to cope with the increased peak demand expected. At least one additional vehicle will be required and, in view of this, it is considered that a contribution would be needed to support a higher frequency Service 1.

Improvements are also required to bus stops in the immediate vicinity of Pines Way; specifically to install Real Time Information (RTI) displays where presently absent at stops.

SUSTAINABILITY AND RENEWABLE ENERGY:

The application site falls within an identified district heating priority area and under Core Strategy policy CP4 there is a requirement for the scheme to incorporate infrastructure for District Heating, and to connect to an existing system (where and when this is available), unless it has been demonstrated that this would render the scheme unviable.

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:

- Combined Heat and Power (CHP) system
- Passive solar design principles
- 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

With particular regard to District Heating, the application has included information to show that connection to the existing district heating network is not possible at this time. However it is proposed that both buildings would incorporate the necessary pipework to allow connection to a district heating network at a later date which is considered to be acceptable although further comments are awaited from the Sustainability Officer.

CONCLUSION:

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 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. Furthermore the office development would also comply with the Draft Placemaking Plan Policy SB7, which although having limited weight, seeks the provision of 14,000 sqm of office space within the Sydenham Park area.

The proposed development would provide a net increase of approx. 5,471 sqm of this target, provided that the office element were developed which equates to approx. 13% of the plan periods net requirement for office space under Policy B2 of the Core Strategy and

39% of the 14,000 sqm GIA office space under Policy SB7 of the Draft Placemaking Plan. If the office development was not implemented there would be a net loss of employment space at the site.

The proposed development therefore represents a qualitative improvement to the office space on offer within Bath which is considered to be of benefit to the city's economy as well as an opportunity for employment provision and business creation provided that the office is delivered.

In policy terms, the provision of an education campus within the central area is not identified as a requirement within Policy B2 and is somewhat discouraged by Policy B5. As a result a careful assessment has been necessary to ensure that the proposal would not adversely affect the delivery of the aims of the Core Strategy. This has concluded that it would not and therefore a purpose built educational campus is acceptable on land use terms.

It should however be noted that the operating model of the proposed occupier, Kaplan International, is that the language students, if they are not housed within the on site student accommodation, will in the main, live with homestay families within Bath. It must therefore be borne in mind that the building could be occupied by another education provider, such as a University, operating on a different, more conventional British University model.

Were this to be the case it should be acknowledged that the 292 students not accommodated on site could potentially look to the existing family housing stock for accommodation leading to an increase in HMO's in the surrounding areas.

In terms of job creation, if the office was fully occupied it could provide office floor space for 866 jobs. When the loss of the existing office floorspace is considered, the net increase would be in the region of 371 jobs which is a material consideration. The education campus would then create in the region of 140 full and part time jobs, giving a total of around 510 full and part time jobs .

Turning to the design of the development, a previous scheme for an office development on Pinesgate East was refused by Development Management Committee on grounds of excessive height and unacceptable materials. This is an important material consideration and the proposal therefore needs to demonstrate that the reason for refusal has been overcome.

In this respect the scheme has undergone an extensive period of pre-application discussion which has achieved some improvements to the scheme. However, the development as submitted has still attracted a number of significant concerns and objections from the Conservation Officer, Landscape Officer, Urban Design Officer and Historic England Heritage along with other local representations including Bath Preservation Trust and Bath Heritage Watchdog.

The height and massing of the development remains the most significant area of concern and there are many areas within the development where the height is considered to be in excess of the BWR SPD and BBHS guidance, 2 storeys too tall in places, and is

particularly the case with respect of the areas of the development where 7 storeys are proposed (or equivalent height).

The accompanying LVIA includes montages illustrate that the building is visible from elevated viewpoints and would have a detrimental impact on views of the World Heritage Site from the hillsides. The use of full height facades with flat roofs, rather than top floor set-backs with mansard roofs, exacerbates the visual impact. There are also significant concerns that in elevated views, due to the narrow nature of the dividing pedestrian corridor, coupled with the sheer size and bulk of the buildings, they merge and are read as one single building. Views from street level to the hillsides surrounding would also be lost as a result of the development and the buildings would dominate and overshadow the street scene, being viewed as one extremely long building.

Although it is acknowledged that the site is within the BWR area where a high level of development is planned for the future and is likely to undergo significant redevelopment in the coming years, the above concerns remain.

In consideration of whether the proposed development, particularly the education campus building, would address the previous reason for refusal ref: 14/02619/FUL on grounds of height and materials, a comparison has been made between the two buildings which concludes that, along Pinesway, the building is a similar height. Along Lower Bristol Road it would be in excess of 5m taller at its highest and a similar height at its lowest.

The building is actually significantly taller than the refused scheme in many places, and a similar in height in others. In order to address the previous reason for refusal a building of overall lower height would have needed to have been proposed.

With regard to materials, previously this was proposed to be lime rendered brickwork. The scheme now proposes a mixture of pre-cast concrete and Bath stone on both buildings. This is broadly in conformity with BWR guidance and is considered to be acceptable subject to conditions requiring provision of sample panels etc.

In light of the above, whilst the concerns about materials have been addressed, the previous reason for refusal of application ref: 14/02619/FUL by reason of its height and has not been addressed and the development therefore remains unacceptable.

The development would have an unacceptable detrimental impact on the character and appearance of the area and the Outstanding Universal Values of the World Heritage Site. It is also considered that the development would have a harmful impact on the setting of the Bath Conservation Area.

The site is in close proximity to St James' Cemetery which contains a number of Grade II listed building and is also considered, as a whole, to be a non-designated heritage asset. The impact of the development on these designated and non-designated heritage assets have been carefully considered and it is concluded that the proposed development would have a harmful impact on their setting. When this harm, and the harm to the setting of the Bath Conservation Area as well as the World Heritage Site is balanced against the public benefits of the scheme it is concluded that it is not outweighed by those benefits .

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.

With regard to highway safety, the proposed development has been found generally to be acceptable subject to the agreement of a package of improvements and contributions secured by S106 legal agreement along with condition.

However this is with the exception of the level of cycle parking proposed within the education campus area of the basement car park. The level provided (30 cycles) is considered to be significantly below the standards required for the building capacity of 650 students (90 cycles). Whilst it is acknowledged that the operating model of the intended occupier does not envisage students using bikes, care has to be taken that sufficient capacity for bike storage is provided for the proposed use, which in this case is much higher. This is considered to be unacceptable and forms reason for refusal.

The Highways Development Officer has also raised concerns that, in the event that the Pinesway Gyratory is closed in the future, the proposed basement access would become hazardous to highway safety. Whilst the closure of the gyratory has been a long held aspiration for this area it would appear that it is no longer feasible in capacity terms and will need to be retained. This is confirmed within Policy SB7 of the Draft Placemaking Plan which, although having limited weight, acknowledges the retention of the gyratory. In light of this the concerns of the Highways Development Officer have to be given limited weight and a reason for refusal on these grounds is not justified.

Overall the previous reason for refusal of re14/02619/FUL, with respect to height, is not considered to have been overcome. Furthermore, when the development is then considered as a whole, there are significant outstanding concerns with regard to the development principally in relation to its siting, height, massing and appearance and the impact this would have on the street scene and Outstanding Universal Values of the World Heritage Site. However these concerns do 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 410 jobs.

In considering this balance it is considered that the economic benefits of the scheme do not outweigh the harm identified or overcome the previous reason for refusal with regard to the height of the development. The proposal is therefore considered to be unacceptable.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, by reason of its overall design, siting, height, mass and appearance, would have a significant and harmful impact on the Outstanding Universal Values of the World Heritage Site, the setting of the Bath Conservation Area, the street

scene and surrounding area. The proposed development would also have a harmful impact on the setting of the designated and non-designated heritage assets of St James' Cemetery, and whilst this impact is less than substantial, it would not be outweighed by the public benefits. This is contrary to the Bath Western Riverside Supplementary Planning Document, Policy BH.2, BH.6, D.2 and D.4 of the Bath & North East Somerset Local Plan, adopted October 2007, Policy B4 and CP6 of the Bath & North East Somerset Core Strategy, adopted July 2015 as well as the policies in the National Planning Policy Framework.

2 The proposed development, by reason of its siting and layout, provides limited planting space for replacement trees and would therefore result in net loss of trees which would be harmful to the appearance of the site contrary to Policy CP7 of the Bath & North East Somerset Core Strategy, adopted July 2015 and Policy NE.4 of the Bath & North East Somerset Local Plan, adopted October 2007.

3 The proposed development, by reason of the inadequate level of cycle parking for the education campus building, is considered to be contrary to Policy T.6 of the Bath & North East Somerset Council Local Plan, adopted October 2007.

PLANS LIST:

1 PLANS LIST:

1669-3/P/001, 1669-3/P/002, 1669-3/P/011, 1669-3/P/020, 1669-3/P/021, 1669-3/P/030, 1669-3/P/031, 1669-3/P/040, 1669-3/P/041, 1669-3/P/042, 1669-3/P/043, 1669-3/P/050, 1669-3/P/051, 1669-3/P/052, 1669-3/P/053, 1669-3/P/080, 1669-3/P/081, 1669-3/P/090, 1669-3/P/091, 1669-3/P/100, 1669-3/P/101, 1669-3/P/102, 1669-3/P/103, 1669-3/P/104, 1669-3/P/105, 1669-3/P/106, 1669-3/P/107, 1669-3/P/108, 1669-3/P/200, 1669-3/P/201, 1669-3/P/202, 1669-3/P/203, 1669-3/P/204, 1669-3/P/205, 1669-3/P/206, 1669-3/P/300, 1669-3/P/301, 1669-3/P/302, 1669-, /P/321, 1669-3/P/322, 1669-3/P/323, 1669-3/P/324, 1669-3/P/325, 1669-3/P/326, 1669-3/P/327, 1669-3/P/328, 1669-3/P/401, 1669-3/P/402, 1669-3/P/421, 1669-, /P/422, 1669-3/P/423, 1669-3/P/424, 1669-3/P/425, 1669-3/P/426, 1669-3/P/427, 1669-3/P/428

2 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. 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.

	infrastructure. Proposals altering previous site wide planning approval 13/01780/EOUT as approved on 19th February 2014.
Constraints:	Agric Land Class 3b,4,5, British Waterways Major and EIA, Coal - Standing Advice Area, Forest of Avon, Listed Building, Provisional Tree Preservation Order, SSSI - Impact Risk Zones,
Applicant:	St. Monica Trust
Expiry Date:	8th March 2016
Case Officer:	Gwilym Jones

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE

Councillor Simmons has requested that the application is reported to the Development Management Committee on the grounds that the proposals are a departure from the Core Strategy and changes significantly the employment policy for the site.

DESCRIPTION OF SITE, PLANNING HISTORY AND APPLICATION

This application relates to part of the site of the former Cadbury factory and associated land and facilities ('Somerdale'), located to the north of Keynsham. Specifically the application relates to the three remaining former factory buildings (referred to as 'A', 'B' and 'C') plus adjacent land. Access to the application site is via the existing road from the junction of Station Road and Chandos Road and new internal site roads that will be laid out as part of the current development of the wider site.

13/01780/EOUT - planning permission was granted in February 2014 (subject to conditions and s.106 agreement) for the comprehensive development of the Somerdale site. The planning permission is for a mix of uses including up to 700 homes; up to 11,150m² of B1 space; a local centre to include crèche and medical facility, and retail; cafe/restaurant; Care Home; new Fry Club and associated sports pitches; 1-form entry Primary School. In addition, there are a range of landscaping works and off-site highways works. Taylor Wimpey are the lead developers and have commenced Phase 1 of development of the site. Reserved Matters for Phase 2 of the development comprising housing located around the former factory buildings were approved in December 2015 (15/01661/ERES). An application for Reserved Matters for the new Primary School (15/05521/ERES) has been submitted but has not yet been determined.

14/05811/EFUL - planning permission granted in April 2015 for the partial demolition, change of use and extension of former factory Building B to a 105 bed Care Home with 30 Extra Care flats (Class C2), and partial demolition, extension and use of Block C for employment use (B1) with basement and surface parking, access roads, landscaping and associated infrastructure. In addition, permission was granted for the erection of 30 dwellings on the site of a Care Home approved under 13/01780/EOUT.

The former factory buildings are large red brick buildings located at the centre of the Somerdale site. Building A is the original main factory building, four storeys in height with distinctive brick stair towers with 'lanterns' on its eastern elevation. The northern part of the building included a fifth storey which has recently been demolished. Buildings B and C are five storeys in height and wider than A. They are of a similar overall appearance albeit of a simpler design. The buildings are not listed however they are significant local landmarks and on completion of the wider development will be the last remaining built

record of Cadburys use of the site and are undesignated heritage assets. There is a Grade II listed well between buildings B and C and within the open space to the west of the factory buildings (The Hams) there are significant archaeological remains of a Roman town (Trajectus).

The Hams is within Flood Zone 3 with the remainder of the site generally in Zone 1 or 2. The Avon river corridor which forms the outer boundary of the wider Somerdale site is designated a Site of Nature Conservation Importance (SNCI) and several trees on the site are the subject of a Tree Preservation Order including the two rows of mature horse chestnut trees lining the main site access road.

St Monica Trust (the current applicant) have purchased the three former factory buildings and propose to extend and convert the buildings for a mix of uses. The application comprises:

Partial demolition, change of use and extensions to Building A and B to create a care village consisting of a 98 Extra Care flats (Building A), 93 bed Care Home and 30 Extra Care flats (Building B) including communal facilities in existing buildings and extensions.

Partial demolition, change of use and extensions to Building C to provide B1 office space on part of the ground floor and upper floors, and a GP Surgery/Medical Centre and A1 retail (pharmacy) on part of the ground floor. Associated basement and surface car parking, cycle parking, and associated infrastructure and landscaping.

The application is supported by a range of documents including a Design and Access Statement, Statement of Community Involvement, Environmental Statement Addendum, Transport Assessment, Employment and Economic Statement, Drainage Strategy, Waste Management Strategy and Car Parking Strategy.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The comments below relate to the application as originally submitted. Amendments have since been made to the application principally to increase B1 floorspace (+916m²), reduce D1 floorspace (-97m²) and A1 floorspace (-397m²), increase the size of the Care Home (+3 beds), remove part second floor extension to Building A (-8 Extra Care flats), remove second floor extension to Building B (-15 Extra care Flats). The location of the Grade II listed Roman well has been established and protected pending further investigation. Clarification has been provided on the parking allocations by use.

Economic Development and Regeneration - Object. Although Keynsham enjoys a strategic location between Bristol and Bath its Green Belt location has meant that there have been few opportunities for new commercial development. This combined with the closure of the Cadbury factory and the associated impacts on local business have had a negative impact on the local economy. Monitoring undertaken as part of the 2013 Economic Strategy Review has shown that since 2008 workplace employment had reduced by over 11%, full-time employment had reduced by 20%, employment in the B&NES priority sectors had reduced by more than 5% compared with growth in all other parts of the area, the number of businesses in Keynsham had reduced by over 5%, the overall value of the Keynsham economy had fallen by 9%. Somerdale has a critical role to play in promoting positive economic growth for the local Keynsham economy and delivering the 7,200m² uplift in office floorspace and higher value-added jobs growth

objectives set out in the Core Strategy. It also has the potential, more so than the town centre, to attract investment from the wider West of England sub-region given its transport links and location next to Keynsham station, the quality of its edge of centre location, the opportunity to provide dedicated car parking for office occupiers. To date in relation to office floorspace in the town we have seen a net increase of 4600m² at The Centre and are facing a likely loss of 7,700m² of office space through the change of use of the Riverside offices to residential. This equates to a net loss of 3100m², leaving an overall requirement for a further 10,300m² of office floorspace. The redevelopment of the Fire Station site in the town centre may offer some additional office but this is by no means certain. It is therefore vital that the Somerdale site addresses the current shortfall. The current application reduces the total to 7,500m² and compromises the ability to achieve the strategic ambitions for the town set out in policy KE1 and KE2. The balance of the new employment to be created on the Somerdale site also changes with a move away from the higher value added B jobs envisaged in the Core Strategy, to a greater number of retail and health sector jobs. The B1 employment element reduces from 84% to 67% and the care related employment increases to 23%. Targeted Recruitment & Training provisions have now been included in the adopted B&NES Planning Obligations Supplementary Planning Document. The application proposal includes a significantly higher proportion of non-residential development and it is therefore appropriate to apply the SPD provisions to the non-residential floorspace. A financial contribution of £29,150 is identified. The developer will need to provide a method statement that will outline the delivery of the TR&T target outcomes and participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership. Existing s.106 relating to employment end uses, a trigger for the delivery of the office space to shell and core standard, prior to the occupation of Blocks A and B and a provision requiring a financial contribution towards the cost of providing replacement office accommodation at an agreed off-site location in the event of any reduction in the overall amount of office floorspace provided as a result of this or any future planning application should be retained.

Urban Design - Not acceptable in original submission format. The three existing factory buildings are highly visible landmarks across the Green Belt and from a number of public viewpoints including the railway and River Avon path. They also form the focal element within the factory landscape. They are locally important heritage assets. Their retention, restoration of the exterior and re-use of the three building is positive and there are no in-principle issues with the proposed demolition of out-buildings and link blocks, the addition of lower floor elements, alterations to floor levels or replacement of windows. It is suggested the palette of materials is subject to condition or approved after submission of materials as they will be key to maintaining the industrial character and matching and complimenting the existing structure. There is concern about the amount of additional accommodation proposed above the existing parapets. The LVIA identifies the roofline mass of the buildings (and in particular Block A) are punctuated by lift and stair towers and smaller elements of "penthouse" accommodation. These break down the skyline massing and create minor focal points. Whilst it is appreciated the proposed top floors will be recessed and of a zinc faced material, their massing envelopes these pinnacles. This loses the original architectural intent and character. Whilst some additional accommodation above existing parapet may well be achievable, I consider this would need to maintain the primacy of the existing mass and retain the "broken" roofline and focal role of the tower elements. Whilst a minor point, the perimeter footway that passes along the east side of Block A, is crossed by a very significant bank of parking, reducing

its safety and removing any possibility of a kerb edge. This should be placed between the gardens and off-street parking bays. It is difficult to read how pedestrians from the development will link to the riverside and cross local roads to access the town. It is suggested defined crossing points should be identified at key junctions.

Archaeology - concerned that the Grade II listed Roman well preserved below former factory area does not appear to have been identified within this application, or any appropriated mitigation proposed. Recommend application is not determined until this issue has been properly addressed, with revised information/drawings provided by the applicant. In regard to the wider factory area, test pit and bore holes survey results suggest that this part of the Somerdale site was heavily disturbed during construction of the various factory buildings and the railway goods yard to the north. The area is therefore thought to be of generally low archaeological potential. However, there is still the possibility that isolated pockets of intact archaeological deposits could survive between the former factory buildings. Assuming appropriate protection of the Roman well can be agreed with the applicant recommend that the watching brief condition is attached to any planning consent.

Highways - Given the principle of development on this site has been accepted the Highway Authority is only concerned with the potential impacts of traffic flow changes, the site parking provision, site layout and the continued adequacy of the Section 106 agreement. The application is supported by a Transport Statement and the trip rates used within the assessment have been previously agreed by the highway authority. This analysis demonstrates that there is unlikely to be a significant change in the total number of vehicle movements generated within each of the peak hours, and it is likely that there will be a slight reduction in the number of vehicles to and from the site. A "Car Parking Strategy" document has been submitted to consider the potential impact of the land use changes on the parking availability. The application is proposing that the parking for the B1 and Care Home element will be managed to ensure that spaces are shared between the different users. This approach is supported, however, due to the increasing complexity of the land uses proposed it is now requested that further information should be provided. A parking accumulation calculation is needed to determine how the parking area could accommodate peak demands generated by each land use. It is requested that this information is prepared before any permission is granted, and the information should also demonstrate which parking areas will be available to visitors to each land use and staff members. The proposal promotes a significant parking under provision (as compared to the adopted standard) for the GP surgery, and it is requested that further details of the proposed staffing levels are provided so that the possible parking demands can be further evaluated. Given the limited impact of the proposed changes to the approved development, it is agreed that the highway and transport elements of the previously agreed Section 106 agreement would continue to be acceptable.

Avon and Somerset Police Crime Prevention Design Advisor - No objection. The basement car parking should comply with the principles of Secured by Design and make recommendations on detailed layout and security provisions including lighting and CCTV.

Keynsham Town Council - support with a condition that the employment provision previously approved, as part of the existing outline planning application (submitted by Taylor Wimpey), should form part of any permission if this application should be granted.

Environment Agency - comments awaited.
Transportation and Highways (Drainage) - comments awaited.
Scientific Officer Contaminated Land - comments awaited.
Housing - comments awaited.
Ecology - comments awaited.

Public Responses

6 responses have been received in support of a doctor's surgery as part of the proposed development, including two from an existing practice in Keynsham who wish to relocate to the site.

POLICIES/LEGISLATION

The development plan comprises the Adopted Core Strategy and Saved policies from the Bath and North East Somerset Local Plan (2007).

Core Strategy policies of particular relevance to this application are:

KE1 - Keynsham Spatial Strategy
KE2 - Town Centre/Somerdale Strategic Policy
CP2 - Sustainable Construction
CP5 - Flood Risk Management
CP6 - Environmental Quality
CP9 - Affordable Housing
CP10 - Housing Mix

Saved policies in the Bath and North East Somerset Local Plan (2007) of particular relevance to this application are:

D.2 General design & public realm considerations
D4 Townscape considerations
CF.2 Provision of new or replacement community facilities
CF.3 Contributions from new development to community facilities
GDS1 K1 Somerdale
NE.9 Sites of Nature Conservation Importance
NE.10 Nationally important species and habitats
NE.11 Locally important species & habitats
BH.5 Locally Important Buildings
BH.11 Scheduled Ancient Monuments
BH.12 Important archaeological remains
T.24 General development control and access policy
T.26 On-site parking and servicing provision

The Placemaking Plan Pre-Submission Draft (December 2015) the document has yet to be the subject of Examination and accordingly whilst it is a material consideration in the determination of this application little weight can be given to it. Policies of relevance are:

KE1 - Keynsham Spatial Strategy
KE2a - Somerdale

Also of relevance is the adopted Planning Obligations Supplementary Planning Documents (April 2015).

National Planning Policy Framework (NPPF) March 2012 including accompanying Technical Guidance and National Planning Guidance.

OFFICER ASSESSMENT

ENVIRONMENTAL IMPACT ASSESSMENT - when considered cumulatively with the development approved on the wider site, of which it forms an integral part, the proposed development is considered to constitute EIA development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application is accompanied by an Environmental Statement Addendum ('ES Addendum') that identifies the environmental effects of the development as well as measures to mitigate those impacts where appropriate. Officers consider the ES Addendum to appropriately assess the impact of the proposed development and conclude that compared with the impacts assessed in the ES for the wider site no new or materially different significant effects on the environment will arise as a consequence of the current proposals.

