

BATH AND NORTH EAST SOMERSET COUNCIL

Development Management Committee

Date 3rd May 2017

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEM

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
01	16/05504/OUT	34 - 35 Lower Bristol Road, Westmoreland, Bath, BA2 3AZ (Pickfords)

A revised surface water drainage strategy has been received. This shows the manhole labelling error corrected. It is confirmed that the intention is that the network is connected into the existing storm water drainage system. The revised submission also shows alternative arrangements to avoid construction over the large public foul sewer as well as storm water calculations (see below for the Drainage Team's comments/assessment).

The following clarification in respect of waste/recycling facilities has been received;

- 4 x 1000L refuse bins (collected weekly)
- Recycling (all collected weekly):
 - 1 x 1100 L for cardboard
 - 2 x 360 L for cans and plastics
 - 2 x 360L for glass
 - 2 x 240L for paper

No further comments have been received from the Waste Team but for the reasons set out in the main report the waste and recycling facilities are considered to be acceptable in any case.

Policy Clarification

The Planning Policy Team wish it to highlighted that the strategy (Core Strategy Policy B1) is to plan for the contraction of industrial floor space through current losses that have taken place since 2011 **plus** the allocation of specific sites in the Placemaking Plan. Sites allocated in the Placemaking Plan that are or were last used for industrial purposes, for development for other uses, together with losses that have occurred means that the 40,000m² contraction is achieved. It is not considered therefore by the Policy Team that it is *evident* or *inevitable* (as stated in the main report) that the plan for the contraction of industrial floor space will be achieved through the loss of sites to which ED2B applies (such as Pickfords). The further

comments from the policy team in this respect are accepted. The fact that the planned contraction will be achieved through occurred losses and Placemaking Plan allocations is an important material consideration but in this case it does not alter the recommendation. It remains the case that given the nature of the use and number of jobs involved, there is not considered to be a strong economic reason for refusal.

Further comments from B&NES Flooding & Drainage Team

'No objection'

A revised surface water drainage strategy has been submitted. This confirms that 30% betterment is to be provided (compared to the existing 1 in 100 year storm event). There will be sufficient on-site attenuation to contain the 1:100 year climate change event and connection to the public storm network.

A surface water drainage condition has been recommended by the Flooding & Drainage Team however this matter is already dealt with by Condition 18 (see main report)

Alteration to Condition 7

It is recommended that Condition 7 be amended to remove reference to trees *within* the site as all trees within the site are to be removed.

Further information received:

Cushman & Wakefield Letter:

Since the drafting of the main report a letter has been received from Cushman & Wakefield (at the applicant's request) regarding the appropriate floor area on which to calculate employment figure.

Members will note from the main report that there is an area of disagreement in respect of the floor area of the building. The Economic Development team have made reference to a floor area of 4700sqm (which includes the mezzanine levels) whereas the agent has made reference to a floor area of 1460sqm (which does not include the mezzanine levels).

It is stated in the C&W letter that the building comprises 1460sqm of high bay warehouse space including offices, yard and parking. Pickfords have installed three levels of mezzanine which is highly specialised and only suitable for their purpose or another storage operator. Employees are very infrequently required to be in these areas and these types of operators employ very few staff on site. It is further stated that at the expiry of the lease the tenant will remove all items of their fit out including the mezzanine levels. On this basis Cushman & Wakefield have concluded that it is only appropriate to consider employee numbers by reference to the base build area of 1460sqm [i.e. *excluding* the mezzanine levels].

Further supporting email from the agent:

A further email has been received from the agent clarifying certain matters. That email was accompanied by a visualisation showing the proposed scheme together with an outline of the recently consented Quays South scheme; this will be displayed at the meeting as part of the presentation. The agent's email makes the following points:

- The impact of the proposed development on views from Wells Road have been modelled and Historic England have accepted that there will be no unacceptable harm to the Bath World Heritage Site;
- The impact of the proposed development will be much more subdued in views from Wells Road, and much more peripheral, than the Quays South scheme;
- The redevelopment proposals for the Pickfords site will be an improvement on the existing building;

An additional letter of objection from a local resident making the following points:

- The 3 views submitted with the ghosting of South Quays over the Pickfords proposal, again offers CGI selected by the applicant, where it captures some less harmful perspectives across the WHS;
- The first is taken from a South East to North West perspective and from a lower level on Wells Road that does not afford the best views of the WHS. The second and third are taken from elevated perspectives where the Pickfords site and views are obscured by foliage or only partially into view;
- The South Quays development is not more subdued and peripheral than the proposed development;
- The South Quays developer significantly reduced the height of the office building and a full storey reduction of the residential building – which is the most significant in terms of mitigating the impact on view;
- The Pickfords application represents greater harm when viewed from Wells Road towards the Royal Crescent, Landown Crescent and Cavendish Crescent;
- The east/west block is higher than the highest point of the Quays South residential building;
- The Quays South buildings are peripheral and would frame rather than block the view;
- The proposed development should be reduced in height and should be no higher than Quays South residential building - if not what was the point in reducing the height of that building;
- The excessive height is driven by excessive ceiling heights on the top floor;
- This is the equivalent of a 6 storey building;
- The proposal will fill and dominate the open area above the Newark Works roofline between the Office Building and the Eastern Residential Building afforded by the lower roof lines of the central residential building.

A second further supporting email from the agent:

- The level of 37510 is correct – that is the height that has been modelled in the verified views;
- We neither understand, nor concur with, the comments that the building will be higher than the approved South Quay scheme when even the neighbour's own mark-up proves it to be lower than the most significant parts of the development. He refers to the outline approval of the South Quays residential scheme as having a maximum height of 36.19. It is, in fact, 41.7 as shown on his own diagram.
- The majority of 'actual' views of my clients' site from Wells Road are oblique as opposed to the facing elevation he is indicating. This will again place the taller, more significant parts of the approved South Quays development directly behind (and above) my clients' scheme. The section drawing from the Bath Quays South application is not an actual view.

- With regard to the comment that my clients' perspectives of the building are being obscured by foliage etc. – that is simply the reality of the situation, and it therefore again models the 'actual' views.
- The evidence of the independently verified views are that the Crescents etc. to which the neighbour refers to are not affected. It is unfortunate, but maybe also pathological, that the neighbour has not provided any photographic evidence of the alleged views in which my client's proposals will be seen from the Wells Road against the backdrop of the townscape features to which he refers.
- The neighbour's comment re floor levels simply reflect is misunderstanding of construction for this building type.

Further comments from Widcombe Association:

- WA is concerned by the scale of the proposed development and its impact on views of the city from Wellsway, one of the main entrances to the city from the south. Remain concerned that this aspect has not been addressed adequately in the documents provided by the applicant;
- The height and massing of the main block as proposed would predominate in the views across the city, being higher and of greater east-west massing, than the approved residential buildings of South Quays;
- The excessive height of the proposed building is not justified and the design should be revisited;
- members of the DMC are urged to refuse the application on the basis that it would seriously damage the OUV of the WHS;
- Alternatively the application should be deferred for a site visit to enable members to view the site for themselves.

Item No.	Application No.	Address
09	17/00163/FUL	Stonedge Cottage Stoneage Lane Tunley BA2 8AS

Updated Information:

Since the original report was published an inspector's decision (APP/F01114/D/13/2210633) has been brought to attention which suggests that the proper approach to the proposal is as set out below:

The proposed wall can be described as a building. For example, the term 'building' is defined in s336 TCPA 1990 as follows:

“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

S55 of the Act states (so far as relevant):

(1A) For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.

It is agreed that the existing wall and the proposed wall are substantial and therefore there is a good argument that the wall is a building and so the proposed wall can be described as appropriate development in the green belt.

On this basis the increase of the existing wall should be assessed against the disproportionate test. Paragraph 89 of the NPPF states that extensions will be permitted providing that it does not result in disproportionate additions over and above the existing dwelling. The Green Belt SPD (2008) states that additions of about a third would be acceptable.

It must be noted that we are awaiting a scaled plan of the existing wall but visually it is apparent that the proposed alterations would amount to an approximate 50% volume increase of the original wall. Therefore the proposed wall would represent a disproportionate volume increase to a building in the green belt and the recommended decision would still be to refuse the proposal.