PLANNING CONSIDERATIONS

This application raises a number of issues:

1. The provision of B1 employment space on the site
2. The development of a 'care village' and of use of Building A for C2 housing
3. The scale and design of the development including impact on undesignated heritage assets
4. The impact of the proposed development on other development on the site and on the wider area

1. PROVISION OF B1 EMPLOYMENT SPACE

Core Strategy policy KE2 identifies the Somerdale site for regeneration through a residential-led development to deliver a "new high quality, exemplar, mixed-use quarter ... providing significant employment floorspace, new homes, leisure and recreational uses." Policy KE1 sets out the overall strategy for Keynsham, which in respect of economic development is to plan for about 1,600 net additional jobs and make provision for an increase in office floorspace from 13,000m² to 20,200m² between 2011 and 2029. The Placemaking Plan is more specific in its guidance for the Somerdale site and Policy KE2a states the site will provide "at least 11,000sqm of B1 office use".

The development granted planning permission in 2014 proposed up to 11,150m² gross internal area (GIA) of B1 space as well as a range of other non-residential floorspace including school, medical facility, retail space and cafe/restaurant. Under that planning permission two of the three retained former factory buildings (B and C) were to be used for B1 purposes following part demolition. The Economic Statement submitted with that application estimated around 950-1,000 B1 jobs could be accommodated on the site. The scheme granted planning permission in 2015 proposed the B1 space was limited to Building C only (with less of the building demolished and a roof extension), providing 10,865m² of B1 space. Whilst that proposal, if implemented, would have resulted in a slight reduction in B1 floorspace and jobs on the site from that permitted in 2014, taken with alternative jobs in the Care sector the scheme as a whole would have achieved a similar overall number of jobs. In granting planning permission for the development in 2015 it was considered that notwithstanding the reduction in B1 floorspace, on balance the scheme was acceptable. The current application proposes single storey roof and ground floor extensions to Building C, providing 10,140m² (GIA) of B1 space.

The B1 space is to be located on part of the ground floor and on five upper floors (including a new additional floor) of Building C with a two-storey side extension to entrance/Reception area with first floor meeting room above. The remainder of the ground floor would be used as a doctor surgery and pharmacy. The doctor's surgery comprises a number of consulting rooms, trainee consulting rooms, treatment rooms, a minor operations room and counselling room as well as office space, staff rooms and waiting area.

As noted above, Policy KE2a in the Placemaking Plan states that the Somerdale site will include "at least 11,000m² of B1 office use" whereas the current application proposes 10,140m². As emerging policy that is still to be subject to examination however, only limited weight can be given to the Placemaking Plan. Core Strategy Policy KE2 refers to "a significant employment floorspace" but does not specify either a quantum or use class for this space. Nonetheless as the major mixed use development site in the area the expectation is that Somerdale will deliver a significant proportion of the planned growth in employment floorspace in Keynsham. In the circumstances the current application needs to be considered in the context of the overall strategy to deliver both office floorspace and jobs in Keynsham.

In terms of jobs, and to allow for a like-for-like comparison, employment densities adopted in previous schemes have been applied to the current proposals. On this basis the development would deliver floorspace that would accommodate around 860-900 B1 jobs. The applicant has suggested that employment densities would be higher however without any confirmed tenants for the office space this cannot be verified and this approach has not been adopted. In terms of other employment on the site the Care Village would employ a range of staff including nurses, managers, physiotherapists, activity managers, care assistants, domestics cleaners, porters and kitchen staff. Based on their experience elsewhere the applicant estimates that this part of the development would create both full time and part time job opportunities amounting to 150 full time equivalent jobs. In terms of the doctors surgery it is proposed that an existing surgery currently in Keynsham would relocate to the site. As the majority of these would be transfers rather than new jobs in the local economy it is estimated that this would amount to around 4-10 new jobs. The proposed pharmacy would also create new jobs. In terms of employment on the application site overall it is estimated that the conversion and extensions to Buildings A B and C as currently proposed would accommodate a total of around 1,000 jobs (the majority of which would be B1 jobs) compared to around 1,000 B1 jobs under the original planning permission. Nearly all of these jobs would be new to the area and the job opportunities in the new school and retail/restaurant space elsewhere on the site would be in addition to this figure.

At this stage the applicant is still in discussions with potential occupiers and so are unable to confirm prospective tenants. Therefore whilst no assurances can be given that the space will be let the applicant has commenced the strip out of Building C to allow for its conversion. The applicant has committed to the complete refurbishment of the entire building and to fitting out the B1 space to a shell and core specification with service core and service and utility connections to each floor, replacement of all external windows, new entrance screens/doors, and external lighting, landscaping and parking arrangements.. Tenant specific fit out work would be undertaken by the developer prior to occupation of the building. The works are due to be complete in mid-2017 and the applicant has

committed to completing the initial fit out before occupation of the Care Village. The applicant has also undertaken to commit to employment and training funding and related obligations recommended by BANES Regeneration team. These matters would be secured through the s.106 agreement and represent an enhanced prospect of delivering the jobs on site to the benefit of the local economy.

The current application therefore proposes a further minor reduction in B1 space from that originally approved however this needs to be weighed against the policy in the Core Strategy (which does not specify a quantum of B1 floorspace at Somerdale) and the overall number of jobs that could be accommodated on the site. The proposals have been amended to increase the B1 space (by omitting a shop that would have occupied the ground floor of Building C) and the estimated overall employment on the site is of a similar order to that approved under the previous planning permissions. The building will have a ground floor office presence (in addition to an entrance lobby/reception area) and this is considered to address, in part, concerns that the B1 floorspace would be subsumed within and indistinct from the Care Village. In addition, the prospect of attracting tenants to the site is potentially greater as the buildings are in the process of being refurbished with a known completion date. Regeneration objected to the application as originally submitted due to the reduction in B1 floorspace however the proposals have been amended to provide more space as B1 and in terms of the overall strategy for Keynsham it is considered that the current application delivers an acceptable number and range of jobs.

2. PROPOSED CARE VILLAGE (Class C2)

The proposed development would involve the conversion Building A (with part single, part two storey roof extension and part one/part two storey side extension) to provide 68 Extra Care flats and associated facilities. Building B would be converted (with single storey roof extension) to provide a 93 bed Care Home and 30 Extra Care flats. New single storey buildings between A and B would provide support services such as café, swimming pool and gym for residents of the Care Village some of which could also be open to the general public.

Whilst the Care Home element is clearly a C2 'residential institution' (comprising bedrooms for residents receiving care) the Council's Planning Obligations SPD states that Extra Care can be classified as C3 housing and subject to Core Strategy Policy CP9 (Affordable Housing). The current application seeks to classify all accommodation in the Care Village as C2 'residential institution', and therefore not subject to Policy CP9. In the current application it is proposed that the Extra Care flats are for people who are in need of care but who are also able to lead more independent lives. A feature of the accommodation will be that all residents will be contractually obliged to have a minimum level of care (with the option to 'top up' depending on individual needs) paid for through a service charge. Typically this will cover items such as 24 hour emergency response service including care and support assistance, porter security and emergency property repairs; weekly visit by the housekeeping team; recreational activities and entertainment; access to restaurant, health spa and fitness centre, computer suite and library service, transport service, buggy parks with recharging facilities, buildings and other insurances, cleaning and maintenance of the alarm call system. Whilst a number of these might be expected in a managed block of C3 flats, a number are clearly specific to the care element of the development. Although the service level and charges for this development have yet to be set, services charges in similar schemes are typically in the order of £6,000 per annum. Policy H1 in the Placemaking Plan states that when considering whether a

proposal is C2 in use various criteria will be used including the scale, range of facilities and communal space; tenure; provision of meals; allocation and eligibility criteria, including the retention of C2 use in perpetuity; the level of care catered for and the type of care contracted for as part of the residence; housing and support provider model including whether the facility is regulated by the Care and Quality Commission. These elements are key to distinguishing this type of accommodation from a C3 'dwelling house' and it is considered that the proposals by St Monica Housing Trust meet these criteria. Should planning permission be granted then it is recommended that this distinction is defined through the s.106 agreement so that the Extra Care flats do not become available as C3 housing. This approach was adopted on the previous Care Home application.

On the basis that all accommodation in the Care Village is Class C2 the development will involve the substitution of up to 113 C3 flats (including 33 affordable homes) with 68 C2 Extra Care flats. Policy K2 in the Core Strategy refers only to "dwellings" on the Somerdale site rather than a particular type of housing and more generally the Core Strategy recognises the importance of providing for the needs of older people including the need for specialist housing as the population ages. Policy CP10 (Housing Mix) states that "housing developments will need to contribute to 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), in a way that integrates all households into the community." Policy H1 in the Placemaking Plan identifies the need to provide housing and facilities for the elderly, people with other supported housing or care needs although no sites are specifically identified. In this context the proposed Care Village as part of the wider Somerdale development is considered acceptable.

In terms of the provision of affordable housing the Council's overall strategy is predicated on the delivery of market housing to fund affordable homes through development on brownfield sites (such as at Somerdale) as well as on greenfield sites and land released from the Green Belt. Under the original planning permission for the site Building A would have included 33 affordable dwellings (29% based on the financial viability of the original scheme). Therefore if the current application was to be approved an element of affordable housing that would otherwise have been provided on the site will be foregone. The effect of not providing these 33 affordable homes is to reduce affordable homes on the Somerdale site as a whole from around 200 to 175, a reduction from 28-29% across the site to approximately 24%. However until affordable housing approved on a site is actually built and acquired by a Registered Provider it does not contribute to the supply of affordable housing. The 'loss' of affordable housing also needs to be weighed against the benefits of the scheme in terms of the delivery of a type of housing for which there is an acknowledged need, the provision of B1 space on the site and the timely restoration of the former factory buildings. When weighed against other policies in the Core Strategy it is considered that the development as a whole is acceptable.

3. SCALE AND DESIGN OF PROPOSED EXTENSIONS

The application proposes a number of alterations and extensions to the existing buildings: Building A - erection of part two/part one storey roof extension; part one/part two storey side extension on west side of building with roof terrace; three six storey lift/staircase towers, single storey link block with Building B; replacement/reinstatement of windows and provision of balconies; provision of surface level parking, servicing areas and landscaping.

Building B - erection of single storey roof extension; replacement/reinstatement of windows; provision of balconies; provision of surface level parking, servicing areas and landscaping.

Building C - erection of single storey roof extension; replacement/reinstatement of windows; provision of two levels of basement parking and surface level parking, servicing areas and landscaping.

Creation of new access road to the north of Buildings B and C from the site-wide access road to the surface level parking level.

Recent works to the factory buildings have resulted in the demolition of 7 of the original 18 bays of Buildings B and C, as well as the removal of the existing link blocks and associated structures between them. The proposed roof extensions to Buildings B and C have previously been approved under planning permission 14/05811/EFUL. In the case of Building A, planning permission 13/01780/EOUT approved the principle of a single storey roof extension to the building. All plans relating to the works to Building A were submitted on an illustrative basis and are not approved plans however they show the retention of the existing towers topped with 'lanterns' on the east side of the building and new stair/lift towers on the west side of the building. The illustrative drawings and images in the Design and Access Statement also indicated a roof extension running the length of the building, set back from the existing parapet and below the height of the distinctive staircase towers. The current application has been amended to seek to address the Urban Design concerns and now proposes a part two, part single storey roof extension to Building A with the northern stair tower raised in height to maintain the profile of the building. The design and materials for the extensions are generally sympathetic to the main building, maintain its overall character and considered to be acceptable additions to the building.

In terms of the wider refurbishment of the buildings the works include the reinstatement of bricked-up windows, and replace the current mix of window styles and materials with a consistent format within the original window openings. This is welcomed and will significantly improve the appearance of the buildings and retain their overall form and appearance. Balconies are proposed on the north and east elevation of Building B. Given the overall scale of the buildings these additions do not detract from the overall appearance or design quality of the factory buildings. Roof gardens are proposed on the new extensions however these do not directly overlook other residential accommodation on the site. Window design and materials will match the existing and a condition is proposed to agree samples prior to works of replacement/reinstatement or new build elements.

The application proposes surface parking between and to the north of the retained factory buildings, as well as two levels of basement parking under Building C. The levels within the site vary, requiring a vehicle ramp and associated retaining wall along the northern edge of the application site. The retaining wall is approximately 2.5m at its highest (with a railing on top) and reduces to approximately 1m at its eastern end. Ventilation grills to the basement car park are provided in the northern face of the retaining wall and ventilation slots are also included around the perimeter of the surface parking. Subject to the detailing of the retaining wall being acceptable then the overall layout is considered to offer a practical solution to accommodating parking within the application site.

Landscaping around the buildings and within the area of surface parking is limited however it softens the edges of the buildings. It is considered that a reasonable balance has been struck between the need for operational and visitor parking, particularly for the B1 space, and the setting of the buildings which has historically been hard surfaced. This part of the site is also close to a central area of open space and a relatively short distance from the riverside walk and Hams area of open space.

IMPACT OF THE DEVELOPMENT ON THE SURROUNDING AREA INCLUDING TRAFFIC

The application is supported by a Transport Statement that assesses the trips arising from the Care Village and B1 compared to the original scheme for the site. Transportation and Highways have advised that there is unlikely to be a significant change in the total number of vehicle movements generated within each of the peak hours. In addition, they have advised that whilst there will be changes to 'in' and 'out' flow levels, this should not have a significant impact on the operation of the signalised access junction that will serve the site. In terms of on-site parking Transportation and Highways advise that to ensure that spaces are shared between the different B1 and Care Home users further information on the proposed parking management is provided. This will be secured through a planning obligation.

OTHER CONSIDERATIONS

The application site includes land previously used for industrial purposes. Previously the Council's Contaminated Land Officer has recommended that conditions are imposed to ensure that any land contamination, should it exist, is appropriately remediated. It is proposed that this condition is re-imposed on the current scheme. In addition, notwithstanding the extensive land disturbance that occurred when the factory buildings were first constructed, there is a record of a Roman Well between buildings B and C and there may be areas of undisturbed land within the site where archaeological investigation and mitigation is required. This will be secured by condition.

The application is supported by ecological surveys of the buildings and confirm that they are not used as bat roosts or foraging areas and peregrine falcons seen in the vicinity of the building do not nest within them. Subject to the on-going monitoring of the site and provision of appropriate mitigation secured under the original planning permission the proposals are considered to be acceptable.

RECOMMENDATION:

(A) Authorise the Planning and Environmental Law Manager to secure a Deed of Variation to the existing s.106 Agreement to secure:

1. Employment Space - fit out and delivery to agreed specification and programme. Commitments to employment targets and skills training.
2. Specification of Extra Care flats as C2 Housing
3. Travel Plan and Parking Management Plan

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

RECOMMENDATION

PERMIT

CONDITIONS

1 The development hereby permitted shall be begun before the expiration of two 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 extensions or repairs to buildings hereby approved shall commence until samples of the materials to be used in the construction of the external surfaces including external walls, roofs and windows have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

3 No work hereby permitted shall be undertaken other than in accordance with the Construction Environmental Management Plan (ver.9 dated 13/05/2014).

Reason: To safeguard the amenities of adjoining residential properties and ensure the safe operation of the highway.

4 The Development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WSP dated 15/03/2013

Reason: In the interests of flood risk management

5 No part of the development shall commence until detailed drainage proposal including drawings showing the layout, points of discharge into receiving system, flow rates at the critical storm durations for the 1:1, 1;30 & 1:100+climate change, events have been submitted to and approved by the Local Planning Authority. A Microdrainage model should be provided to verify the above flow rates and prove the performance of the drainage network within the plots at the above return periods, in line with the FRA there should be no flooding up to and including the 1:100+climate change event (i.e. all flows to be kept within the drainage system).

Reason: In the interests of flood risk management

6 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application has been 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 uses 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.

7 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 uses 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.

8 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 uses 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.

9 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 6 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

10 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 uses 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.

11 No part of the landscaping works shall commence until details including samples of materials to be used in the hard landscaping scheme, and a planting specification to include numbers, density, size, species and positions of all new trees and shrubs have been submitted to and approved by the Local Planning Authority.

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

12 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The landscape 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 scheme 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.

13 The approved residential development including the Care Home shall be constructed to provide sound attenuation against external noise in accordance with BS8233:1999. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not exceed 45dB LAm_{ax}.

Reason: To protect the amenity of residents and the locality.

14 New plant and equipment to include kitchen ventilation and extraction systems and any new refrigeration/air conditioning plant should not exceed the recommended noise emission criterion of 5dB below the 'good' internal noise level.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

15 No development shall take place (including the demolition and site clearance phase) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

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

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

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

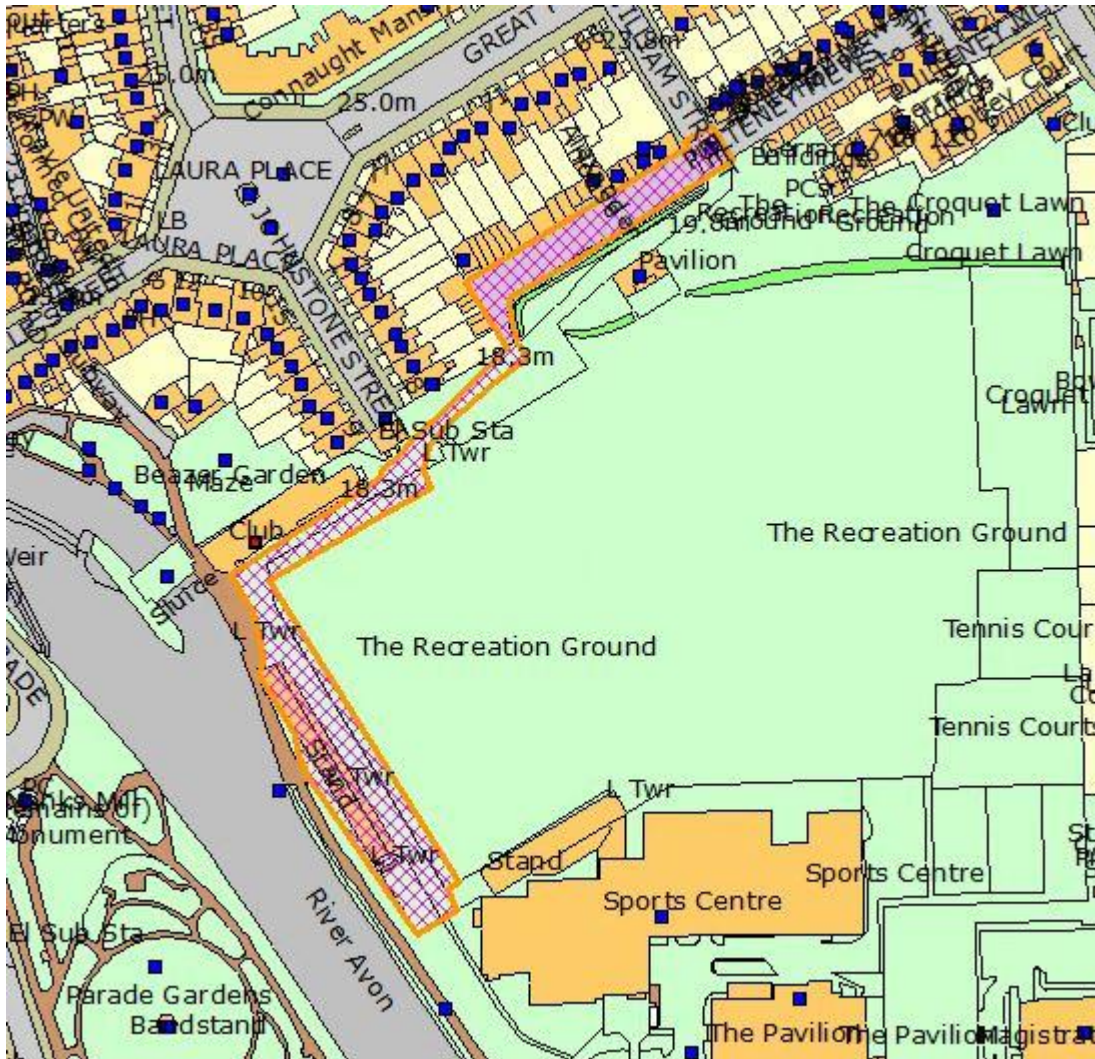
17 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

1 Drawings PL 101A, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115A, 116A, 117B, 118A, 119A, 120A, 121A, 122A, 124A, 125A, 126A, 127A, 128A, 129A, 130A, 131A

Item No: 03
Application No: 15/05235/FUL
Site Location: Recreation Ground Pulteney Mews Bathwick Bath Bath And North East Somerset



Ward: Abbey **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Jonathan Carr Councillor Peter Turner
Application Type: Full Application
Proposal: Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years); construction of a replacement permanent West Stand (including roof and seating) following removal of temporary stand and seating.

Constraints:	Agric Land Class 3b,4,5, Article 4, Conservation Area, Floodplain Protection, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, Sites used as playing fields, SSSI - Impact Risk Zones, World Heritage Site,
Applicant:	Bath Rugby
Expiry Date:	21st January 2016
Case Officer:	Gwilym Jones

REPORT

SITE AND SURROUNDINGS

The Bath Recreation Ground ('The Rec') is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. Together with the other heritage assets in the vicinity the Recreation Ground forms an integral part the historic environment. Bath Rugby's pitch, Stands and associated facilities occupy the western part of the Recreation Ground comprising a number of permanent buildings including the Clubhouse at the northern end of the ground, covered South and West Stands as well as temporary seating and Stands principally on the eastern and northern sides of the pitch. The application site is bounded to the north by the Grade II listed 'President's Lounge' (thought to be a former lime kiln) and beyond by the Grade I listed terraces of Johnstone Street. To the south is the Council Leisure Centre building and to the west a public footpath and beyond that the River Avon. The remainder of the Recreation Ground to the east is open and used for a range of recreational activities. The application site lies outside the area designated in the Local Plan as "Sites used as Playing Fields subject to Policy SR.1A" (which applies to the open part of the Recreation Ground). The site is located within Flood Zone 3a/3b.

The Recreation Ground is framed by and contributes to the setting of a number of significant historic assets including the following:

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

The Recreation Ground itself contains three Grade II listed buildings: 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

The Recreation Ground lies within and forms the northern boundary of the Pulteney Road Character Area, as defined in the Bath Conservation Area Appraisal (November 2015). The western boundary takes in River Avon, to the east it is defined by Pulteney Road and the Avon and Somerset Canal and to the south by Rossiter Road. The document states that "the spacious open feel and green boundaries of the area contribute significantly to Bath's green setting and thus to its status as a World Heritage Site." The key characteristics are noted as a largely flat area that features prominently in views of the river, bridges and Abbey from the east and forms the middle ground of views out from

around Grand Parade and the Abbey. Sports pitches are a major contributor to its character and to the green setting of the World Heritage Site.

The Recreation Ground forms the foreground to important vistas within the World Heritage Site such as from Grand Parade towards Bathampton Down and Sham Castle and from within the Recreation Ground towards Bath Abbey. It is also visible in longer distance views into the city from higher ground such as Alexandra Park/Beechen Cliff and Bathwick Fields.

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

CURRENT PLANNING APPLICATION

This is a full application for the part demolition of existing permanent West Stand (retaining the rear wall facing onto the riverside path and concrete slab), terraces in the north west corner of the site and removal of existing temporary Stands and seating; erection of covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within Stand (temporary application for a period of up to four years); construction of a replacement permanent West Stand (including roof and seating) following removal of temporary Stand and seating.

RELEVANT PLANNING HISTORY

There is a significant and lengthy history of applications related to Bath Rugby's use of the Recreation Ground including a number for temporary Stands and structures over the last 5-10 years. In the case of the West Stand, planning permission for temporary Stands were approved in 2005 and have been subsequently renewed with the current permission expiring in July 2016.

Planning permission was granted in 2014 for amongst other items the retention of existing temporary spectator Stands along the west side of the ground. This permission was subsequently varied to allow for the retention of the temporary seating and terraces throughout the year.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England - The rugby pitch is situated within the Recreation Ground on the eastern side of the River Avon, opposite the Registered Park and Garden; Parade Gardens and Grade I Bath Abbey and Pulteney Bridge. The grounds of the Rec are recognised as an important open space within the Conservation Area, allowing views across the grounds from the Registered Park and Garden and the Promenade towards the backdrop of hills surrounding the City. These views are significant in connecting the City to the distinctive green bowl, one of the Outstanding Universal Value (OUV) of the World Heritage Site (WHS). Being located so centrally, there are also a number of highly graded listed buildings adjacent to the site including the listed town houses in Johnstone Street (Grade I). Accordingly special regard needs to be given to the desirability of preserving the setting and views of these heritage assets. The West Stand has been in existence in its current form, with minor modifications, since the 1950's but has little architectural merit. The most

prominent element of the stand is its western most elevation, the reconstituted stonewall that supports the seating inside the pitch and externally faces onto the River Avon, presenting a public face with a high wall. This acts as the backdrop to the row of trees that line the raised bank along the riverside pedestrian footpath. This proposal is to replace the internal structure of the West Stand with a new stand that allows for a greater seating capacity but retains the existing outer wall. Given the limited architectural value of the internal stand and its neutral impact on the Conservation Area and WHS, we do not object to its demolition. Of more concern is the height of the new stand above the existing wall, close to 3 m higher, which together with a new roof form, increased width of the new stand and the introduction of new materials, will produce a more visually apparent structure within the Conservation Area.

The main issue for Historic England is the impact on the settings to adjacent heritage assets, together with the character and appearance of the conservation area and on the OUV of the WHS. The increased height and visual presence will impact on external views through the introduction of a higher and more uniform ridgeline to the stand's roof. This will create a more conspicuous structure within the Conservation Area. However, much of the increase in the roof height will be mitigated by the presence of the mature trees that line the riverbank immediately behind the boundary wall. There will be some limited visual encroachment on the gap that currently allows views from the eastern side of the Rugby Pitch towards the Abbey. However, the longer distance view through the site from St Mary's Church in Pulteney Road towards the Abbey's east end does not appear to be compromised. From Orange Grove and the Promenade there will be a noticeable difference in the height of the new stand. There is also the cumulative impact of this proposal together with the application for the remaining stands that needs to be taken into consideration. In terms of the World Heritage Site and Conservation Area given the siting and scale of the structure, most key views into, across and from The Rec will be largely maintained. The views that will be most affected by this scheme is from the Promenade where there will be more visual interruption by the new roof of the surrounding hills to the east that form the green bowl around the City. In this respect, there will be some minor harm to the OUV of the WHS on a temporary basis. In respect to the impact of the development on the conservation area this part of the Conservation Area is characterised by its openness, allowing for numerous short and long views. This proposal will increase the overall heights and massing of all the stands resulting in a more visually apparent group of structures, eroding some of the openness that is a characteristic of the site. Historic England does acknowledge that there will be some mitigation to this proposal and wish to have assurances about the long-term future for the trees that act as a screen to the existing wall along the riverside frontage; the proposed materials for both the mesh that will top the wall and cladding to the roof itself should allow a degree of translucency without having a shiny, artificial appearance. In these circumstances, it is considered that the impact of the proposed West Stand on key aspects of the historic environment will cause a level of minor harm. On this basis, we would recommend that the application be judged against Paragraph 134 and 138 of the NPPF.

Environment Agency - initial objection withdrawn subject to conditions regarding compliance with Flood Risk Assessment, ensuring unobstructed access to Pulteney Weir by a 100T crane and a construction environmental management plan.

BANES Historic Environment Team - There is no objection in principle to altering or rebuilding the west stand from a conservation perspective provided the works result in

improvements to the settings of the Heritage Assets. If any harm is caused to them it should be offset by public benefits. The proposed increase in height of the stand will inevitably impinge on longer distance established historic views of the City, including those of the Abbey, particularly from the recreation ground and Pulteney Road environs to the east when the east stand is dismantled. There will also be impact on the shorter distance views, including those from Orange Grove, Grand Parade and North Parade, where the approximately 3m increase in height will cause some level of intrusion.

Similar concern arises from the impact on views across the river from Parade Gardens. In summer these important views which include the rear of the existing west stand are partly obscured by the foliage on the trees by the river, but in the winter they are revealed and are more significant. These views must be awarded appropriate weight in considering the impact of the development on the settings of the heritage assets. The proposed temporary structure, incorporating a 3m increase in height above the existing roof height is unconvincing. It is considered that use of an off-the-peg steel portal frame, clad in artificial fabric and mesh would fail to respect this important setting within the World Heritage Site. Such structures are generally associated with commercial or agricultural types of buildings, and could appear visually incongruous in this location. Although temporary, a bespoke design should be sought. There should also be consideration of a demountable option which would limit the period of time in the year when the stand is in place. It is unclear what public benefits would derive from the development, if any, that may outweigh harm caused by the height and design of the temporary stand. If a temporary structure is to be considered acceptable in principle improvements to the design, materials and colours of the current proposals are negotiated to justify consideration of approval.

B&NES Urban Design - The roof increases total height by c3m, however it does slightly reduce the depth of roof visible from the west. The consolidation of two stands into a single covered structure also increases the bulk and mass of the structure in longer and elevated views. This is likely to impact most on very important views from the Orange Grove terrace. The reflective black roof material is likely to exacerbate this impact. The height of the west boundary is increased by 3m and this will significantly increase the overbearing quality of the stand from the river walk and the perception of mass from views across the river. When the east stand is removed there are long views across the Recreation Ground towards the abbey. The stand is also visible from longer elevated views. Seating proposed for the stand is both higher and coloured in blue, white and black, which will be highly intrusive in these views. The proposal is therefore considered harmful to the conservation area and World Heritage Site by reason of height mass and appearance.

BANES Highways - on a 'normal' match day, given the spread of origins and likely arrival times the additional spectators travelling by car are unlikely to have a material impact on the operation of the local road network. However, there is a significant issue when rugby fixtures clash with 'special events' within the city such as the Christmas Market resulting in no parking availability within the city centre or within the Park & Ride sites for much of the day. Additional spectators attracted to the stadium would result in a worsening of the parking problems when such events occur. Recommend that a strategy should be considered now so that future clashes and subsequent parking problems can be managed, and this should be agreed before any planning permission is granted. The pedestrian access to the stadium site is constrained, and there are only three pedestrian routes into the site. Pedestrian congestion has been recognised as a problem in the past, and it would be inappropriate for the proposed increase in spectator numbers to have

adverse safety impacts. A significant increase in the number of pedestrians over-spilling into the highway would be a safety concern and could result in delays for other travellers. The Club now staff the entry points to the stadium, and in particular, the entry points at the Pulteney Bridge steps and at North Parade, which have historically had congestion, are manned by Club staff. The number of spectators entering and leaving the stadium in specific periods of time is obviously critical, and as part of the Travel Plan initiative, this should continue to be monitored. It is also recommended that this monitoring establishes a target for the maximum number of spectators entering or leaving the stadium in a given period of time. The strategy to agree such monitoring and appropriate targets will need to be agreed with the Club, and it is recommended that this is undertaken before any permission is granted. The Rugby Club has an established Travel Plan and this was reviewed with B&NES Council in the summer of 2015. The adequacy of the Plan was discussed and a number of initiatives were agreed. The current Travel Plan will be updated in the summer of 2016, and will be ready for the 2016 / 2017 season. Given the importance of the Travel Plan and the agreed initiatives / targets, it is recommended that requirement for an updated Travel Plan is a condition of any planning permission. It is also recommended that the targets contained within the Plan are reviewed, and these should be amended to reflect the above comments and also in response to the latest survey findings. The construction management approach is consistent with that previously agreed. There is no objection to this plan. It is noted that the construction vehicle access route may use third party land, and it is the applicant's responsibility to ensure that they have the land owner's permission to use this route for this purpose.

B&NES Arboriculturalist - no objection subject to no demolition, site preparation or development taking place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted and approved and works carried out as approved.

BANES Flooding and Drainage - No objection. Development has minimal effect on surface water drainage and will not increase flood risk elsewhere. Development is within Flood Zone 3, advice from the EA should be followed.

BANES Environmental Protection - The proposed works will have the potential to cause noise disturbance to neighbouring residents. The control of hours of work in relation to noisy activities in the Construction Management Plan is rather vague and offers little protection to residents. The proposed hours of work for noisy activities also fails to comply with the Council's Code of Practice for noisy works which states that no noisy works should take place after 1.00pm on Saturdays. In order to safeguard the amenity of neighbouring residents, I would suggest the Construction Management Plan be amended to take account of the Council's Code of Practice.

Avon and Somerset Police - We do not have any involvement with policing rugby matches as we have every confidence that the club has an excellent safety record and ensure there is minimal risk of any kind to any spectators, or employees of the club, during matches or at any other events. We have no reason to believe that there is any increase in risk to the general public in Bath during match days and we do not police pedestrian movement as there is no operational need to. There has been no increase in any pedestrian injuries or road traffic collisions as a result of movement prior to, or if there were to be any development of the stand, we would have no significant safety concerns about the pedestrian ingress or egress to and from the stadium on match days.

Bath Preservation Trust - no objection to the proposals but strong concerns about the proposal for a new permission to reinstate the current stand being incorporated in the temporary stand permission. We consider the increase in height to be acceptable. The applicant has justified the increase in stand size through credible economic argument and in general we feel the increase in intrusion onto the public realm is relatively minimal and in any case is outweighed by the benefits to Bath's economic vitality. We have concerns regarding the use of perspex for the stand end sections as in our opinion this is a low quality material that quickly deteriorates. We would also like to see more 'life' in the riverside elevation. As the stand is to be temporary, we have no comments to make on design or architectural merit other than to say in our opinion the design is an acceptable temporary installation only. Whilst the Trust understands the applicant's reasons for wishing to maintain a baseline position at the Rec we have strong concerns as it is impossible to properly judge and 'commit' to a design/size of stand four years in advance without the benefit of hindsight and future context. Our understanding of the situation is that at the end of this temporary planning permission period the ground would, by condition of temporary permission, return to 'status quo ante' or 'former condition' which would appear to be the current stand, rather than any pre-1954 arrangement. We would prefer to see the Club consider requesting a condition requiring restoration to the current condition, subject to any detailed amendments submitted and approved by the planning authority. It appears reasonable to hope that the issues surrounding the future of the Rec are resolved within the 4 year timescale and therefore this issue will not arise however as drafted we object on the basis that the proposed new scheme of 2019 is inappropriate as a fall-back position.

Recreation Ground Trust - supports the principle of creating a period during which all parties can focus on the long term development solution.

16 individuals have objected to the application, some on a multiple basis on different matters and commenting on responses from BANES consultees. The objections relate to a combination of procedural and planning grounds as well as matters relating to the professional status of the Club and the terms of a lease on the land, and a Lands Tribunal decision. Objections relating to procedural grounds included the classification of the application, and difficulties in viewing the application documents on-line. These matters have been addressed and recent information received from the applicant regarding the economic impact of the proposed development have been publicised and consultees and other respondents given additional time to comment on the submissions. In terms of the status of the Club as a professional body occupying the Recreation Ground this is not material planning consideration in the determination of this application nor grounds for refusal or deferral of a decision on the application.

Objections on planning grounds are:

- significant negative impact on and substantial harm to the World Heritage Site and its Outstanding Universal Values, the Conservation Area and wider setting of listed buildings
- development is inappropriate and contrary to the World Heritage Site Management Plan, puts the Outstanding Universal Values at risk and damages the integrity of the World Heritage Site
- increased height will block views to, from and across the Recreation Ground
- loss of views of the open space of the Recreation Ground and the experience of the countryside stretching into the city and the green setting of the city in a hollow in the hills

- poor design and excessive scale of the proposed temporary stand
- the stated public benefits are challenged and could not outweigh the harm to the heritage assets
- the claimed financial and social benefits do not outweigh the removal of the most visible and significant part of the Recreation Ground from the public realm for most of the year
- increased traffic causing congestion and air pollution
- incremental growth of capacity through temporary schemes to extend the stand
- intensification of the use with no additional car parking provision resulting in access difficulties
- continued temporary planning permissions are contrary to government advice
- effectiveness of the emergency access to Pulteney Weir

15 letters in support of the application have been received on the grounds that the existing is poor quality and the additional capacity will contribute to the local economy.

POLICIES/LEGISLATION

The development plan comprises the Adopted Core Strategy and Saved policies in the Bath and North East Somerset Local Plan (2007).

Core Strategy policies of particular relevance to this application are:

- Policy B1 - Bath Spatial Strategy
- Policy B4 - The World Heritage Site and its setting
- Policy CP5 - Flood Risk Management
- Policy CP6 - Environmental quality

Saved policies in the Bath and North East Somerset Local Plan (2007) of particular relevance to this application are:

- D.2 - General design and public realm considerations
- D.4 - Townscape considerations
- ES.10 Air quality
- ES.12 Noise and vibration
- SR.4 - Proposals for recreational facilities within urban areas and settlements
- NE.14 - Flood risk
- BH.1 - World Heritage Site
- BH.2 - Listed Buildings and their settings
- BH.6 - Development affecting Conservation Areas
- BH.9 - Parks and gardens of special historic interest
- BH.15 - Visually important open spaces
- NE.1 - Character and local distinctiveness of the landscape
- NE.4 - Impact on trees and woodlands
- T.24 - Highway safety

The Placemaking Plan Pre-Submission Draft (December 2015) is a material consideration however it has not been subject to examination and little weight can be given to it in the determination of the application.

National Planning Policy Framework (NPPF) March 2012 including accompanying Technical Guidance and National Planning Guidance.

OFFICER ASSESSMENT

ENVIRONMENTAL IMPACT ASSESSMENT

Being located within the World Heritage Site, defined as a 'sensitive area' in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the proposed development constitutes Schedule 2 development under the Regulations and requires 'screening' to determine whether the development is likely to have 'significant effects on the environment' and therefore 'EIA development'. The Council has had particular regard to the characteristics of the development, the location and environmental sensitivity of the development site, and the characteristics of the potential impact including the cumulative impact of the different elements and operations. The conclusion is that the construction effects are likely to be short term and subject to appropriate controls their impact managed and limited. The proposed development is for a limited period and unlikely to give rise to significant effects on the environment, in particular the features that contribute to the designation of the city as a 'sensitive area'. Accordingly an Environmental Impact Assessment is not required.

MAIN PLANNING ISSUES:

- Impact on the World Heritage Site / Conservation Area / setting of listed buildings
- Design and Appearance
- Flood Risk
- Transport and Access
- Residential Amenity

1. IMPACT ON THE CONSERVATION AREA/WORLD HERITAGE SITE/ SETTING OF LISTED BUILDINGS

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Council to have special regard to the desirability of preserving the setting of listed buildings. There is also a duty under s. 72 of the same Act to pay special attention to the preservation or enhancement of the character or appearance of Conservation Areas. The NPPF requires that as part of decision-taking process local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Whilst there are other policy issues and material planning considerations that need to be assessed and weighed in the determination of this application, and these are considered elsewhere in this report, the principal consideration is the impact of the proposed development on heritage assets.

The policy context for assessing the proposed development is set out in the Core Strategy and Saved Local Plan policies. Of particular relevance is Core Strategy Policy B4 which states that "there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity ... Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against the level of harm to the Outstanding Universal Value of the World Heritage Site". In addition, Policy CP6 states that "the sensitive management of Bath & North East Somerset's outstanding cultural and historic environment is a key component in the delivery of sustainable development. The Council will protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets". Saved Local Plan Policy BH1 states that "development which would harm the qualities which justified the inscription of Bath as a World Heritage Site ... will not be permitted" and Policy BH2

that "development affecting a listed building or its setting will only be permitted where it would [amongst other matters] respect the character of the building in terms of scale, style, design, and materials; and not adversely affect the buildings contribution to the local scene including its role as part of an architectural composition". In respect of development within or affecting a Conservation Areas Saved Policy BH6 states that "development ... will only be permitted where it preserves or enhances the character or appearance of the area in terms of size, scale, form, massing, position, suitability of external materials, design and detailing. Particular attention will be given to [amongst other matters] the impact of the proposed development on the townscape, roofscapes, massing and relative scale and importance of buildings in the area; the relationship of buildings to open space and historic grain; the need to protect existing trees and landscape which contribute to the character or appearance of the conservation area". This approach is also reflected in Policy HE1 in the Draft Placemaking Plan.

The existing West Stand was constructed in the 1950's and comprises a blockwork wall facing onto the riverside path, with a painted metal frame and single pitch corrugated roof. In the centre of the Stand is a grey corrugated metal box which houses the camera gantry. The blockwork wall is light brown in colour and the light grey/brown roof has become weathered and discoloured over the years. The metal frame is painted black and the ends of the Stand are part 'glazed' with Perspex panels. Internally the Stand comprises a number of rows of wooden seats set on a concrete base. The former Ticket Office is located under the Stand. Access to the Stand for spectators on match days is principally from the north or south. The Stand is of limited architectural interest or value and considered to have a neutral visual impact on the site and its surroundings. Its scale, and the screening provided by tree planting along the river (partial during winter) means that the Stand has little presence or impact on the World heritage Site OUVs, the Conservation Area or setting of listed buildings. The highest point of the Stand is below the top of the trees and buildings in the vicinity, allowing views across the site towards the green hillsides beyond.

The proposal is to take down the existing West Stand roof and seating (including the structure on which they are fixed) whilst retaining the existing rear wall facing on to the riverside path as well as the concrete slab of the Stand. A temporary Stand will be erected in place of the existing seating with a dual pitched roof of grey woven fabric attached to a metal frame. The end panels of the Stand will be clear plastic which will continue onto the riverside elevation. The new covered Stand will be approximately 3m higher than the existing Stand at its highest point although the shape of the roof structure means that it will result in a 3m vertical wall above the existing, topped by a pitched roof rising a further 1.5m in height. The existing timber boundary fence will be replaced and extended at its southern end to provide a consistent appearance of retained blockwork or timber. The temporary Stand at its northern end will be in a similar position to the existing with uncovered seating to replace terracing to the north screened by a new timber fence along the riverside path. To the south the roof structure will extend to include the area currently occupied by the temporary 'Centurion' Stand in the south west corner of the ground. Seating will also be extended towards the pitch resulting in an overall increase in capacity of the ground by approximately 1,000 seats. Pedestrian entrances will be provided in the rear wall of the Stand, as well as a new access at the northern end allowing direct access onto the riverside path. The undercroft to the Stand will accommodate toilets and bar areas for use during match days. The trees in the embankment along the western edge of the Stand are to be retained.

Given that the North and East Stands and a number of other structures on the site are temporary (permissions for which expire in 2016) the appropriate baseline for assessing the impact of the current proposals on heritage assets is considered to be against a baseline of the existing permanent West and South Stands and the Clubhouse.

The application documents include a Heritage Impact Assessment as well as a Landscape and Visual Impact Assessment (LVIA). The LVIA (and supplementary views submitted in response to a request from Historic England) show that the proposed new Stand will be more visible and more prominent than the existing structure. The LVIA images show that the additional height of the roof will be more visible in views compared to the existing and impinge to a greater degree on views of the surrounding buildings such as those on Pulteney Road (when viewed from Grand Parade), and Johnstone Street and Great Pulteney Street when viewed from North Parade Bridge. The view of the Abbey from within the Recreation Ground will also be affected although, as with all viewpoints, the scale of the impact varies depending on the exact position of the viewer. When the trees on the embankment to the west of the proposed Stand are in leaf they limit views both of the existing and proposed West Stand as well as buildings on Pulteney Road, Johnstone Street and the Abbey. When the trees are not in leaf they provide only a partial screen and the Stand will be more visible.

In respect of the World Heritage Site OUVs, the principal impact is considered to be on views out of and into the city and on the setting of "the city in a hollow in the hills". In terms of the Conservation Area it is the impact on the openness of the area and green setting for the city centre. Given the distance of the West Stand to adjacent listed buildings, whilst there is some impact in terms of their wider setting this impact is marginal and generally peripheral in views of these buildings.

From Grand Parade overlooking Pulteney Weir (looking south east) the proposed West Stand is partially screened by the trees on the embankment along the western side of the Stand and the proposed roof structure does not impinge on the views to the hills beyond. The view from Orange Grove (looking north east) is towards Bathampton Down and Sham Castle. In this view the properties in Pulteney Road will be obscured to a greater extent than existing, however again the view to the properties on Bathwick Hill and hills beyond is maintained. A similar impact arises in the view from Terrace Walk across Parade Gardens (looking east). The view from North Parade Bridge (looking north) is similar to that from Grand Parade, an oblique view with buildings on the Recreation Ground partially screened by the existing trees. The proposed new Stand will obscure more of the partial view of Johnstone Street and Great Pulteney Street however the longer distance views towards Lansdown are maintained without interruption. When viewed from Johnstone Street (looking south) the proposed West Stand is slightly lower than the permanent South Stand and views of the spire of St Matthew's Church in Widcombe are maintained as are views of the green hills beyond. From within the Recreation Ground (looking west towards the Abbey) the proposed Stand will encroach marginally on the views of the east elevation of the Abbey. The view of the Abbey is maintained in longer distance views such as from St Mary's Church on Bathwick Hill and in views from Sham Castle and Bathwick Fields looking back into the city the Recreation Ground sits below the surrounding buildings and the proposed West Stand does not impact on these views into or across the city.

With the proposed West Stand in place, when compared with the existing situation the "spacious open feel" of the Conservation Area is largely maintained and the sports pitches that contribute to its character (as well as the social setting of the World Heritage Site) are preserved. The increased height of the boundary fence to the north is proposed to screen the additional seating proposed in this area and whilst the screening effect is welcome this will raise the fence height from around 3m to 5-7m and partially block the view into the Recreation Ground from Grand Parade. To contribute to the open and green setting of the city the Council's Design Officer has suggested that the roof of the temporary stand is removed during the summer when the Rugby Club does not play at the Recreation Ground. This would provide an opportunity for the open character and green setting of the site to be reinforced and a condition requiring this during the off-season is proposed. On this basis and as a temporary structure, any harm to the Conservation Area will be limited and temporary.

Based on this assessment it is apparent that the proposed West Stand will impact on views to a greater extent than the existing Stand. Whilst the affected heritage assets are of national and international significance it is concluded that the scale and temporary nature of the effects amounts to a less than substantial impact. The proposed development will therefore not impact to any significant degree on the World Heritage Site OUVs, the overall character and appearance of the Conservation Area will be preserved as will be the setting of listed buildings.

NPPF para. 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Public benefits can be social, economic and environmental. In relation to the historic environment, Planning Practice Guidance (at Paragraph: 020 Reference ID: 18a-020-20140306) states that "Public benefits ... should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."

Whilst for the reasons set out above it is considered that the level of harm is relatively low, the heritage assets affected are of high significance and as required by the NPPF the harm has been weighed up against public benefits arising from the proposed development. In this regard the applicant has submitted information regarding the impact on the local economy of the 1,000 additional spectators (the net increase is understood to be 913 spectators). Based on a 2010 survey carried out by the Club, with prices inflated using the Retail Price Index to provide figures in 2015 prices, the average spend per spectator per match is estimated at £79.80. This takes account of the visitor type (e.g. Bath resident, other day visitor, overnight visitor and non-spenders) and is weighted to reflect the breakdown of visitors by these types. Using this level of spend they estimate that the additional capacity would contribute approximately £1.3 million additional spend per year in Bath. Assuming permission is granted for four years this would total approximately £5.1 million over the lifetime of the development. Using this level of spend they forecast that the proposals would support 10 Full Time Equivalent (FTE) jobs directly (excluding any additional employment by the Club) and a further 4 FTE indirect/induced jobs across the South West including 2 FTE jobs in the local area, and provide opportunities for residents in Bath seeking employment in retail, recreation, tourism, accommodation and food. Cumulatively, they estimate that this would generate £2m

Gross Value Added to the South West economy over 4 years of which £800,000 would be within the local economy.

The level of expenditure has been challenged by objectors to the application. The figures have been reviewed by the Council's Economic Development Team who advise that the level of spend is similar to that for other visitors to Bath as recorded in the 2014 Bath Visitor Survey. They also advise that the method used to estimate of numbers of jobs uses established models. In terms of responding to local unemployment, the development could assist unemployed residents in Bath seeking employment although without specific targeted measures to help people prepare for the opportunities this could not be assured. The estimate of Gross Value Added is however considered high and using data from the Council's Economic Strategy regarding jobs in the retail, tourism and leisure a figure in the order of £1.25m is more likely. The level of contribution to the local economy is not insignificant, even if at a slightly lower level, however there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site and there is a duty on the Council to preserve the character and appearance of Conservation Areas and the setting of listed buildings. In this case, and for the reasons set out above, the level of harm to heritage assets is considered to be low and is outweighed by the public benefit that arises from the development in terms of the contribution to the local economy.

DESIGN AND APPEARANCE

As well as the physical presence of the proposed development in views and on the setting of heritage assets, the design of the proposed temporary stand has been considered against Core Strategy Policy CP6 and Saved Local Plan Policy D.2 and D.4. The temporary stand and roof structure is a generic rather than bespoke system however it has been adapted in certain respects to seek to address concerns raised regarding its appearance. This has included the use of a woven, matt dark green fabric (rather than a dark grey plastic) for the roof covering, the introduction of clear Perspex panels at each end of the stand, the introduction of clear panels in the west elevation facing onto the riverside, and timber cladding where the rear wall is to be extended. These features are welcome however in order to provide a visual break in the rear of the new structure it is recommended that the Perspex panels are continued the length of the rear of the stand in place of the proposed black mesh/netting material. In addition, as it is proposed that the Stand is retained on site throughout the year it is recommended that the roof is removed during the non-playing season to open up views through to the green backdrop of the trees behind. The application drawings suggest the seats are in Bath colours (blue, black and white) however in order to keep the stand low key as it currently it is recommended that seats are a single dark, recessive colour such as dark grey or green. The metal frame should be painted black or dark grey and the gantry system for cameras should be of a similar colour to the roof material. These matters can be secured by condition. An existing grey steel floodlight pole and lighting is to be retained and incorporated into the new Stand. New and replacement doors will be painted timber. A sample of the roofing material has been submitted and is considered acceptable. As a temporary structure and as adapted in the ways outlined above the proposals are considered to be acceptable.

FLOOD RISK

The Recreation Ground falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. Policy NE.14 seeks to control development in areas subject to flooding, where it would impede the flow of floodwater

unless the flood hazard can be mitigated or causes net loss in the flood storage capacity. In the NPPF Technical Guidance (Table 2: Flood risk vulnerability classification) the proposed Stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. A Flood Risk Assessment has been submitted with the application and having initially raised an objection to the proposals the Environment Agency have since advised that it is satisfied that the proposed development would not increase flood risk or storage capacity. In addition, operational access to the Radial Gate which forms part of the River Avon flood alleviation measures will be secured via a route across the site from North Parade Road. The Environment Agency proposes a condition to ensure that the development takes place in accordance with the approved details of the FRA and that the access is maintained. On this basis the Environment Agency have withdrawn their objections.

TRANSPORT AND ACCESS

The Recreation Ground is located in the centre of Bath and readily accessible by a variety of means of public transport and the site is considered to be in a sustainable location. The Club promotes travel to matches by public transport however the proposed increase in capacity will lead to an increase car trips into the city. Whilst it is considered that there is sufficient parking capacity in the city and Park and Ride site during normal weekend conditions, there are occasional overlaps with other major events in the city such as the Christmas Market. To address these situations the Council's Highways Development Team has sought confirmation from the Club that measures can and will be put in place to provide additional parking. In response the Club has indicated that if it is known that the combination of a home rugby fixture and another event is likely to give rise to parking capacity issues, they will implement a strategy to work collaboratively with the Council and other involved parties to identify and support the provision of capacity to accommodate the additional parking demand. This will include locations close to existing Park and Ride sites or on key roads into the city as well as options to enhance the provision of alternative means of transport to accommodate the additional demand for travel into Bath. Details would be agreed via submission of a detailed contingency plan. This approach is acceptable in principle and subject to a commitment from the Club to implement the measures as and when required this approach is supported.

Another issue is the movement of spectators to/from the Recreation Ground on match days. Immediately before and after matches there are a significant number of spectators trying to get to or leave the site and this leads to congestion at key locations. These impacts are however short term. In order to spread the flow of people accessing the Recreation Ground and to ease the pressure on pinch points such as the steps from Pulteney Bridge and North Parade Bridge the Club has introduced a ticketing system which directs spectators to particular entrances and also employs marshals to direct spectators to suitable alternative routes. Avon and Somerset Police have advised that they do not police rugby matches or pedestrian movement as there is no operational need to do so. They state that there has been no increase in any pedestrian injuries or road traffic collisions as a result of movement prior to, or following matches and if there were to be any development of the Stand, they would have no significant safety concerns about the pedestrian ingress or egress to and from the stadium on match days. They state they have no reason to believe that there is any increase in risk to the general public in Bath during match days as a consequence of the proposed development.

In the light of this advice the short term crowd movements to and from the Recreation Ground are not considered to be a significant road safety issue. Nonetheless the Club have undertaken to monitor pedestrian movements as well as encroachment of pedestrians into the road, obstruction of pedestrians walking in the opposite direction and delays to vehicles caused by pedestrians. This will be undertaken this season to provide a baseline for assessing the additional capacity against. If specific issues are highlighted by the monitoring there is a commitment from the Club to engage in discussion with the Council, SAGE and the Police as necessary to determine the most appropriate interventions to overcome those issues.

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

RESIDENTIAL AMENITY

The application would result in an increase in ground capacity of around 1,000 spectators and this may result in a slight increase in crowd noise during matches. Saved Local Plan Policy ES.12 seeks to protect against unacceptable noise from development. The closest neighbouring properties to the ground are located in Johnstone Street however at their closest the rear of the properties is approximately 60m from the proposed Stand with the majority of the spectators in the West Stand being over 100m away. Particular concerns have been raised by residents about the use of the public address system during matches however no additional speakers are proposed as part of the current application and use of the system is subject to control and agreement with the Council's Environmental Protection team and this will continue to be monitored. The increase in capacity is also likely to extend the period over which spectators arrive at and leave the ground however this is not anticipated to be significant and the crowd management measures operated by the Club seek to mitigate local impacts. In the circumstances the proposed development is considered to accord with Saved Policy D.2 of the Local Plan in that significant harm to the amenities of neighbours is unlikely to result from the development. Impacts on residential amenity during construction of the Stand will be controlled through a Construction Management Plan.

TREES

The proposed development is in close proximity to significant trees that are located in an embankment immediately to the west of the boundary wall. Following clarification of the nature and extent of the works the Council's Arboriculturalist has advised that no demolition, site preparation or development should take place until a Detailed Arboricultural Method Statement with Tree Protection Plan has been submitted and approved. Subject to the further details being approved (and the works being undertaken as approved) they have no objection to the proposals.

AIR QUALITY

Saved Local Plan Policy ES10 states that development will not be permitted where it would have an adverse impact on health, the natural or built environment or amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution. The proposed increase in capacity of the Ground will give rise to additional car trips to the city, including along routes within the city's Air Quality Management Area. However the scale of increase is limited and dispersed along a number of different routes into the city. Given the relatively few occasions that the Club plays at the Recreation Ground (15-16 games

per season) this has been estimated by the applicant as a maximum increase in annual average daily traffic on any route of 4 vehicles per day. This level of change is insignificant and likely to be below the daily variability in vehicles on the road.

TEMPORARY DEVELOPMENT

The development proposed is for a temporary four year period. Government guidance in respect of temporary permissions is that circumstances where a temporary permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period. It will rarely be justifiable however to grant a second temporary permission. Further permissions should normally be granted permanently or refused if there is clear justification for doing so.

The Club has indicated that a temporary permission is being sought for four years to meet demand for additional seating capacity and to allow sufficient time to resolve the question of their long term venue, whether at the Recreation Ground or elsewhere. Temporary stands have been approved at the Recreation Ground over a number of years and been renewed in anticipation of a final resolution regarding the Club's future at the Recreation ground. This has become complicated by issues over their lease and use of the site however these are understood to be drawing to a conclusion. This will provide a clear basis on which long terms decisions can be made and permission for a four year period will allow for full consideration of proposals for a facility as envisaged in the Core Strategy and in line with the draft Placemaking Plan Policy SB2. It is also considered that permission for four years would not prejudice the long term future of the Recreation Ground. Objections have been submitted which refer to the professional status of the Club and the legacy of the endowment of the Recreation Ground to the city however these are not material planning considerations.

If after four years the future of the Club at the Recreation Ground has not been resolved the current application seeks permission to erect a building of the same dimensions and general design as the existing stand on the site. Whilst it is not possible for the Council to impose a condition requiring a development to be implemented, this general approach is supported and a condition is included requiring full details of the replacement stand to be submitted for approval.

CONCLUSION

It is considered that the proposed development will impact on heritage assets however this is low and less than substantial. The character and appearance of the Conservation Area and integrity of the World Heritage Site OUVs will be preserved as will the setting of adjacent listed buildings. The increased capacity will result in additional vehicle movements into the city and around the ground however with mitigation this is not considered to give rise to significant harm to the amenity of neighbouring properties or across the city centre.

RECOMMENDATION

PERMIT

CONDITIONS

1 This permission shall expire four years from commencement of the development hereby approved or 30th May 2020 whichever is the earlier after which the temporary seating and other structures hereby approved shall be removed from the site.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 Not less than 12 months prior to the expiry of this planning permission details of the design, materials and programme of implementation of the Stand shown on Drawing 15/1647/PL120, PL121, PL122, PL123 shall be submitted and approved by the Council. The Stand shall not be erected on the site other than in strict compliance with the details as approved.

Reason: To ensure that the details of the building preserve or enhance the character and appearance of the Conservation Area.

3 No works on the Temporary Stand (including the demolition of the existing West Stand) shall take place until details of materials to be used in the construction of the Temporary Stand have been submitted to and approved by the Council.

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

4 The colour of the temporary seating hereby approved shall be dark grey or match the existing green seating which is in use elsewhere on the site.

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

5 The roof material of the Temporary Stand shall be removed from the Stand within 7 days of the last Premiership game of the season played at the Recreation Ground and shall not be re-erected more than 7 days before the first Premiership game of the following season.

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

6 Construction work associated with the erection and dismantling of the temporary Stand shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, subsequent letter dated 12 January 2016, accompanying 'Bath Rugby 100T Crane Access' note dated 08 January 2016 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the new West stand.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency, to allow flood water to be stored and thereby ensuring flood risk downstream is not increased, to maintain conveyance flows next to the river during a flood.

8 No development shall take place until a method statement/construction environmental management plan has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- The timing of the works
- The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)
- Construction methods
- Any necessary pollution protection methods
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

Reason: To protect the environment.

9 The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

10 No demolition, site preparation or development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion. The statement should

also include the control of potentially harmful operations such as the construction of retaining walls; storage, handling and mixing of materials on site, burning, service run locations and movement of people and machinery.

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

11 No development or other operations shall take place except in complete accordance with the approved Detailed Arboricultural Method Statement unless agreed in writing by the local planning authority. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first use of the stand and facilities.

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

12 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

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

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

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

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

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

PLANS LIST:

1 PL101, PL102, PL104, PL105, PL106, PL107, PL108, PL109, PL110, PL111, PL112, PL113B, PL114, PL116, PL117

2 Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. For the reasons

given, and expanded upon in the related case officer's report a positive view of the submitted proposals was taken by the Development Management Committee and permission granted.

playing fields, Site Of Special Scientific Interest (SI), World Heritage Site,

Applicant: Bath Rugby
Expiry Date: 25th February 2016
Case Officer: Gwilym Jones

REPORT

The Bath Recreation Ground ('The Rec') is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. Together with the other heritage assets in the vicinity the Recreation Ground forms an integral part the historic environment. Bath Rugby's pitch, Stands and associated currently facilities occupy the western part of the Recreation Ground. This comprises a number of permanent buildings including the Clubhouse at the northern end of the ground and the covered South and West Stands, as well as temporary seating and Stands principally on the eastern and northern sides of the pitch. To the south is the Council Leisure Centre building, to the west a public footpath and beyond that the River Avon. The remainder of the Recreation Ground to the east is open and used for a range of recreational activities. The application site lies within an area designated in the Local Plan as "Sites used as Playing Fields subject to Policy SR.1A" and is located within Flood Zone 3a/3b.

The Recreation Ground is framed by and contributes to the setting of a number of significant historic assets in the vicinity including:

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

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

The Recreation Ground lies within and forms the northern boundary of the Pulteney Road Character Area as defined in the Bath Conservation Area Appraisal November 2015. The western boundary takes in River Avon, to the east it is defined by Pulteney Road and the Avon and Somerset Canal and to the south by Rossiter Road. The document states that "the spacious open feel and green boundaries of the area contribute significantly to Bath's green setting and thus to its status as a World Heritage Site." The key characteristics are noted as a largely flat area that features prominently in views of the river, bridges and Abbey from the east and forms the middle ground of views out from around Grand Parade and the Abbey. Sports pitches are a major contributor to its character and to the green setting of the World Heritage Site. The openness of the Recreation Ground also contributes to vistas within the World Heritage Site such as from Grand Parade towards Bathampton Down and Sham Castle, from within the Recreation Ground towards Bath Abbey, and in longer distance views into the city from higher ground such as Alexandra Park/Beechen Cliff and Bathwick Fields.

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

CURRENT PLANNING APPLICATION

This is a full planning application for the erection of spectator stands and facilities on the north, east and south side of the pitch. Stands and facilities of a similar dimension are currently on site however planning permission for them expires in May and July 2016 and the Club is seeking planning permission for the stands and facilities for further four years. The application comprises:

North Stand - erection of terracing and seating in front of the existing Clubhouse and President's Lounge. The structure is generally 7m high (including a safety guard rail) and 7.5m to the east of the Clubhouse. Access for spectators is from each end and the centre of the Stand. The undercroft area provides a through route for pedestrians (connecting the riverside and William Street) and includes bars and serving areas which are open during match days. The stairs / handrails / guard rails / balustrades will be unpainted aluminium, with green plastic seating. It is proposed that this stand remains on site throughout the year.

East Stand - erection of temporary stand along the eastern side of the pitch. The structure is 120m long, 18m wide at its base (22m wide at its top) and a maximum of 9m high (including a safety guard rail). Access to the seating is from an enclosed undercroft area that also includes bars, serving areas and toilets. These are open during match days only. The stairs / handrails / guard rails / balustrades will be aluminium with a painted timber faced lower element (to the undercroft) and green mesh netting to cover the upper part of the stand. The seats are green plastic. The Stand would be removed during the summer and land restored to playing fields.

South Stand - erection of two buildings (3.75m x 4.5m and 10.2m high with balconies facing onto the pitch) located to the east and west of the existing South Stand. These will provide hospitality boxes with access from the existing South Stand and from an external staircase to the eastern hospitality boxes. The structures will have an open ground floor (above existing seating) and two floors above constructed of off-white painted steel on painted metal supports.

The development also includes the erection of a Control Room (a two storey structure 3.0m x 3.75m and 6.5m high) and a TV screen (8.6m wide and 4.95m high affixed to metal supports with a maximum overall height of 9.15m), both located between the North and East Stands. The Control Room is a requirement of the Professional Game Board and the local authority Safety Advisory Group that govern ground management and safety and is the control point for all ground/event management and an essential part of crisis management protocols and procedures. Floodlighting and public address systems are also proposed.

The application is accompanied by a Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Heritage Statement, Archaeological Assessment,

Landscape and Visual Impact Assessment, Flood Risk Assessment and Statement of Community Involvement.

RELEVANT PLANNING HISTORY

There is a significant and lengthy history of applications on the site including a number for temporary stands and structures over the last 5-10 years. Of particular relevance to the current application is the planning permission granted in 2014 for the retention and/or replacement of, and extensions to, the existing temporary spectator stands along the North, West and East sides of the pitch, (as approved under planning permission references 09/01319/FUL, 10/01609/FUL, 10/01608/FUL, 10/01611/FUL), provision of new hospitality boxes to either side of the retained South stand, new Control Room, and associated works and ancillary facilities comprising toilets and food and bar facilities. This permission was subsequently varied to allow for a) the retention of the North and West stand seating and terraces, and south stand hospitality boxes throughout the year, b) a change to the dates by which the East stand is to be removed in the 2015/16 season.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England - This scheme mirrors the details that we previously assessed under application 14/02158/FUL that granted two-year temporary planning permission on 4th August 2014. Our comments were generally supportive of the approach taken. At that time, English Heritage recognised that there would be some impact from this proposal on the Outstanding Universal Value of the World Heritage Site (OUV of the WHS), but it was for a temporary period and the development was not substantial in terms of scale and height. One different element of this proposal is that the Control Room has been re-located to a different part of the site. The Grade I properties in Johnston Street (at an elevated position above The Rec) are approximately 20m from the Control Room, together with the back of the metal structure that supports the TV screen. From the bottom end of Johnston Street, the back of these structures are clearly visible. Although we also appreciate that these are erected for a temporary period, we believe that there is a need to provide further mitigation in the form of better quality design or screening is provided, particularly of the TV screen, so that the views from above in Johnston Street will be less visually harmful. Whilst we are aware that certain aspects of this proposal may have a minor negative impact on elements of the adjacent historic environment and that there will be a cumulative impact of this application together with the west stand proposals, our main concern is with the impact on the OUV of the WHS. Having considered these details, we believe that there will be minor visual harm on the OUV and we, therefore, recommend that this scheme should be judged against Paragraph 134 of the NPPF. We also request that Conditions should be imposed regarding the treatment of the rear of the TV Screen due to its conspicuous location and visual impact to the setting of the adjacent Grade I listed buildings.

Environment Agency - initial objection on grounds of access to the Pulteney Weir Radial Gate in the event of an emergency and details of the Flood Risk Assessment. Subsequently withdrawn subject to conditions.

BANES Historic Environment Team - The site is extremely sensitive in conservation terms. It is understood that apart from the West Stand there is an extant temporary permission for the other seating and terraces on the site which have been in place in one form or another for over 10 years. The current application is for the retention of these structures, with some modifications. It is not therefore intended to raise objections to

these proposals, although it is hoped that a permanent development solution will be in place for when the permission expires, if granted. The modifications raise some minor concerns which should be addressed, North east corner fencing panels appear suburban in appearance and are not sympathetic to this setting. The current proposal moves the structure marginally closer to the President's Lounge (Grade II listed building) but this is not considered to cause any further harm to its already damaged setting. The metal safety railing at the top of the stand will protrude above the level of the listed building and be visible from Johnstone Street, and this does cause concern regarding its impact on views in the street scene.

BANES Highways - This application relates to the retention (for a temporary period of four years) of stadium elements that have been agreed as part of previous applications. The Rugby Club has an established Travel Plan and this was reviewed with the Council in the summer of 2015. The adequacy of the Plan was discussed and a number of initiatives were agreed. The current Travel Plan will be updated in the summer of 2016, and will be ready for the 2016 / 2017 season. Given the importance of the Travel Plan and the agreed initiatives / targets, it is recommended that requirement for an updated Travel Plan is a condition of any planning permission. The construction management approach is consistent with that previously agreed and there is no objection to this plan.

BANES Arboriculturalist - no objection

BANES Environmental Protection - The proposed works will have the potential to cause noise disturbance to neighbouring residents. The control of hours of work in relation to noisy activities in the Construction Management Plan is rather vague and offers little protection to residents. The proposed hours of work for noisy activities also fails to comply with the Council's Code of Practice for noisy works which states that no noisy works should take place after 1.00pm on Saturdays. In order to safeguard the amenity of neighbouring residents, I would suggest the Construction Management Plan be amended to take account of the Council's Code of Practice.

Recreation Ground Trust - supports the principle of creating a period during which all parties can focus on the long term development solution. It should be noted that the lease arrangements with Bath Rugby requires the North Stand to be removed each season.

36 letters of objection have been received (with more than one submission from some respondents) on a combination of procedural and planning grounds as well as matters relating to the professional status of the Club and the terms of a lease on the land. The Club's use of the site is a matter to be resolved between the Club and Recreation Ground Trust and is not material planning considerations in the determination of this application.

Objections on planning grounds are:

- significant negative impact on and substantial harm to the World Heritage Site and its Outstanding Universal Values, the Conservation Area and wider setting of listed buildings
- development is inappropriate and contrary to the World Heritage Site Management Plan, puts the Outstanding Universal Values at risk and damages the integrity of the World Heritage Site
- increased height will block views to, from and across the Recreation Ground

- loss of views of the open space of the Recreation Ground and the experience of the countryside stretching into the city and the green setting of the city in a hollow in the hills
- poor design and excessive scale of the proposed temporary stand
- the stated public benefits are challenged and could not outweigh the harm to the heritage assets
- the claimed financial and social benefits do not outweigh the removal of the most visible and significant part of the Recreation Ground from the public realm for most of the year
- increased traffic causing congestion and air pollution
- incremental growth of capacity through temporary schemes to extend the stand
- intensification of the use with no additional car parking provision resulting in access difficulties
- continued temporary planning permissions are contrary to government advice
- effectiveness of the emergency access to Pulteney Weir

22 letters of support have been received on the grounds that the presence of the Club benefits the local economy.

POLICIES/LEGISLATION

Policies/Legislation:

The development plan comprises the Adopted Core Strategy and Saved policies from the Bath and North East Somerset Local Plan (2007).

Core Strategy policies of particular relevance to this application are:

- Policy B1 - Bath Spatial Strategy
- Policy B4 - The World Heritage Site and its setting
- Policy CP5 - Flood Risk Management
- Policy CP6 - Environmental quality

Saved policies in the Bath and North East Somerset Local Plan (2007) of particular relevance to this application are:

- D.2 - General design and public realm considerations
- D.4 - Townscape considerations
- SR.1A - Recreational open space
- SR.4 - Proposals for recreational facilities within urban areas and settlements
- NE.14 - Flood risk
- BH.1 - World Heritage Site
- BH.2 - Listed Buildings and their settings
- BH.6 - Development affecting Conservation Areas
- BH.9 - Parks and gardens of special historic interest
- BH.15 - Visually important open spaces
- NE.1 - Character and local distinctiveness of the landscape
- NE.4 - Impact on trees and woodlands
- T.24 - Highway safety

The Placemaking Plan Pre-Submission Draft (December 2015) is a material consideration however it has not been subject to examination and little weight can be given to it in the determination of the application. Policy SB2 includes Development Requirements and Design Principles that will apply to the consideration of development proposals within this area. In respect of the development of a sporting, cultural and leisure stadium (in

accordance with Core Strategy policy B1(8)b) it notes that the preparation of a Development Brief, in conjunction with stakeholders, the local community and statutory consultees, will provide the detailed framework which will enable this development to come forward.

National Planning Policy Framework (NPPF) March 2012 including accompanying Technical Guidance and National Planning Guidance.

OFFICER ASSESSMENT

ENVIRONMENTAL IMPACT ASSESSMENT

Being located within the World Heritage Site, defined as a 'sensitive area' in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the proposed development constitutes Schedule 2 development under the Regulations and requires 'screening' to determine whether the development is likely to have significant effects on the environment and therefore 'EIA development'. For the purposes of the screening exercise the development comprises the North Stand, East Stand, South Stand Hospitality boxes, TV screen and Control Room plus the existing West Stand. The Council has had particular regard to the characteristics of the development, the location and environmental sensitivity of the development site, and the characteristics of the potential impact including the cumulative impact of the different elements and operations. The conclusion is that the construction effects are likely to be short term and subject to appropriate controls their impact managed and limited. The proposed development is for a limited period and unlikely to give rise to significant effects on the environment, in particular the features that contribute to the designation of the city as a 'sensitive area'. Accordingly an Environmental Impact Assessment is not required.

PRINCIPLE OF THE DEVELOPMENT

The proposals comprise the retention of previously approved temporary stands and related facilities at the Recreation Ground. Policy B1(8) of the Core Strategy states that "At the Recreation Ground, and subject to the resolution of any unique legal issues and constraints, enable the development of a sporting, cultural and leisure stadium." Whilst this current application is for temporary stands, and therefore does not propose a long-term solution for the ground, it does not prejudice proposals coming forward in the future. Nor does the application presume or pre-empt a permanent facility on the site. It would enable Bath Rugby to continue to play at the Recreation Ground while its long term venue was decided. If the proposed temporary West Stand (15/05235/FUL) were approved the ground would have an overall capacity of around 14,500.

The Recreation Ground is a recreational open space and Saved Local Plan Policy SR.1A seeks to resist development that results in the loss of any playing fields or recreational open space unless certain criteria are met. One criterion is that the proposed development is for a sports facility with at least equal benefit to the development of sport and outweighs the loss of the existing or former recreational use. In this case the use of part of the Recreation ground by Bath Rugby retains a sporting use on the site and the remainder of the Recreation Ground will remain as playing fields for general use by other sports and the public. It is acknowledged that the proposed development will involve the loss to general public use of the land occupied by the Club during the playing season however the presence of a Premiership team is a major sporting facility in the city and promotes sporting activity to the benefit of both players and spectators. The Club's location within the city contributes to the local economy, and the retention of the club

within Bath represents a material consideration in the determination of the current application. Although the proposed development will involve the loss of part of the playing field area (for part of the year) it is considered that this is outweighed by the benefits provided by having the rugby club in this location.

Saved Local Plan Policy SR.4 supports the development of new facilities and the enhancement or improvement of existing sporting facilities, subject to developments meeting a number of criteria. These include that the development complements the existing pattern of recreational facilities; is readily accessible by transport modes; there would be no adverse impact on public safety; and that the amenities of neighbours would not be adversely affected. The proposed development is for a recreational use and on the evidence of previous seasons does not prejudice other recreational uses or the hosting of sporting events such as the Bath Half Marathon. The site is located in the city centre close to a range of existing public transport services, and the Club operates a range of measures aimed at encouraging non-car modes of transport to the site.

The presence of Bath Rugby at the Recreation Ground does give rise to crowd noise during matches including from the public address system. This is controlled by the Council's Environmental Health officers who liaise with the Club regarding noise from the site. The Club operates a range of crowd management measures at and around the ground to seek to reduce the impact of the large number of spectators arriving at and leaving on match days. The proposed stands and Control Room are not considered to represent public safety or amenity issues.

The impact of the proposed development on heritage assets is considered below however in terms of compliance with Saved Policy SR.1A and SR.4 of the Local Plan (2007) and B1(8) in the Core Strategy it is considered that the principle of development is acceptable.

IMPACT ON THE CONSERVATION AREA/WORLD HERITAGE SITE/ SETTING OF LISTED BUILDINGS

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Council to have special regard to the desirability of preserving the setting of listed buildings. There is also a duty under s. 72 of the same Act to pay special attention to the preservation or enhancement of the character or appearance of Conservation Areas. The NPPF requires that as part of decision-taking process local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The policy context for assessing the proposed development is set out in the Core Strategy and Saved Local Plan policies. Of particular relevance is Core Strategy Policy B4 which states that "there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity ...

Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against the level of harm to the Outstanding Universal Value of the World Heritage Site". In addition, Policy CP6 states that "the sensitive management of Bath & North East Somerset's outstanding cultural and historic environment is a key component in the delivery of sustainable development. The Council will protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets". Saved Local Plan Policy BH1 states that "development which would harm the qualities which justified the inscription of Bath as a World Heritage Site ... will not be permitted" and Policy BH2 that "development affecting a listed building or its setting will only be permitted where it would [amongst other matters] not adversely affect the buildings contribution to the local scene including its role as part of an architectural composition". In respect of development within or affecting a Conservation Areas Saved Policy BH6 states that "development ... will only be permitted where it preserves or enhances the character or appearance of the area in terms of size, scale, form, massing, position, suitability of external materials, design and detailing. Particular attention will be given to [amongst other matters] the impact of the proposed development on the townscape, the relationship of buildings to open space and historic grain; the need to protect existing trees and landscape which contribute to the character or appearance of the conservation area".

The existing permanent stands on the site (Clubhouse and West Stand) are generally low key and considered to have a neutral visual impact on the site and its surroundings. The white 'tented' roof structure of the South Stand is visible in a number of views however overall the scale of the buildings and the partial screening provided by tree planting along the river means that these buildings do not have a significant presence. The current application proposes a number of linked elements that collectively constitute Bath Rugby's use of the Recreation Ground. These have been assessed in terms of the impact on the site, heritage assets and the surrounding area.

North Stand - the proposed North Stand, Control Room and TV screen will be visible from the end of Johnstone Street, a Grade 1 listed street of houses the end properties of which directly adjoin the Recreation Ground. Johnstone Street itself is at a higher level than the Recreation Ground and the proposed stands will be clearly visible however views across the ground towards Widcombe, the spire of St. Matthew's Church and the hills beyond would be maintained. Properties in the southern end of Johnstone Street directly overlook the site and will be affected, particularly those in the basement and lower basement levels which look on to the back of the Stand, Control Room and TV screen. These structures will also impinge on the setting of President's Lounge, a concern raised by Historic England. There is a degree of separation between the properties in Johnstone Street and the proposed structures, and given that the overall integrity of the street is maintained the level of harm is considered to be less than substantial. In the case of the properties that directly overlook the site, to seek to mitigate the impact the Club is proposing a timber enclosure around the base of the TV screen and Control Room. Whilst this may partially obscure direct views of them, in accordance with Historic England's comments, it is considered that further screening of the TV screen is required. This will be secured by condition.

South Stand - when viewed from the north (Johnstone Street) and from within the Recreation Ground the proposed hospitality boxes adjacent to the existing South Stand would be seen against the backdrop of the existing Leisure Centre. Views across the site

to Widcombe, St Matthew's Church and the hills beyond are maintained and the impact on the Conservation Area, World Heritage Site and listed buildings is limited. The structure on the western side of the Stand, although partially screened by trees outside the site, would be visible from North Parade Bridge particularly during winter. The structure will impinge to a degree on views from North Parade Bridge across the ground towards Johnstone Street and Great Pulteney Street however the proposed hospitality box is below the parapet level of these buildings and views along the river towards Pulteney Bridge and towards Lansdown and the hills around the city are not affected. It is considered that the impact of these structures on the World Heritage Site OUVs, Conservation Area and listed buildings is low.

East Stand - the Recreation Ground can be seen from numerous locations in the city centre as well as from the surrounding hills to the south and east. The proposed East Stand will be clearly visible from Grand Parade and Johnstone Street (looking out from the city across the Recreation Ground), and from within the Recreation Ground (looking towards the Abbey). The site and its setting is sensitive and the proposed development will impact on the character and appearance of the Conservation Area including the openness of this part of the city. The height of the East Stand means that local views into and across the Recreation Ground from Grand Parade are truncated however the buildings on Pulteney Road on the eastern side of the Recreation Ground are visible as are the buildings on Bathwick Hill, Sham Castle and the tree covered Bathampton Down beyond. From Johnstone Street the East Stand bisects the open space of the Recreation Ground and impacts on short distance views however it sits below the height of the South Stand and Leisure Centre and does not impinge on views to Widcombe Hill beyond. From these viewpoints the view from the city centre towards the hills beyond (a key element of World Heritage Site OUV of "the city in a hollow in the hills") is maintained and the impact on the World Heritage Site is considered to be less than substantial.

From within the Recreation Ground, when in place the East Stand will impact on views of the Abbey and on the open character of the Conservation Area. From some locations the Abbey is partly obscured by existing trees along the western edge of the site, particularly when they are in leaf, and the majority of the Abbey will remain visible from large parts of the Recreation Ground and from Pulteney Road. The partial views of the Abbey from St Mary's Church will not be significantly affected by the Stand. In longer distance views such as from Sham Castle and Bathwick Fields, whilst the East Stand is visible, given the overall view across a significant part of the city and the hills that frame it the impact is considered to be low.

Taking account of the scale of the development, the temporary nature of the effects, the fact that the majority of the Recreation Ground will remain open (and with the East Stand dismantled during the summer months) the impact on the World Heritage Site, Conservation Area and setting of listed buildings the impact is considered to be less than substantial. NPPF para. 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Public benefits can be social, economic and environmental. In relation to the historic environment, Planning Practice Guidance (at Paragraph: 020 Reference ID: 18a-020-20140306) states that "Public benefits ... should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."

Information submitted by the applicant in respect of the proposed temporary West Stand estimates an average spend per spectator per match of £79.80. This takes account of the visitor type (e.g. Bath resident, other day visitor, overnight visitor and non-spenders) and is weighted to reflect the breakdown of visitors by these types. Assuming this level of spend and a capacity of 14,500 spectators this would result in approximately £18 million of expenditure per year in Bath. Using the same methodology as that for the West Stand, this would support around 36 Full Time Equivalent (FTE) jobs directly plus indirect/induced jobs across the South West, providing opportunities for residents in Bath seeking employment in retail, recreation, tourism, accommodation and food.

The level of expenditure has been challenged by objectors to the application. The Council's Economic Development Team advise that the level of spend is similar to that for other visitors to Bath as recorded in the 2014 Bath Visitor Survey. There is however a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, and there is a duty on the Council to preserve the character and appearance of Conservation Areas and the setting of listed buildings. This has been taken into account when weighing the harm against the public benefit and even at a reduced level of expenditure by spectators the contribution to the local economy would still be significant. For the reasons set out above regarding the scale and nature of the impact and the scale of public benefit it is concluded that the harm is outweighed by the public benefit.

DESIGN AND APPEARANCE

As well as the impact of the proposed development on heritage assets, also relevant are Core Strategy Policy CP6 and Saved Local Plan Policy D.2 and D.4. The temporary stands, hospitality boxes and Control Room are of a functional design and construction, and whilst the rear of the East and North Stands are covered by a mesh to screen the metal frame they are clearly temporary structures and would not be approved on a permanent basis. Historic England have raised concerns about the impact of the Control Room and TV screen in views from Johnston Street and recommend some form of mitigation to screen them. A condition is recommended to require submission of further details to address this issue.

Policy SB2 in the draft Placemaking Plan includes Development Requirements and Design Principles that will apply to the consideration of long term development proposals within this area. There have been repeated applications for temporary stands on the site over the years and an incremental growth in spectator capacity whilst discussions on a long term solution have progressed then stalled. Some of the issues preventing progress are coming to a conclusion and it is considered that the retention of the stands for a further four years will allow time to resolve the future of the Club at the Recreation Ground. The Council would not support the Stands being retained on a permanent basis however in the interim, as temporary structures they are considered to be acceptable.

FLOOD RISK

The Recreation Ground falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. Policy NE.14 seeks to control development in areas subject to flooding, where it would impede the flow of floodwater unless the flood hazard can be mitigated or causes net loss in the flood storage capacity. In the NPPF Technical Guidance (Table 2: Flood risk vulnerability classification) the

proposed Stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. A Flood Risk Assessment has been submitted with the application and having initially raised an objection to the proposals the Environment Agency have since advised that it is satisfied that the proposed development would not increase flood risk or storage capacity. In addition, operational access to the Radial Gate which forms part of the River Avon flood alleviation measures will be secured via a route across the site from North Parade Road. The Environment Agency proposes a condition to ensure that the development takes place in accordance with the approved details of the FRA and that the access is maintained. On this basis the Environment Agency have withdrawn their objections.

TRANSPORT AND ACCESS

The Recreation Ground is located in the centre of Bath and readily accessible by a variety of means of public transport and the site is considered to be in a sustainable location. The Club promotes travel to matches by public transport however a proportion of spectators will travel to the city by car. Whilst it is considered that there is sufficient parking capacity in the city and Park and Ride site during normal weekend conditions, there are occasional overlaps with other major events in the city such as the Christmas Market. To address these situations the Council's Highways Development Team has sought confirmation from the Club that measures can and will be put in place to provide additional parking. In response the Club has indicated that if it is known that the combination of a home rugby fixture and another event is likely to give rise to parking capacity issues, they will implement a strategy to work collaboratively with the Council and other involved parties to identify and support the provision of capacity to accommodate the additional parking demand. This will include locations close to existing Park and Ride sites or on key roads into the city as well as options to enhance the provision of alternative means of transport to accommodate the additional demand for travel into Bath. Details would be agreed via submission of a detailed contingency plan. This approach is acceptable in principle and subject to a commitment from the Club to implement the measures as and when required this approach is supported.

Another issue is the movement of spectators to/from the Recreation Ground on match days. Immediately before and after matches there are a significant number of spectators trying to get to or leave the site. This leads to congestion at key locations however these impacts are short term. In order to spread the flow of people accessing the Recreation Ground and to ease the pressure on pinch points such as the steps from Pulteney Bridge and North Parade Bridge the Club has introduced a ticketing system which directs spectators to particular entrances and also employs marshals to direct spectators to suitable alternative routes. Avon and Somerset Police have advised that they do not police rugby matches or pedestrian movement as there is no operational need to do so. In the light of this advice the short term crowd movements to and from the Recreation Ground are not considered to be a significant road safety issue. Nonetheless the Club have undertaken to monitor pedestrian movements as well as encroachment of pedestrians into the road, obstruction of pedestrians walking in the opposite direction and delays to vehicles caused by pedestrians. This will be undertaken this season to provide a baseline for assessing the additional capacity should the temporary Werst Stand (15/05235/FUL) be approved. If specific issues are highlighted by the monitoring there is a commitment from the Club to engage in discussion with the Council, SAGE and the Police as necessary to determine the most appropriate interventions to overcome those issues.

It is considered that subject to a condition regarding implementation of measures within the Travel Plan the scheme is acceptable in transport terms.

RESIDENTIAL AMENITY

Saved Local Plan Policy ES.12 seeks to protect against unacceptable noise from development. The closest neighbouring properties to the ground are located in Johnstone Street and they are directly affected by the development on match days. Particular concerns have been raised by residents about the use of the public address system during matches and the use of the system is subject to control and agreement with the Council's Environmental Protection team. This will continue to be monitored. Whilst there are evidently direct impacts on these properties on match days, subject to the crowd management measures adopted by the Club continuing and other measures to seek to mitigate impacts, it is not considered that sustained harm to the amenities of neighbours arises from the proposed development. Impacts on residential amenity during construction of the Stand will be controlled through a Construction Management Plan.

The current temporary planning permission for the TV Screen permits its use for up to two hours before or after a game. The applicant has proposed that the TV screen is available for use for up to four hours before or after a game (with a limit of 10.00pm) to allow international games to be shown before and/or after matches at the Recreation Ground. They suggest this would happen on relatively few occasions during a season. Given the proximity of residential properties to the site (and to the TV screen) it is considered that the hours of operation should remain at two hours before or after a game, and end at 10.00pm at the latest.

AIR QUALITY

Saved Local Plan Policy ES10 states that development will not be permitted where it would have an adverse impact on health, the natural or built environment or amenity of existing or proposed uses by virtue of odour, dust and/or other forms of air pollution. The development gives rise to car trips to the city, including along routes within the city's Air Quality Management Area, however this is dispersed along a number of different routes into the city. Given the relatively few occasions that the Club plays at the Recreation Ground (15-16 games per season) the overall effect is not considered to be significant in the context of total daily vehicle movements over a season.

TEMPORARY DEVELOPMENT

The development proposed is for a temporary four year period. Government guidance in respect of temporary permissions is that circumstances where a temporary permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period. It will rarely be justifiable however to grant a second temporary permission. Further permissions should normally be granted permanently or refused if there is clear justification for doing so.

The Club has indicated that a temporary permission is being sought for four years to allow sufficient time to resolve the question of their long term venue. Temporary stands have been approved at the Recreation Ground over a number of years and been renewed in anticipation of a final resolution regarding the Club's future at the Recreation Ground. This has become complicated by issues over their lease and use of the site however these are understood to be drawing to a conclusion. This will provide a clear basis on which long

terms decisions can be made and permission for a four year period will allow for full consideration of proposals for a facility as envisaged in the Core Strategy and in line with the draft Placemaking Plan Policy SB2. It is also considered that permission for four years would not prejudice the long term future of the Recreation Ground. Objections have been submitted which refer to the professional status of the Club and the legacy of the endowment of the Recreation Ground to the city however these are not material planning considerations.

CONCLUSION

The stands and structures the subject of the current application have previously been granted permission on a temporary basis. The temporary nature of the design, construction and appearance of the Stands would not be permitted on a permanent basis in this sensitive location. The current application seeks planning permission for the retention of the temporary Stands for a further four years to enable the Club to remain at the Recreation Ground beyond the end of the 2015/2016 season and work with stakeholders to develop plans for a long term scheme for the site.

In considering the proposed development special regard has been given to the desirability of preserving the setting of listed buildings and special attention has been given to the preservation or enhancement of the character or appearance of Conservation Areas. The East Stand does impact on the openness of the Recreation Ground however under previous planning permissions this has been limited to the rugby season. The overall harm to heritage assets is considered to be less than substantial and outweighed by the benefits to the city of the Club playing at the Recreation Ground. The East Stand also impacts on the full use of the Recreation Ground by the public and therefore during the summer when the Club is not playing at the Recreation Ground it is considered appropriate and to the benefit of the openness of the site and its wider public use that the East Stand is removed. Representations objecting to the application have been considered however for the reasons set out in the report it is considered that the development will result in less than substantial harm to heritage assets. When the impacts are weighed against the public benefits, taking account of the temporary nature of the proposed development and subject to mitigation measures (including the removal of the East Stand during the summer, screening of the rear of the TV screen and Control Room, time limits on the use of the TV Screen and implementation of the Travel Plan and crowd management measures) it is concluded that the proposals are acceptable.

RECOMMENDATION

PERMIT

CONDITIONS

1 This permission shall expire four years from commencement of the development hereby approved or 30th May 2020 whichever is the earlier after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 The construction of the temporary East Stand seating and associated facilities including access stairs shall not commence more than 4 weeks before the first Home game of each rugby Premiership season. The East Stand shall not be used for more than 39 weeks from the date it is first brought into use each season and the East Stand structures and associated facilities including access stairs shall be entirely removed from the site not later than 3 weeks after the last Home game of the rugby Premiership season.

Reason: In the interests of the use, character and appearance of the site as recreational open space within the Conservation Area and World Heritage Site and the setting of listed buildings.

3 The reinstatement scheme for the grass underneath the East Stand shall be implemented in accordance with details submitted to and approved by the Local Planning Authority not less than three months before the last Home rugby Premiership game each season. The reinstatement scheme shall be implemented as approved within 7 days of the Stand being removed pursuant to Condition 2.

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

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

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

5 Only green coloured seating shall be installed in the temporary Stands hereby approved.

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

6 Construction work associated with the erection and dismantling of the temporary Stands shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, subsequent letter dated 12 January 2016, accompanying 'Bath Rugby 100T Crane Access' note dated 08 January 2016 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the Recreation ground.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency, to allow flood water to be stored and thereby ensuring flood risk downstream is not increased, to maintain conveyance flows next to the river during a flood.

8 The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

9 In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Contamination may be indicated by soils that have unusual characteristics such as: unusual colour, odour, texture or containing unexpected foreign material.

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

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

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

11 This permission relates only to the East Stand, North Stand, South Stand hospitality boxes, Control Room and TV Screen as shown on the submitted drawings and does not convey consent for any other development including any flags/advertising.

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

12 The screen/scoreboard hereby permitted shall only be operated on Home rugby Premiership match days. The screen/scoreboard shall be operated for a maximum of two hours before or after a rugby Premiership Home game and no later than 10-00pm.

Reason: To safeguard the amenities of nearby residents and in the interests of safeguarding the character and appearance of this part of the Conservation Area and the World Heritage Site.

13 The TV Screen shall not be used during the 2016/17 rugby Premiership season or thereafter until details of the treatment of the rear of the screen have been submitted to and approved by the Local Planning Authority. The works shall be completed as approved prior to the first Home game of the rugby Premiership 2016/17 season.

Reason: To protect the amenities of nearby residents and in the interests of safeguarding the character and appearance of this part of the Conservation Area and the World Heritage Site.

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

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

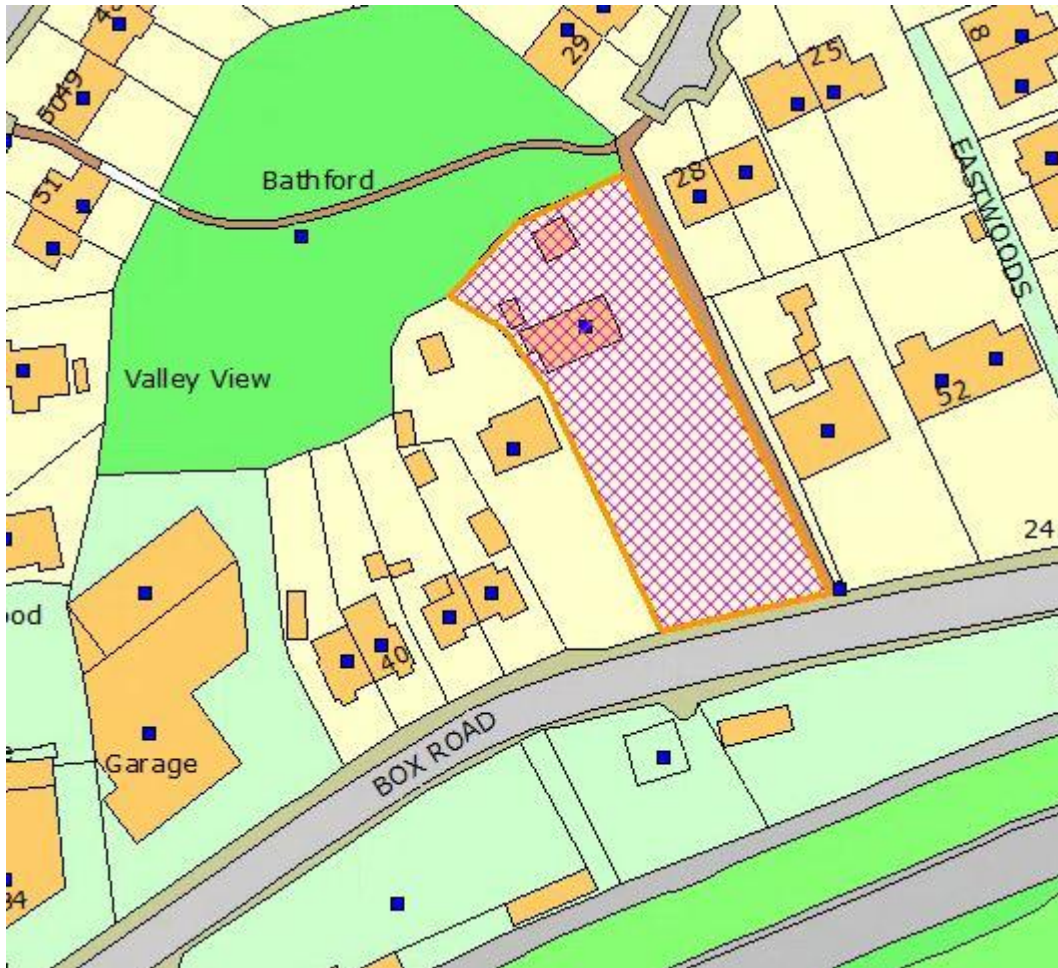
PLANS LIST:

1 15.1646.PL101, PL102, PL107, PL108, PL109, PL110, PL111, PL112, PL113, PL114, PL116, PL117, PL118, PL119

2 The applicant is advised that the Council's Code of Practice to control noise from construction sites should be fully complied with which can be found at the following web-link;
<http://www.bathnes.gov.uk/BathNES/environmentandplanning/Pollution/PollutionConstruction.htm>

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

Item No: 05
Application No: 15/03453/FUL
Site Location: 48 Box Road Bathford Bath Bath And North East Somerset BA1 7QH



Ward: Bathavon North **Parish:** Bathford **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application

Proposal: Erection of 4no four-bedroom dwellings, each with a detached double garage, following demolition of existing bungalow. To include associated hard and soft landscaping works, construction of retaining walls to sections of the north, east and west boundaries, and improvements to site access.

Constraints: Agric Land Class 3b,4,5, Forest of Avon, Hotspring Protection, Housing Development Boundary, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Ashford Homes (South Western) Ltd

Expiry Date: 12th February 2016

Case Officer: Alice Barnes

REPORT

Reason for reporting application to committee

The application is being referred to the committee at the request of Councillor Alison Millar and Councillor Martin Veal as the development is considered to be overdevelopment of the site and concern is raised with regards to the trees within the site.

The application has been referred to the chair who has agreed that the application will be considered by the committee.

Description of site and application

The application site is accessed from the Box Road. It is located outside of the Green Belt and sits on the edge of Batheaston village. It is part of Bathford parish. Currently the site is characterised by one single storey dwelling located at the top of the slope of the site. From the existing dwelling the land slopes downwards towards Box Road resulting in a large front garden.

This is an application for the erection of four dwellings following the demolition of the existing single dwelling. The site will be laid out with two dwellings fronting the road and two to the rear of the site. Plots 1 and 2 at the front of the site are proposed to be three bedroom dwellings and plots 3 and 4 at the rear are proposed to be four bedroom dwellings.

Relevant History

9290 - Dwelling and garage

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Bathford Parish Council: The proposed development will result in overdevelopment of the site. The proposed materials are inappropriate and out of character with nearby properties. There will be a loss of light to the neighbouring property to the west. There will be a significant increase in traffic entering a busy main road where there are limited sight lines.

Highways: Following the receipt of further information the objection is withdrawn. Adequate onsite parking has been provided and vehicles will be able to enter and exit the site safely.

Arboricultural: The woodland to the rear is covered by a tree protection order. The revised Proposed Site Plan has removed the garages from the northern boundary.

I have no objection to the proposed tree removals from the site subject to replacement planting or the proposed works to the retained trees.

I have a number of concerns relating primarily to the consideration of T13 of the survey (Robinia) within the Arboricultural Method Statement and Tree Protection Plan. The following comments are not comprehensive.

The tree protection fencing shown for this site prevents access to the site and a number of other activities e.g. laying of services, construction of the road. Protective fencing should remain in situ for the duration of the demolition and construction phases to provide a construction exclusion zone.

No mention is made of a precommencement site meeting with the Project Manager; the demolition stage; how the widening of the drive will be achieved without any excavations; installation of services etc. prior to installation of geotextile matting. Geotextile matting alone will not achieve any form of tree protection. Figure 3 does not include the widening of the drive and appears more generic than site specific.

It is not clear how the stone wall will be secured if footings are not dug. This is not highlighted on the Tree Protection Plan. Site supervision is included, however, no guidance is included to address unexpected situations or what to do if roots are encountered.

The Root Protection Area (RPA) provides an indication of the minimum area containing sufficient roots and rooting soil volume around a tree to maintain viability. The volume is affected by site specific above and below ground structures. Other considerations are the topography and drainage, soil type and tree species and age. In this case the RPA of the Robinia will primarily be influenced by the presence of the road and footpath. This will result in the RPA being skewed into the site which heightens the need to extend the area requiring precautionary measures.

Therefore conditions should be attached to any permission requiring the submission of a detailed Arboricultural method statement which will include tree protection measures.

Councillor Martin Veal: In principle I am against this proposal and would ask if the officer is of a mind to approve that it comes to committee.

Councillor Alison Millar: This is a large plot. I think the neighbours have a right to be concerned about the request to build four houses there as access would be very difficult both for construction and then going forwards as speeds on that road are quite high. I would be concerned about the impact of that amount of construction on the plot of land behind which, as we discussed, has several TPOs in place.

Representations: 3 representations have been received objecting to the application for the following reasons;

The proximity of houses 1 and 3 would result in a dominant and overbearing impact to the occupiers of the neighbouring dwelling of number 46 Box Road.

Plot 3 would result in an increase in height from the existing dwelling.

The development will result in a loss of light to number 46 Box Road.

This is over development of a small plot of land.

The trees to the rear of the bungalow are protected by a tree preservation order

The development will cause harm to highway safety with additional cars exiting onto Box Road.

Timber cladding is not in keeping with the surrounding area.

Box Road is a busy road with heavy traffic and the development will cause harm to highway safety.

The development will result in a loss of light to the occupiers of number 28 Meadow Park.

The development will block the view of Bathford to nearby properties.
Any change in levels will result in the loss of the boundary hedge.
Land drainage may be affected.
Any loss of trees would harm the local wildlife.
The development is too dense for the site.
The proposed gardens are small.
Timber cladding is not appropriate
The trees to the rear are protected by a tree preservation order.
Plots 1 and 3 will appear overbearing to the occupiers of 46. Plot 1 will result in overshadowing of the garden.
The construction of retaining walls could result in the loss of a boundary hedge.
The change in land levels could affect the stability and drainage of the surrounding site.
There is no visitor parking and there is no on road parking in the surrounding area.
There will not be enough room for construction traffic.

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
CP7 - Green Infrastructure
RA.1 - Development in villages meeting the listed criteria.

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
T.24: General development control and access policy
T.26: On-site parking and servicing provision
Ne.4: Trees and Woodland Conservation

National Policy
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance 2014

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications. The following policies are relevant;

D.2 - Local character and distinctiveness
D.5 - Building design
D.6 - Amenity
ST.7 - Transport requirements for managing development
NE6 - Trees and woodland conservation
D7 - Infill and backland development

OFFICER ASSESSMENT

This is an application for the erection of four dwellings following the demolition of the existing single dwelling. The existing site is currently occupied by one single dwelling. The land slopes upwards from the road level and the existing dwelling is located at the top of the slope. There is currently a large front garden to the front of the site and a garage to the rear of the dwelling.

Principle

The application site is located within the housing development boundary and therefore the principle of development is accepted subject to compliance with all other policies within the local plan.

Design

The proposed layout has sited two dwellings towards the front of the plot and two at the rear. The proposed dwellings at the front of the plot will largely be in line with dwellings that front onto Box Road such as numbers 42 and 44. The dwellings at the rear of the plot will be sited in line with number 46. The proposed layout is considered to respond to the grain of development within the surrounding area.

The proposed development has been laid out with two dwellings at the front of the site and two at the rear. All dwellings are proposed to be two storey properties constructed from Bath stone with timber cladding at first floor. The roofs will be constructed with slate. The dwellings include pitched roofs with gable ends. There is a variety of dwelling styles and built forms within the surrounding area and the proposed design is considered to complement the appearance of the surrounding streetscene.

No garages are proposed at plots 1 and 2 as the provision of garages in this location would be considered to appear incongruous within the existing streetscene.

Amenity

The layout of the development has been revised in response to the case officers concerns raised with regards to the impact on the neighbouring dwelling of number 46. Plot 3 has been re sited so that the dwelling would sit partly adjacent to the side elevation of number 46 when it was previously adjacent to the rear garden of number 46. As the dwellings will now sit partly adjacent to one another's side elevations the dwelling at plot 3 is not considered to be overbearing to the occupiers of plot 3.

The dwelling at plot 1 has been reduced in size and height. It will sit close to the neighbouring boundary with number 46. The dwelling will sit adjacent to the front garden

and parking area of number 46 rather than private outdoor space. Therefore on balance the proposed dwelling at plot 1 is not considered to harm the amenity of the neighbouring occupiers through being overbearing.

The properties do not include glazing on the side elevations and therefore will not result in increased overlooking of number 46.

Plots 2 and 4 will be located adjacent to the east boundary where a footpath separates the site from neighbouring properties. This separation means that the dwellings are not considered to appear to be overbearing to the neighbouring dwellings to the east. Again glazing is not proposed on the side elevations so that the proposed dwellings will not result in increased overlooking of the neighbouring properties.

Concern was raised within the representations that plot 4 would result in a loss of light to number 28 Meadow Park. As stated above the dwellings will be separated from the properties to the east by a pedestrian footpath. In any event plot 4 has been re sited so that it will boarder the rear of the garden at number 28 and the rear section of garden at number 50 Box Road. So would not cause significant harm to the amenity of the neighbouring occupiers at number 50 and number 28.

Concern has been raised within the representations that the dwelling will block views of Bathford to properties behind the site. The loss of a view is not a material consideration and the proposed development is not considered to appear overbearing to neighbouring occupiers.

The proposed dwellings have been sited within the plots so that the properties are a sufficient distance apart so that intervisibility between the properties will not harm the amenity of the future occupiers of the development.

Highways

The applicant has assessed vehicle speed movements. The submitted information has demonstrated that visibility distances of over the required 59m can be achieved in both directions when exiting the site. Cars will be able to enter and exit the site in forward gear with visibility in either direction. The highways officer has advised that the increase in vehicle movements to the site will only have a minimal impact on traffic safety.

The site layout has been revised which resulted in the omission of 2 no. garages serving plots 1 and 2. The proposal now provides only 2 no. spaces per dwelling as opposed to the 4 no. spaces initially provided for each plot. However, it has been noted that 2 of the dwellings (plots 1 and 3) will now have 3 no. bedrooms as opposed to the 4 previously proposed. Therefore, plots 1 and 3 will comply with Policy T.26 of the Local Plan with regard to parking. Batheaston village offers a sustainable location close to public transport with local shops and services.

Arboricultural

The woodland to the rear of the site is covered by a tree preservation order. The revised proposed site plan has removed the garages from the northern boundary. The proposed development will not impact on the trees to the rear of the site.

The arboricultural officer has raised a number of concerns with regards to the submitted tree protection plan and root protection areas with regards to the trees within the site. They have advised that a number of conditions should be added to any permission to require the submission of an arboricultural method statement and revised tree protection plan prior to the commencement of the development.

Other matters

Concern has been raised with regards to construction traffic accessing the site. A condition can be added to any permission requiring the submission of a construction management plan to ensure that vehicles can access the site safely and that work does not occur during anti-social hours.

Concern has been raised with regards to the land stability of the site. Paragraph 120 of the NPPF states that where a site is affected by land stability issues it is the responsibility of the landowner or developer to ensure that the development is safe.

RECOMMENDATION

PERMIT

CONDITIONS

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

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

2 The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety

4 The access, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

5 The access hereby permitted shall not be used until the footway crossing has been widened in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety

6 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.

7 No demolition or development shall take place until a detailed arboricultural method statement and revised tree protection plan identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority (LPA). The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records to the LPA. The statement and plan should also include the control of potentially harmful operations such as the position of service runs and soakaways, widening of the access; wall construction; 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.

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

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

9 No development shall be commenced on site until a soft landscape scheme incorporating a scaled drawing has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.

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

10 All 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.

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

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) hours of operation, contractor parking, traffic management and any need for cranes for construction. The development shall thereafter be carried out in accordance with the details approved.

Reason: Details are required prior to the commencement of the development to ensure the safe operation of the highway and to ensure that the construction of the development does not cause disruption to the highway. To ensure that the development does not occur during anti-social hours in the interests of residential amenity.

12 For the avoidance of doubt there shall be no garages constructed for dwellings labelled on drawing 3902 - 003L as Plots 1 and 2 without further written permission from the local planning authority.

Reason: In the interests of the appearance of the development and to ensure that any trees will not be adversely affected.

13 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:

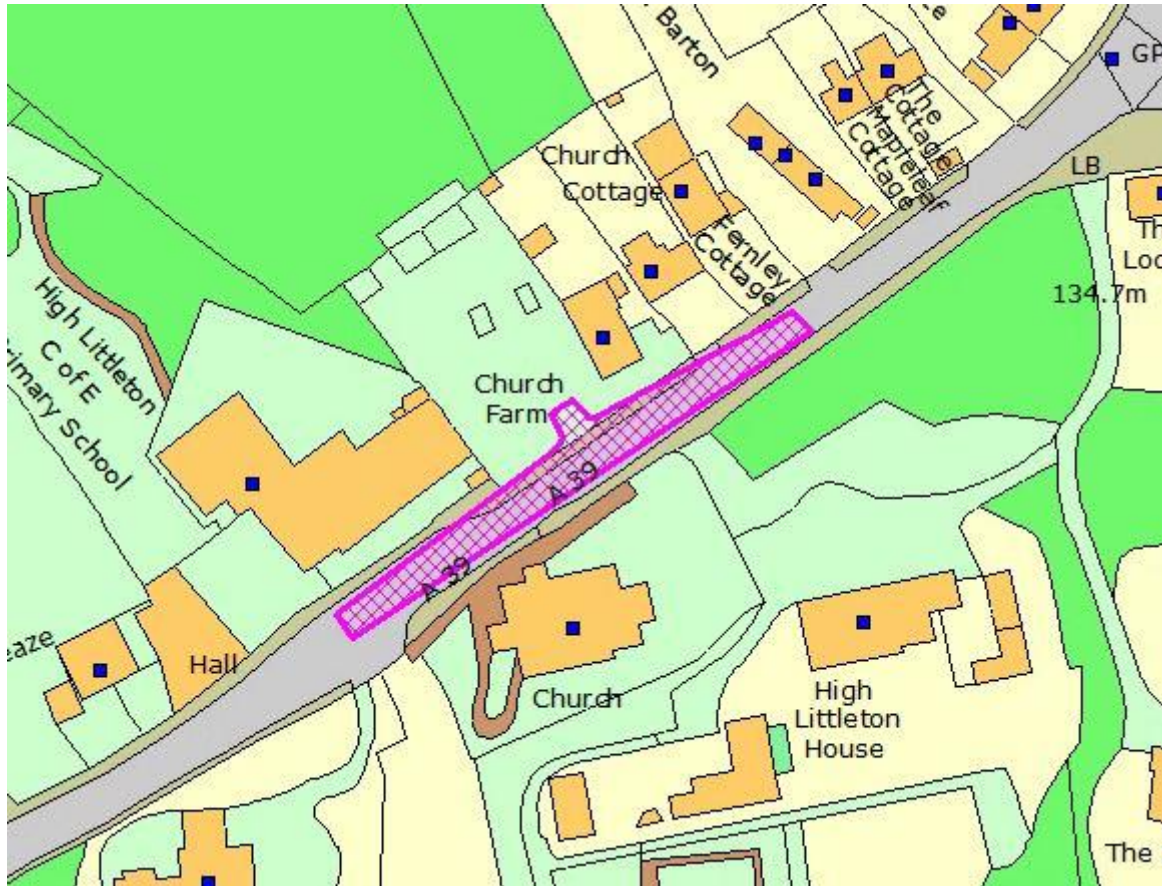
1 Location plan 001
Existing plans and elevations 002
Proposed site plan 003 rev L
Plot 1, plans and elevations 004 rev K
Plot 3, plans and elevations 005 rev D
Street elevations 006 rev G
Garages 007 rev B
Plot 2, plans and elevations 008 rev E
Plot 4, plans and elevations 009 rev B
Site sections 012 rev A

Advice Note:

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

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.

Item No: 06
Application No: 15/02290/LBA
Site Location: Church Farm Derelict Property Church Hill High Littleton Bristol



Ward: High Littleton **Parish:** High Littleton **LB Grade:** II

Ward Members: Councillor L J Kew

Application Type: Listed Building Consent (Alts/exts)

Proposal: External alterations to create a new agricultural entrance to the rear of Church farm from the A39

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,

Applicant: Mr Martin Pera

Expiry Date: 16th December 2015

Case Officer: Laura Batham

REPORT

Site Description:

Church Farm is a single dwelling and group of barns located in the centre of High Littleton. The property is grade II listed. The main house is in a poor state of repair and currently

covered by scaffolding which is protecting the roof from further damage. The associated farm barns are in a poor state of repair and in a progressing state of dilapidation with a barn having recently collapsed in bad weather. To the north west of the site is open countryside and there are further dwellings to the north east. To the south east is the grade II listed Church of Holy Trinity and to the south west, High Littleton Primary School. The main road through the village (A39) runs to the south of the property. The site does not have a current vehicular access and pedestrian access has been made by punching a gap through the boundary wall to the south.

Proposal:

The application seeks consent for the construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

History:

AP - 14/00027/RF - DISMIS - 17 June 2014 - Removal of section of boundary wall to create vehicular and pedestrian access.

AP - 14/00028/RF - DISMIS - 17 June 2014 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 97/02338/FUL - REF - 6 August 1997 - Demolition and rebuilding of Church Farm and erection of two detached dwellings

DC - 09/01584/OUT - WD - 14 June 2009 - Erection of 2no. dwellings following demolition of existing outbuildings, erection of garage and provision of new access.

DC - 09/01586/LBA - WD - 14 June 2009 - Internal and external alterations for the renovation of Church Farm (description TBC).

DC - 10/05250/LBA - RF - 28 November 2012 - External and internal alterations to include raising roof slates by 50mm, new Spanish slates to replace stolen slates, external spreader plates, new velux rooflights, new chimney stack and rebuild of north gable end, new foundations to kitchen boundary wall

DC - 13/01857/FUL - RF - 1 October 2013 - Removal of section of boundary wall to create vehicular and pedestrian access.

DC - 13/01858/LBA - RF - 1 October 2013 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 15/01802/FUL - PDE - - Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

High Littleton Parish Council:

The Parish Council have objected to the application for the following reasons:

- The application is very similar to a number of other access applications to this land all of which have been refused. The access was refused on appeal in 2014.
- Whilst reference is made for an agricultural access only, the width of the access is the same as previously applied for and it is reasonable to assume that this application is to enable a future application for development of the land beyond.
- The approval of the access could set a precedent for similar applications.
- The access is too large and the use would create serious risk for pedestrians and school children.
- The Inspector concluded in the last appeal that the risk to highways would be too great.
- Concerns with the effect on the setting of the Church Farmhouse. The removal of such a large portion of wall would have a significant detrimental impact upon the listed building. The wall is an important aspect of the character of what is the oldest part of the village.
- The relocation of the bus stop would exacerbate the passing place on this length of road.

Third Parties/Neighbours:

Four letters of objection received raising the following points:

- The proposed access is at the peak of a hill from Hallatrow to High Littleton which despite being a 30 MPH speed limit, is not adhered to, with cars traveling far in excess of this in and out of the village, which in itself is a danger without the addition of a new access for agricultural and construction vehicles.
- The school is also adjacent to Church Farm House, and will increase the risk of danger to children and parents due to the movements to and from the site.
- Why does the access need to be 5.5 metres wide? There are very few agricultural entrances that are so wide, which all cope without issue. I can only assume the applicant wants the access to be as wide as this in order to accommodate the further traffic that will no doubt materialise if further properties are built on the land.
- If any entrance is granted, there should in my opinion be a caveat that the renovation of Church Farm House must be completed before any further building will be considered on the land.
- This application to provide vehicular and pedestrian access appears similar to a previous application (13/01857/FUL) which was refused in October 2013 and dismissed at appeal in July 2014 in the main impact on traffic and pedestrian safety in the immediate area of access.
- Again this submission appears contrived with a with future intentions to develop the entire site although previous planning permission has been refused to extensively develop the site, in part due to site access and traffic safety concerns on the A39.
- The repositioning of the bus stop may improve the proposed access/egress from the Site, but it will exacerbate traffic congestion on the A39 and impact on vehicle driver sight lines along the A39 towards the Village centre. Moreover the proposed repositioning of the bus stop would adversely impact on the safe access/egress from Church Cottage and Fernley Cottage, which are located between the site and the Village centre.
- The removal of a significant part of the boundary wall would have an adverse effect on the appearance and character of the immediate area of Church Hill.
- The revised drawings are no different to the previously submitted plan. The entrance is 5.5m wide on each, along with a further 0.5m wide pavement on each side of the proposed roadway.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)

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

- CP6 - Environmental quality

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 the application.

- BH.2 - Listed buildings and their settings

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

OFFICER ASSESSMENT

The application seeks consent for a new vehicular access to Church Farm which requires the removal of a section of wall and re-alignment of the existing wall to allow the appropriate site lines. The main highways concerns are assessed under the corresponding planning application. The applicant currently has no vehicular access to the site or specifically the farmland to the north of the site. The farmland is particularly overgrown and access could not be gained to the first field. The fields have therefore remained unmanaged for a number of years. The application seeks consent for an agricultural access to allow vehicles to enter the site and use the land.

The property has a detailed history which commences with the removal of the original access to facilitate the building of the Victorian school to the south west of the site. Access to the site was then re-aligned to skirt to the north of the school. This secondary access was subsequently compulsorily purchased by the Council at the time to allow the

expansion of the school to the north. The removal of the access resulted in Church Farmhouse and its outbuildings being severed from a formal vehicular access. Shortly after, consent was granted for a new access in a similar location to that proposed currently. At the same time consent was granted for the erection of dwellings. However, this consent was never implemented and subsequently the main farmhouse was listed as Grade II in 2004. The previous decisions to grant an access and dwellings on site does not provide a justification for this new application or set a precedent given the change in policy and significantly, the relatively recent listing of the building.

Following the listing of the property in 2009 the applicant sought consent for a new access and the erection of 2 dwellings which was subsequently refused. Permission was also refused in 2013 for a new access for the following reasons:

1 The application fails to comply with the requirements of paragraph 128 of the National Planning Policy Framework March 2012 as it does not provide sufficient information to describe the significance of the heritage asset affected by the development and no assessment has been provided in respect of the impact on the archaeological interest identified as having potential on the site. It is also therefore contrary to policy B.2 and BH.12 of the Bath and North East Somerset Local Plan including minerals and waste policies adopted 2007.

2 The proposed access due to its over engineered nature, lack of sufficient detail and incomplete finish would have a harmful impact the setting of the Listed Building and would therefore be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and the associated Historic Environment Planning Practice Guide as well as being contrary to policies D.2, D.4 and BH.2 and Chapter 11 of the National Planning Policy Framework March 2012.

Subsequently the appeal of this decision was refused by the Planning Inspectorate. Within the appeal an archaeological assessment or assessment upon the significance of the listed building were not provided and the Inspector concluded that without this the appeal should fail.

The Inspector assessed the impact of the loss of wall fabric to facilitate the access and advised that whilst some changes would occur, in the wider context it would result in only limited material harm and should not weigh against the proposal. The new access would result in the removal of 5.5m of wall and require the realignment of the remaining wall. The wall is a later addition to the building's setting, and the re-alignment proposed is considered acceptable. Conditions would be required to ensure the walls are re-built to match that of the original wall in terms of appearance and to ensure use of lime based mortars. The loss of fabric and alteration to the alignment is not considered to have a significant detrimental impact upon the fabric of the listed structure. There is a temporary pedestrian access in the wall which is informal and the infilling of this recent opening would be a positive feature.

With regards to the impact upon the listed building, the Inspector concluded that insufficient information had been submitted to justify the access with little sensitivity to the listed building. Concern was specifically raised with regards to the engineered road suddenly ending within the site and the impact upon the group of barns to the north west.

The applicants have undertaken more work to address the previous concerns and have completed a heritage desk-based assessment which includes an historical analysis of the building. This information was crucially missing in the last application.

The revised plans have removed the engineered road into the site which stops abruptly in the centre of the land. Given that the access is proposed to enable agricultural access, the engineered road was considered unnecessary. The revised access is now the minimum necessary to allow safe access for farm vehicles. As such the visual appearance of the access is lessened.

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works or submitted a listed building application to enable works to start. Should a more detailed access be needed in the future for occupiers of the house, more detailed plans would be required. It would have been preferable for the works to upgrade the house to be submitted at the same time as consent for the new access.

To the north west of the access are a dilapidated group of barns which are in a poor state of repair. The construction of these barns are mainly stone built and are considered historic; however, there are also elements of concrete block buildings. These barns have collapsed in places with few roofs remaining. Initial plans indicated a turning circle over these buildings which would have resulted in their demolition. The applicants supporting statement indicates that these buildings are not within the curtilage of the listed building. The LPA consider the barns to be listed and disagree with this conclusion. However, the proposal which would have resulted in the barns' demolition has now been removed as turning would be available in the fields beyond the barns. The application has not sought consent for the demolition of any of these buildings.

Farm vehicles could enter the site, circumvent the buildings, enter the field, return and exit the site in a forward gear. Given that the access is no longer considered over-engineered for its intended use and the barns are no longer considered at risk, the level of harm upon the significance has been reduced. The agricultural access proposed will have limited harm on the setting of the listed building given that an engineered road will no longer enter the site and the realignment is considered acceptable.

The revised application is considered to have overcome the initial concerns raised within the previous application and the Inspector's decision.

RECOMMENDATION

CONSENT

CONDITIONS

1 The works hereby approved shall be begun before the expiration of three years from the date of this consent

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

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

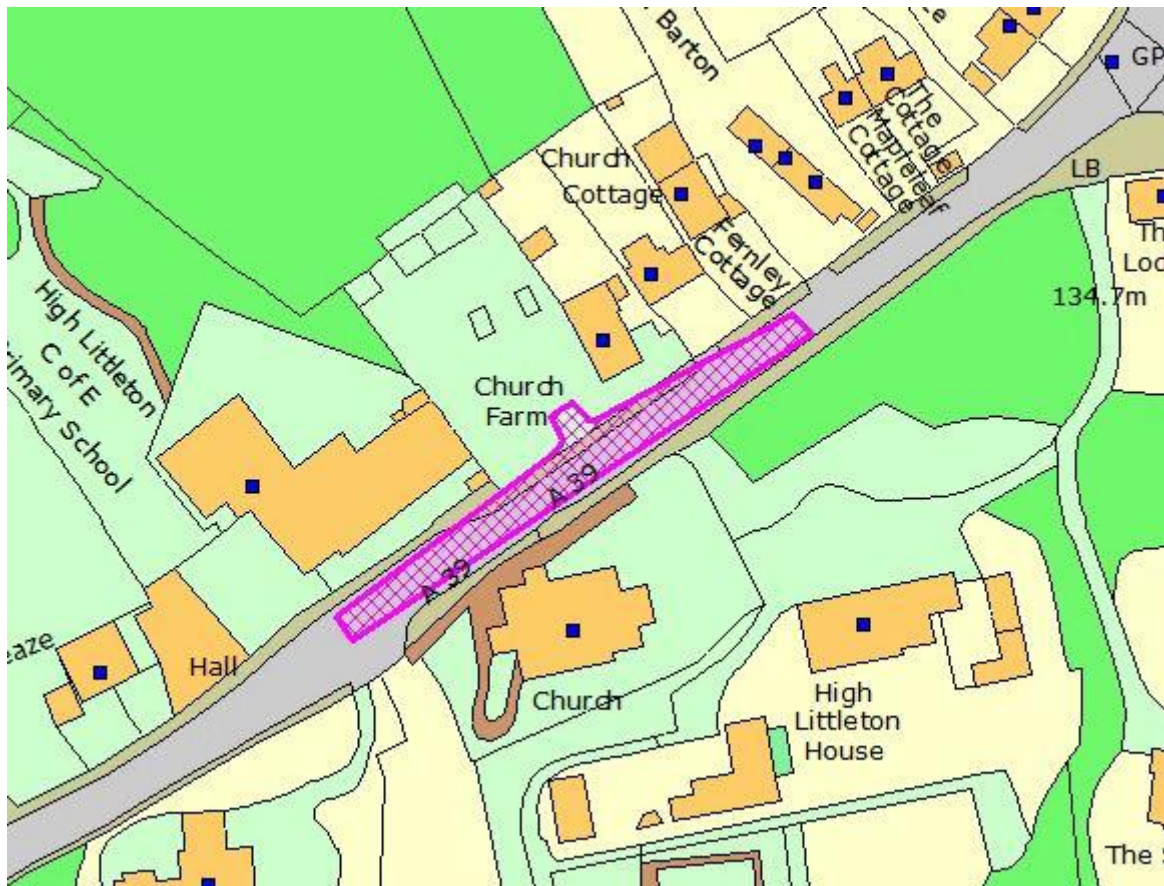
Reason: To define the terms and extent of the permission.

PLANS LIST:

1 This decision relates to site location plan and proposed wall elevation only received on 19th May 2015 and Revised block plans received on 3rd December 2015.

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

Item No: 07
Application No: 15/01802/FUL
Site Location: Church Farm Derelict Property Church Hill High Littleton Bristol



Ward: High Littleton **Parish:** High Littleton **LB Grade:** II
Ward Members: Councillor L J Kew

Application Type:	Full Application
Proposal:	Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.
Constraints:	Airport Safeguarding Zones, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Forest of Avon, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant:	Mr Martin Pera
Expiry Date:	16th December 2015
Case Officer:	Laura Batham

REPORT

Reason for application being considered by Committee: This application has been referred to Committee by the Chair of Committee due to the objections to the proposal by the Parish Council.

Site Description:

Church Farm is a single dwelling and group of barns located in the centre of High Littleton. The property is grade II listed. The main house is in a poor state of repair and currently covered by scaffolding which is protecting the roof from further damage. The associated farm barns are in a poor state of repair and in a progressing state of dilapidation with a barn having recently collapsed in bad weather. To the north west of the site is open countryside and there are further dwellings to the north east. To the south east is the grade II listed Church of Holy Trinity and to the south west, High Littleton Primary School. The main road through the village (A39) runs to the south of the property. The site does not have a current vehicular access and pedestrian access has been made by punching a gap through the boundary wall to the south.

Proposal:

The application seeks consent for the construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall.

History:

AP - 14/00027/RF - DISMIS - 17 June 2014 - Removal of section of boundary wall to create vehicular and pedestrian access.

AP - 14/00028/RF - DISMIS - 17 June 2014 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 97/02338/FUL - REF - 6 August 1997 - Demolition and rebuilding of Church Farm and erection of two detached dwellings

DC - 09/01584/OUT - WD - 14 June 2009 - Erection of 2no. dwellings following demolition of existing outbuildings, erection of garage and provision of new access.

DC - 09/01586/LBA - WD - 14 June 2009 - Internal and external alterations for the renovation of Church Farm (description TBC).

DC - 10/05250/LBA - RF - 28 November 2012 - External and internal alterations to include raising roof slates by 50mm, new Spanish slates to replace stolen slates, external spreader plates, new velux rooflights, new chimney stack and rebuild of north gable end, new foundations to kitchen boundary wall

DC - 13/01857/FUL - RF - 1 October 2013 - Removal of section of boundary wall to create vehicular and pedestrian access.

DC - 13/01858/LBA - RF - 1 October 2013 - Alterations including removal of section of wall to facilitate new vehicular and pedestrian access.

DC - 15/02290/LBA - External alterations to create a new agricultural entrance to the rear of Church farm from the A39. This application is also for consideration by Committee at this meeting.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

High Littleton Parish Council:

The Parish Council have objected to the application for the following reasons:

- The application is very similar to a number of other access applications to this land all of which have been refused. The access was refused on appeal in 2014.
- Whilst reference is made for an agricultural access only, the width of the access is the same as previously applied for and it is reasonable to assume that this application is to enable a future application for development of the land beyond.
- The approval of the access could set a precedent for similar applications.
- The access is too large and the use would create serious risk for pedestrians and school children.
- The Inspector concluded in the last appeal that the risk to highways would be too great.
- Concerns with the effect on the setting of the Church Farmhouse. The removal of such a large portion of wall would have a significant detrimental impact upon the listed building. The wall is an important aspect of the character of what is the oldest part of the village.
- The relocation of the bust stop would exacerbate the passing place on this length of road.

Highways:

The proposal

I note that the description of the proposal is: "Construction of new pedestrian and vehicular access to Church Farm, High Littleton from A39 High Street following removal of section of boundary wall". I note also some inconsistency within the supporting documents on what the access might serve. It seems to me that the text of the Supporting Statement is in full agreement with the description when it states that:

"This application is for the construction of a vehicular agricultural access off of the A39 Church Hill in High Littleton onto land forming the property known as Church Farm adjacent to the High Littleton Church of England Primary School.

Currently the only access to Church Farm House and the land at the rear is from Church Hill via a narrow gap in the stone boundary wall provided for pedestrian use only".

However, the Technical Statement states that:

"The access proposals have been formulated to consider serving the following existing and potential future uses:-

- The existing Church Farm House
- The Byre/Store Road (in a separate unit)
- Agricultural Access to the rear of the land
- The potential to serve 2-3 new dwellings situated in the former yard (subject to planning permission)".

I believe the final bullet extends the description to include potential development which would require separate planning consent and, because its inclusion in the Technical Statement is at odds with both the description of the application and the Supporting Statement, I have ignored it. As a consequence it is important to note that the remainder of this advice is based on the assumption that the potential to serve 2-3 new dwellings situated in the former yard does not form part of the application.

The access

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- need be no wider than 4.5 metres;
- would not require separate pedestrian facilities;
- need not be designed with full kerb radii and a 'give way' junction;
- a simple dropped kerb would suffice and promote pedestrian priority;
- would need appropriate levels of pedestrian/vehicle inter-visibility; and
- on-site turning should be provided.

The design shown on drawing R300/13 addresses all of these to the satisfaction of highways officers. For clarity it is important to note two of these. Firstly, the applicant has demonstrated that the 5.5metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements. Lorries used in the delivery of good and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway.

Subject to a condition there is no highway objection to the proposal.

Ecologist:

No objection. The proposal appears not to have any significant ecological implications. Unless information comes to light indicating this is not the case, I have no objection to the proposal. Any necessary vegetation clearance should be completed outside of the bird nesting season.

Arboriculturalist: No objection

Archaeologist:

The development site lies within the medieval settlement area of High Littleton as defined by the BANES Historic Environment Record (MBN10366), opposite the Grade II Listed medieval Church of Holy Trinity (MBN1111) with its prominent 15th century tower. Church

Farm House (also Grade II Listed) with its mullioned windows is thought to be the surviving wing of a once much larger 17th century house that would have covered more of the site. The proposed access road onto the site will require significant ground works and re-grading of the existing ground surface, which is likely to have a detrimental impact on any surviving archaeological remains in the area. Previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

I am now inclined to accept this conclusion, and would therefore recommend that conditions are attached to any planning consent, to ensure (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Drainage: No objection

Third Parties/Neighbours:

Four letters of objection received raising the following points:

- The proposed access is at the peak of a hill from Hallatrow to High Littleton which despite being a 30 MPH speed limit, is not adhered to, with cars traveling far in excess of this in and out of the village, which in itself is a danger without the addition of a new access for agricultural and construction vehicles.
- The school is also adjacent to Church Farm House, and will increase the risk of danger to children and parents due to the movements to and from the site.
- Why does the access need to be 5.5 metres wide? There are very few agricultural entrances that are so wide, which all cope without issue. I can only assume the applicant wants the access to be as wide as this in order to accommodate the further traffic that will no doubt materialise if further properties are built on the land.
- If any entrance is granted, there should in my opinion be a caveat that the renovation of Church Farm House must be completed before any further building will be considered on the land.
- This application to provide vehicular and pedestrian access appears similar to a previous application (13/01857/FUL) which was refused in October 2013 and dismissed at appeal in July 2014 in the main impact on traffic and pedestrian safety in the immediate area of access.
- Again this submission appears contrived with a with future intentions to develop the entire site although previous planning permission has been refused to extensively develop the site, in part due to site access and traffic safety concerns on the A39.
- The repositioning of the bus stop may improve the proposed access/egress from the Site, but it will exacerbate traffic congestion on the A39 and impact on vehicle driver sight lines along the A39 towards the Village centre. Moreover the proposed repositioning of the bus stop would adversely impact on the safe access/egress from Church Cottage and Fernley Cottage, which are located between the site and the Village centre.

- The removal of a significant part of the boundary wall would have an adverse effect on the appearance and character of the immediate area of Church Hill.
- The revised drawings are no different to the previously submitted plan. The entrance is 5.5m wide on each, along with a further 0.5m wide pavement on each side of the proposed roadway.

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

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

D4 - Townscape considerations

BH.2 - Listed buildings and their settings

BH.12 - Important Archaeological Remains

ET.6 - Agricultural Development.

T.24 - General development control and access policy

The National Planning Policy Framework (NPPF) was published in March 2012 and is a material consideration. Due consideration has been given to the provisions of the National Planning Policy Guidance (NPPG)

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications.

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

OFFICER ASSESSMENT

The application seeks consent for a new vehicular access to Church Farm which requires the removal of a section of wall and re-alignment of the existing wall to allow the appropriate site lines. The applicant currently has no vehicular access to the site or

specifically the farmland to the north of the site. The farmland is particularly overgrown and access could not be gained to the first field. The fields have therefore remained unmanaged for a number of years. The application seeks consent for an agricultural access to allow vehicles to enter the site and use the land.

History:

The property has a detailed history which commences with the removal of the original access to facilitate the building of the Victorian school to the south west of the site. Access to the site was then re-aligned to skirt to the north of the school. This secondary access was subsequently compulsorily purchased by the Council at the time to allow the expansion of the school to the north. The removal of the access resulted in Church Farmhouse and its outbuildings being severed from a formal vehicular access. Shortly after, consent was granted for a new access in a similar location to that proposed currently. At the same time consent was granted for the erection of dwellings. However, this consent was never implemented and subsequently the main farmhouse was listed as Grade II in 2004. The previous decisions to grant an access and dwellings on site does not provide a justification for this new application or set a precedent given the change in policy and significantly, the relatively recent listing of the building.

Following the listing of the property in 2009 the applicant sought consent for a new access and the erection of 2 dwellings which was subsequently refused. Permission was also refused in 2013 for a new access for the following reasons:

1 The application failed to provide sufficient information to describe the significance of the heritage asset affected by the development and no assessment has been provided in respect of the impact on the archaeological interest identified as having potential on the site.

2 The proposed access due to its over engineered design, lack of sufficient detail and incomplete finish would have a harmful impact on the character of the surrounding area and the setting of the Listed Building.

3 The formation of an access of the design proposed together with the introduction of vehicular movements on the A39, High Street, generated by the proposed development, would be prejudicial to pedestrian safety.

4 The application failed to make provision for the relocation of the bus stop which is required to facilitate the works.

Subsequently the appeal of this decision was refused by the Planning Inspectorate. In the determination of the appeal the Inspector advised that the access would result in sufficient additional risk to other highway users. Within the appeal a legal agreement to facilitate the alterations to the bus stop, archaeological assessment or assessment upon the significance of the listed building were not provided and the Inspector concluded that without this the appeal should fail.

Archaeology:

The Archaeologist has advised that previous proposals on this site have been met with the recommendation that a pre-determination archaeological evaluation is carried out to determine the date, extent, and significance of any archaeological deposits on the site, and the likely impact of the proposed development. The current proposals have now been submitted with a desk-based heritage assessment (CGMS, February 2015), which in its executive summary has concluded that:

"Based on current evidence a moderate potential has been identified for non-designated buried archaeological remains of Medieval/Post-Medieval date. It is concluded that further survey is likely to be required to address this archaeological interest, but could be secured with an appropriate planning condition."

It is considered that this conclusion is acceptable and there are no longer objections to the scheme subject to archaeological conditions to ensure the applicants undertake the following: (1) a field evaluation of the site, (2) a subsequent programme of archaeological work or mitigation, and (3) publication of the results.

Impact upon the Setting of the Listed Building:

The Inspector assessed the impact of the loss of wall fabric to facilitate the access and advised that whilst some changes would occur, in the wider context it would result in only limited material harm and should not weigh against the proposal. The new access would result in the removal of 5.5m of wall and require the realignment of the remaining wall. The wall is a later addition to the building's setting, and the re-alignment proposed is considered acceptable. Conditions would be required to ensure the walls are re-built to match that of the original wall in terms of appearance and to ensure use of lime based mortars.

With regards to the impact upon the listed building, the Inspector concluded that insufficient information had been submitted to justify the access with little sensitivity to the listed building. Concern was specifically raised with regards to the engineered road suddenly ending within the site and the impact upon the group of barns to the north west.

The applicants have undertaken more work to address the previous concerns and have completed a heritage desk-based assessment which includes an historical analysis of the building. This information was crucially missing in the last application.

The revised plans have removed the engineered road into the site which stops abruptly in the centre of the land. Given that the access is proposed to enable agricultural access, the engineered road was considered unnecessary. The revised access is now the minimum necessary to allow safe access for farm vehicles. As such the visual appearance of the access is lessened. A condition will be added to ensure that no further engineering works to extend the access into the site are undertaken.

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more

detailed access be needed in the future for occupiers of the house, more detailed plans would be required.

To the north west of the access are a dilapidated group of barns which are in a poor state of repair. The construction of these barns are mainly stone built and are considered historic; however, there are also elements of concrete block buildings. These barns have collapsed in places with few roofs remaining. Initial plans indicated a turning circle over these buildings which would have resulted in their demolition. The applicants supporting statement indicates that these buildings are not within the curtilage of the listed building. The LPA consider the barns to be listed and disagree with this conclusion. However, the proposal which would have resulted in the barns' demolition has now been removed as turning would be available in the fields beyond the barns. Farm vehicles could enter the site, circumvent the buildings, enter the field, return and exit the site in a forward gear. Given that the access is no longer considered over-engineered for its intended use and the barns are no longer considered at risk, the level of harm upon the significance of the setting of the listed building has been reduced. The agricultural access proposed will have limited harm on the setting of the listed building. Given that an engineered road will no longer enter the site and the realignment has been altered, the scheme has been improved from that previously submitted.

Potential future uses:

It is acknowledged that any future occupier of the main house is likely to require a vehicular access and the access would also allow delivery of materials to allow works to commence. Notwithstanding this, the potential for the access to provide this is not considered to hold significant weight as the applicant has neither proposed to undertake works nor submitted a listed building application to enable works to start. Should a more detailed access be needed in the future for occupiers of the house, a separate application would be required and an assessment of the most appropriate access lane and parking could be provided.

Concern has been raised by local residents regarding the intention of the access being to enable the future development of the land beyond the farm complex or on the site itself. This too was raised by the Planning Inspector on the previous application as being ambiguous. Within the submission, reference by the applicant's highways engineer does make reference to the development providing access for 2-3 houses.

The application does not apply for this type of application and no plans show the location of any houses. The Local Planning Authority can only assess the current access and whether it is appropriate for the agricultural use. However, to avoid confusion, the area of land to the north of the site is outside of the settlement boundary and recent analysis of land available for development has discounted this area for housing owing to the landscape impact. Therefore support for housing in this field would not be forthcoming as it would be contrary to the local plan should the applicant seek consent.

Should the applicant choose to subsequently apply for a development of houses, the impact of subsequently upgrading this access to a road capable of serving a development would be assessed. Within this assessment, officers would consider the impact upon the setting of the listed building of a substantial, engineered road in close proximity to the house

Highways Impact:

Following a site meeting with the highways team Officers looked at whether the access was over-engineered and whether any potential alterations could be made. The Highways officer considers that the revised access would be appropriate for the description on the application form of 'New agricultural access to Church Farm'. As outlined above there are some indications of more than an agricultural access but this has not been applied for. Any further use or development would require separate planning consent and as such has been discounted in the assessment. The advice for the access relates to the development as applied for and not for any intensification.

In dismissing the appeal following refusal of application 13/01857/FUL the Inspector noted the Council's suggestions that to facilitate the repair of the listed building the access:

- need be no wider than 4.5 metres;
- would not require separate pedestrian facilities;
- need not be designed with full kerb radii and a 'give way' junction;
- a simple dropped kerb would suffice and promote pedestrian priority;
- would need appropriate levels of pedestrian/vehicle inter-visibility; and
- on-site turning should be provided.

The design shown on the revised drawing is considered to address all of these requirements to the satisfaction of highways officers. Initial recommendations were to reduce the width to 4.5m; however, the applicant has demonstrated that the 5.5 metre entrance is necessary to ensure that agricultural vehicles can enter and leave the site without crossing the centreline of High Street. It has also been demonstrated that on site turning can be achieved for light vehicles and tractors without trailers or towed implements in the fields beyond. Lorries used in the delivery of goods and materials to the site, or being used in the renovation of the property, will inevitably need to reverse to or from the highway. However, as highlighted above, no consent is sought for the development of the site and further assessment would need to be made of the impact of an intensified use. The Highways Engineer has concluded that subject to a condition there is no highways objection. The separate pavement into the site has been removed from the scheme.

As part of the facilitation of the access, the current bus stop would need to be moved. A legal agreement would be required to ensure this was undertaken. This would require signing prior to issuing a planning decision.

Amenity:

The access is not considered to affect the amenity of the adjacent dwellings to the north east of the site. The vehicles will need to pass adjacent to the school, however, owing to the boundary between the two sites, this impact is not considered significant. There are no further properties affected by the development.

Other Matters:

The Ecologist is happy that the proposed works would not affect protected species subject to ensuring clearance works take place outside of the nesting season. The arboriculturalist and drainage engineers also have no objections to the proposals.

A representation received has requested that the access be granted subject to an agreement that works to repair the house commence. It is not possible or reasonable to restrict the implementation of the access in this way. However, enforcement action can be taken if the property is considered at risk and suffering neglect.

Balance:

The current agricultural land to the north west of the site has no vehicular access and as such the fields are unable to be used for farming. There are no other locations for an access owing to the land being surrounded by fields outside of the ownership of the applicant. The altered access from the previous application, downgrading the access to an agricultural size with no pavement is considered to cause a less than substantial impact upon the farmhouse. The NPPF advises that where the harm is less than substantial, the harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. The harm of inserting an agricultural access upon the setting of the listed building must also be weighed against the need for access to the site. Allowing farmland to be used for the farming practices is considered to be a benefit to the area and would allow future management of the land. The new access, without an engineered hard surface extending significantly into the site and with a pavement is considered a significant improvement to the previous application and the previous objections are considered to have been overcome. On balance, the harm is considered to be outweighed by the benefits of access which will allow access to the building and allow future maintenance.

The indications that this access is intended for housing cannot be considered as this has not been sought for by the applicants. The highways safety concerns are considered to have been overcome following the alterations to the scheme from that previously refused.

The application is therefore recommended for approval subject to the completion of a S106 legal agreement to secure the movement of the bus stop.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure the following :-

Re-location of the bus stop and associated works to allow the insertion of the new access.

B) Subject to the completion of (A) authorise the Group Manager - Development Management to PERMIT the development 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 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.

3 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.

4 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.

5 Prior to the construction of the re-aligned wall, a sample panel of the wall, constructed to match the existing shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The replacement wall shall be constructed in accordance with the approved sample panel.

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

6 There shall be no further access roads or surfacing for a lane constructed on site unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure no engineering of the land is undertaken without planning permission in order to protect the setting of the adjacent listed building.

7 There shall be no gates inserted into the access hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the appearance and setting of the adjacent listed building.

8 Within three months of the completion of the vehicular access, the current pedestrian access in the wall shall be blocked up in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: To ensure the temporary access is infilled following insertion of the new access.

9 The access shall not be brought into use until the details of the access including full details of the materials for the access surface have been submitted to and approved in writing by the Local Planning Authority. Once approved the access shall be completed in accordance with the approved details.

Reason: In the interests of the listed building setting and highway safety

10 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:

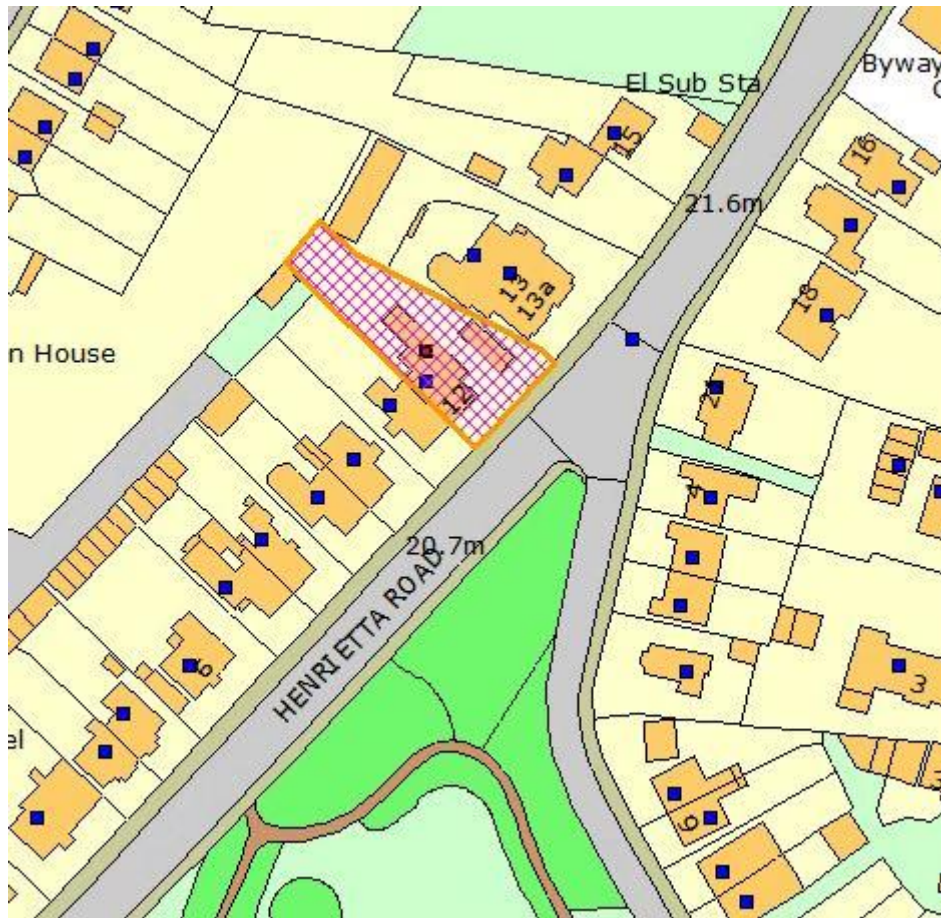
1 This decision relates to revised block plan received on 3rd December 2015, site location plan and proposed wall elevations only received on 21st April 2015.

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

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

4 The applicant should be advised to contact the Highway Maintenance Team on 01225 394337 with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing.

Item No: 08
Application No: 15/03743/LBA
Site Location: 12 Henrietta Villas Bathwick Bath BA2 6LX



Ward: Abbey **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Jonathan Carr Councillor Peter Turner
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal alterations to add a set of wedding doors to ground floor living room/dining room.
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mr Gabriel Fisher
Expiry Date: 16th October 2015
Case Officer: Adrian Neilson

REPORT

The protected property is a Grade II listed building and lies within a designated conservation area and the wider World Heritage Site fronting Henrietta Gardens in the Bathwick area of Bath. It is one of a pair of semi-detached villas dating from c1840 and constructed in local limestone ashlar under a shallow pitched hipped slate roof with

characteristic wide eaves and moulded central stack with a double depth plan form and two storey rear extension. It comprises three storeys and semi-basement and a two-window range. The architectural detailing includes deeply rusticated quoins, banded pilaster to party wall, four-over-four-pane sash windows, returned second floor sill band, moulded and bracketed to front and raised surrounds to windows, moulded architraves, sill band and balconettes with diagonal-crossed rails to first floor, similar balconettes, architraves and cornices on consoles to ground floor windows, plain openings to two/two-pane semi-basement windows. The front entrance is elevated with steps up to Tuscan doorcases with pilasters and blocking courses to left returns to a single storey porch with leaded overhead to bolection moulded four-panel door. The road lies along the route of the old footpath connecting Bath and Bathwick. Originally this area was earmarked for a major development called Frances Square (marked on Chantry's plan of 1793, and on Donne's plan of 1810). After a substantial delay this suburban development, greatly reduced in density, was proceeded with in a characteristic Late Georgian (Regency) manner. The villas are shown on Cotterell's 1851 plan of Bath, and are recorded as being "newly erected" in the Bath Guide for 1853. The villa, as already stated, despite having been constructed in the early Victorian era is of an architectural style reminiscent of the Regency period and is characteristically elegant which typifies domestic architecture from one of the most famous and eclectic British architectural periods.

The proposals are for internal alterations including the creation of a substantial new opening between the front and rear, principal rooms at ground floor level and the installation of a pair of wedding doors.

DC - 97/00181/LBA - CON - 28 January 1998 - Internal and external alterations including construction of an external staircase to the rear garden, formation of a new pitched roof on rear extension and erection of a trellis

DC - 97/00357/FUL - APP - 28 July 1997 - Reintegration of ground floor flat within first and second floor maisonette, forming pitched roof on back addition, introduction/enlargement of two windows, construction of external staircase to rear garden (Retaining existing basement flat)

DC - 97/01043/FUL - PERMIT - 5 March 1998 - Erection of trellis to boundary wall at the rear

DC - 10/02586/LBA - CON - 4 August 2010 - External alterations to driveway access and landscape works

DC - 13/03044/LBA - CON - 11 October 2013 - Internal alterations to create a Ground floor WC by removing an existing wall and to create an internal access from basement to ground floor with new doorway and new staircase.

DC - 13/04976/LBA - CON - 3 February 2014 - Internal and external works to include removal of external staircase and door and replace with new window. Relocation of internal hallway wall.

DC - 14/01223/COND - DISCHG - 20 June 2014 - Discharge of condition 3 of application 13/04976/LBA (Internal and external works to include removal of external staircase and door and replace with new window. Relocation of internal hallway wall).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

None received.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works. The Council's development plan comprises:

- Bath & North East Somerset Adopted Core Strategy
- Saved policies in the Bath and North East Somerset Local Plan (2007)
- West of England Joint Waste Core Strategy (2011)

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 the application.

- BH.2 - Listed buildings and their settings

OFFICER ASSESSMENT

The proposals are for the creation of a substantial new opening to connect the front and rear rooms at ground floor level which are the principal reception rooms of the house/villa. It is also proposed to install a pair of wedding doors within the new opening. The protected building dates from the early 1840s and is of an architectural style typical of the late Georgian period commonly known as the Regency period and is characteristic of early C19 architectural styles. The building's interior is in excellent original condition with many surviving architectural features and the double depth, cellular plan remains unaltered.

This cellular plan form is very typical of domestic historic buildings of this type and period and is therefore regarded as one of its most important characteristics. It constitutes a critically important element of the character and historic architectural interest. The proposed alterations would cause irrevocable harm to this significance. An open plan form is very uncharacteristic of this period of building.

This building is in outstanding original condition and has not been subjected to the same alterations that other buildings in this historic street have and therefore elevates its significance and quality. The alteration cannot be weighed against any benefits to the building. In other circumstances, for example, 9 Henrietta Villas, consent was granted for similar alterations. However, the building was assessed as not possessing the same level

of significance or surviving architectural interest due to previous unsympathetic alterations which had resulted in a loss of historic architectural interest including plan form and architectural features. Furthermore, the proposals of the listed building application were wide ranging and were deemed to result in significant heritage benefits. Therefore, the harm was weighed against these benefits.

It useful to note that similar alterations to protected buildings have been rejected by the Planning Inspectorate and there are recent examples of appeals that have been dismissed. For instance, 10 Prior Park Cottages 14/05758/LBA is an identical proposal to that of 12 Henrietta Villas. The application sought to regularise the alterations of the removal of the structural wall between the front and rear rooms at ground floor level. The building was substantially altered and of less architectural interest than 12 Henrietta Villas, particularly at ground floor level. However, notwithstanding this the Inspector placed considerable importance on maintaining the original, cellular plan of the protected building and consequently upheld the decision of the Council.

To conclude, every effort should be made to preserve the building in its current state and condition as required by the primary legislation relating to heritage protection and preservation. The proposed open plan form is not regarded as consistent with the character of the building or the preservation of its architectural interest and constitutes unjustifiable harm and the existing communicating corridor that allows easy convenient access between the two rooms should be regarded as adequate.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposed alterations to the building are not consistent with the aims and requirements of the primary legislation or planning policy and planning policy guidance to preserve the architectural interest and character of the protected building and will cause unacceptable and unjustifiable harm.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed alterations are regarded as harmful to the protected building and will result in an unacceptable loss of historic plan form, historic fabric and architectural detailing and therefore contrary to the requirements and aims of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act and Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework and the accompanying National Planning Practice Guidance.

PLANS LIST:

1 Drawings: 5711 - 2015 - 01, 5711 - 2015 - 02, 5711 - 2015 - 03, 5711 - 2015 - 04, 5711 - 2015 - 05, 5711 - 2015 - 06 and Design and Access Statement date stamped 19 August 2015 and 5711 - 2015 - 07 and 5711 - 2015 - 08 date stamped 21 August 2015.

2 DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. 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 by the Local Planning Authority 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 agent 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 this the Local Planning Authority moved forward and issued its decision.

Item No: 09
Application No: 15/02627/FUL
Site Location: Closed Public Toilets North Parade Road Bathwick Bath Bath And North East Somerset



Ward: Widcombe **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker
Application Type: Full Application
Proposal: Demolition of dilapidated former public convenience, and construction of new artist studio building (B1 Use)
Constraints: Agric Land Class 3b,4,5, Article 4, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Hotspring Protection, MOD Safeguarded Areas, SSSI - Impact Risk Zones, World Heritage Site,
Applicant: Mrs Ruhin Begum
Expiry Date: 4th August 2015
Case Officer: Tessa Hampden

REPORT
Reason for reporting this application to committee

The application has been referred to committee by the Divisional Director of Development due to the protracted history of planning applications/pre applications on this site.

Site description and proposal

The application relates to a parcel of land set at the junction of North Parade Road and Pulteney Road. The site is set within the City of Bath Conservation Area and the wider World Heritage Site. The site is also within the Flood Zone. The site currently comprises an ashlar constructed disused public toilet building with a tiled pitch roof and landscaped frontage.

The application seeks planning permission for the demolition of the former public convenience, and construction of new artist studio building (B1 Use)

Relevant planning history

DC - 13/05511/FUL - WD - 7 July 2014 - Demolition of dilapidated former public convenience, and construction of new artist studio building (B1 Use).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Environment agency - no objection subject to conditions and note that the sequential test should be undertaken

Drainage and flooding - no objection subject to a condition

Arboriculture - no objection

Urban designer - objects to the scheme

Bath Preservation Trust - object to the development. The comments can be summarised as follows:

- The Trust strongly objects to this proposal on the basis of its inappropriate size, design, fenestration and materials.
- Site highly visible and an important 'gateway' site
- This proposal sits awkwardly and over-dominantly on this busy corner with no active frontage or connection to its surroundings.
- The fact that the 3 storey building would be built directly onto the pavement means that it would sit prominently and incongruously with no relationship with its context,
- Lack of contextual analysis
- Question the use of an irregular hexagon as being an appropriate shape for a building in a city where classical symmetry and simplicity of architectural form are a highly valued part of the townscape.
- Concerned by the small shape and number of the irregular and blank windows
- Poor visual impact of the proposed materials, especially timber cladding,
- Development would detract from and harm the special qualities of the World Heritage Site and the character of the conservation area, nor would it reflect local detail or strengthen local distinctiveness and character.

1 objection comment

- site limited in size and unsuitable for large and incongruous structure
- access to the site for demolition / construction work - disruptive and difficult

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: The Core Strategy and Saved Policies in the B&NES Local Plan (2007)

Core Strategy Policies which apply are

- CP2: Sustainable construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- DW1 District-wide spatial Strategy

The saved policies of the Bath and North East Somerset Local Plan which apply are

- D.2: General design and public realm considerations
- D.4: Townscape considerations
- ET2 Office Development
- BH6 Conservation Area and their settings
- NE4 - Trees and Woodland Conservation
- NE5 - Forest of Avon
- T.24: General development control and access policy
- T.26: On-site parking and servicing provision

At the Council's Cabinet meeting on 2nd December 2015 the draft Placemaking Plan was approved for consultation purposes and also approved for Development Management purposes. However, currently the Plan has limited weight in the determination of planning applications

- NE6 Trees and woodland conservation
- HE1 Safeguarding Heritage Assets
- H2 Local Character & Distinctiveness
- ST7 Transport, access and development management
- D.1, D6 & D10: General Urban Design Principles; Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Public Realm
- ED.1A Bath Core Office Employment Area
- NE6 Trees and woodland conservation

National Planning Policy Framework (March 2012)

National Planning Policy Guidance (March 2014)

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

OFFICER ASSESSMENT

Principle of development

Although the site is not within the Core Employment Area, the site can be seen to be closely associated with the central areas of Bath, and accessible to a range of transport modes. As such the creation of a new artist studio is considered to be acceptable in this location.

Character and appearance of the development

The application site is located on a prominent corner location on a busy route into the city centre and is set within the City of Bath Conservation Area and the wider World Heritage Site. This is a challenging and highly visible site, with a double frontage, located on a road junction which is on a main thoroughfare and route into the city.

Whilst the former public toilet building contributes little to the character of the public realm, the buildings is a modest scale and is commensurate with the size of the plot. Further, it is in a recessed position, set well back within the site, and as a result it is in keeping with many buildings in the immediate context in terms of both plot position and also in the materials in which it is constructed. Notwithstanding this, there is no objection to the loss of the building, subject to its replacement with a development that preserves or enhances this part of the City of Bath Conservation Area.

An artist's studio is considered to be an appropriate use in this edge of city location, where a mixture of uses exists. It has the potential to complement the existing land uses where the character is a mix of residential and commercial.

It is recognised that the surrounding area comprises a mixture of building types, with buildings of varying scales and designs. It is noted that corner plots can typically be suited to taller, landmark buildings. However, the form of the building should depend upon the plot shape, size and orientation. There are significant concerns with regards to the scale and siting of the development, on this limited size plot. It is considered that the scale of the development is disproportionate to the size of the site, and as such the development has a cramped and overbearing appearance. It is not considered that this site is of a sufficient size to comfortably accommodate a landmark style building of the scale proposed. It is recognised that the building is subservient to the adjacent bridge in terms of its height, but it will still appear as a prominent addition in this location. It is not considered that the scale of this bridge would diminish the negative impact and prominence of the development put forward.

The footprint of the building proposed takes up a significant proportion of the site and is built close to the back edge of the pavement. Although through the submission of revised plans, the building has been set further back within this plot, this set back is tokenistic. It is recognised that there is little scope to set this back further due to the overdevelopment of the site. However, by building close to the pavement, the development is contrary to the prevailing character of area which comprises buildings which are set back from the

highway. Whilst it is accepted that buildings do not necessarily need to follow the traditional building grain, in this instance, the siting of the building with a limited set back, visually highlights the limited scale of the site. The lack of set back in this context results in a building which has an awkward and overbearing relationship to the street. However, this limited merit does not overcome the view that the overall design is unacceptable.

There are also significant concerns with regards to the detailed design of this development, which is considered to fail to successfully reflect the context in which it sits. It is noted that the revised drawings put forward a less angular building and the more curved design now proposed, successfully reflects the curve of the road and this can be seen to be a positive element to the scheme.

A greater setback would create a better relationship to the street and given the use as offices a degree of privacy. This needs to be balanced with an active edge in terms of windows, doors and building articulation that relates well to the street. It is noted that through the submission of revised plans, the windows have been increased in number and size which will aid in ensuring that the building achieves more of an active frontage. However, the detailing of the façade is not cohesive, particularly due to the irregular placement and size of the windows.

A mixture of materials is proposed on the proposed building. The use of ashlar is welcomed and this is appropriate in this context within the City of Bath Conservation Area giving the building a degree of local distinctiveness. However, there is concern with the use of timber at the upper floor level in this location, which is not typical for a commercial building within this central location and would be inappropriate. The use of aluminium cladding on the rear elevation has the potential to be acceptable subject to appropriate detailing such as acceptable size panels.

Overall, the proposal, due to its inappropriate scale, design and use of materials is considered to result in a development which would appear as an incongruous addition in the street scene which would have an awkward and overbearing relationship with the public realm. The development would therefore result in harm to the character and appearance of this part of the City of Bath Conservation Area. The development however would not have a significant impact upon the Outstanding Universal values of the World Heritage Site.

Arboriculture issue

To the rear of the site is some mature landscaping which is outside of the applicant's control. An Arboricultural Survey has been submitted and it is concluded that the development would not have a detrimental impact on these adjacent trees subject to the inclusion of conditions on any planning permission.

Highway safety

The development does not provide any onsite parking, but given the sustainable location of the site, this is considered to be acceptable. The site is close to public transport provisions, and is also located adjacent to a public car park.

Given the location of the building on this busy junction, the construction of the building would have the potential to raise issues with highway safety. If planning permission were granted, a construction management plan could be secured via condition.

Flood Risk

The site is located within Flood Zone 2 and 3 and as such a site specific flood risk assessment has been submitted. This has been assessed by the Environment Agency who is satisfied with this and it is therefore accepted that the development will remain safe through its lifetime and will not increase flooding elsewhere.

This application for a development which can be classified as 'less vulnerable' is required to pass the sequential test. Insufficient information has been submitted to allow the Local Planning Authority to conclude that there are no other available sites for the new studio development, in an area of lower flood risk. The development therefore is unacceptable on these grounds. The agent however has been invited to address the sequential test and the Committee will be advised if further information is submitted.

Residential amenity

The site is located a sufficient distance from any neighbouring occupiers to ensure that the development will not result in any undue harm to the residential amenity.

Other issues/conclusion

It is noted that the agent/applicant has entered into detailed discussions with the LPA and amendments to the scheme have been made. However, these amendments have not addressed the fundamental concerns that the scheme is considered to result in harm to the character and appearance of this part of the Conservation Area. Whilst this harm is considered to be 'less than substantial', the development is still considered to be harmful to the character and appearance of the City of Bath Conservation Area. The National Planning Policy Framework advises that where this is the case, the public benefits of the scheme should also be considered. The benefits of providing this additional employment space has been given weight, but this is not considered to outweigh the harm identified to the designated heritage asset, i.e. the Conservation Area. Further, at this stage, limited information has been provided to allow the LPA to be satisfied that the sequential test has been passed. For these reasons, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development, due to its inappropriate scale, design and use of materials is considered to result in a development which would appear as an incongruous additional in the street scene which would have an awkward and overbearing relationship with the street. The development would therefore result in harm to the character and appearance

of this part of the City of Bath Conservation Area. The development is therefore contrary to saved Local Plan policies D2, D4 and BH6 and Core Strategy Policy C6.

2 Inadequate information has been submitted to demonstrate that the sequential test has been passed to justify this development within flood zone 3 contrary to the guidance within the National Planning Policy Framework 2012 and policy CP5 of the Core Strategy 2014

PLANS LIST:

1 OS Extract	09 Jun 2015	SITE LOCATION PLAN
09 Jun 2015	EX-01	EXISTING PLANS
Revised Drawing	04 Jan 2016	1714-1A PLANS
Revised Drawing	04 Jan 2016	1714-2A ELEVATIONS

2 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. 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.

3 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule comes into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil