

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **16th December 2020**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

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 Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

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

#### **The following notes are for information only:-**

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

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

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## REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

**Item No:** 01  
**Application No:** 20/01474/FUL  
**Site Location:** 20 Avon Road Keynsham Bristol Bath And North East Somerset  
 BS31 1LJ



**Ward:** Keynsham East      **Parish:** Keynsham Town Council      **LB Grade:** II  
**Ward Members:** Councillor Hal McFie      Councillor Andy Wait  
**Application Type:** Full Application  
**Proposal:** Erection of 2 storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

<b>Constraints:</b>	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,
<b>Applicant:</b>	Mr S Perkins
<b>Expiry Date:</b>	11th September 2020
<b>Case Officer:</b>	Emily Smithers

To view the case click on the link [here](#).

## REPORT

Reason for application being referred to committee:

Keynsham Town Council supported the proposal. The application has been referred to the chair and vice chair of the development management planning committee in line with the planning scheme of delegation. The following comments were made;

Chair:

I have looked at this application and at the issues raised. There is Town Council support, and the extension is described as 'modest'. However, the application has failed to meet a number of policy requirements, even though changes have been made during the application process. On balance, this decision could be explored further by the Committee

Vice Chair:

I have studied the application & note KTC support.

As the application has progressed amendments have been made to the proposal to try & address points raised by the planning officer however the impact on the character & appearance of the listed building remains a controversial aspect of the application therefore I recommend the application should be determined by the planning committee.

Application Site:

20 Avon Road forms one of a pair of semi-detached houses built around 1840. The site is located in the Keynsham Conservation Area. The building has been altered with a later two-storey extension to the rear of the building.

Proposal:

Permission is sought for works including the erection of a 2 storey side extension, replacement of front door, replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

Amendments:

Amendments were made to reduce the depth of the two-storey extension, amend the dormer design and show removal of the unauthorised first floor bathroom.

Planning History:

DC - 00/00806/FUL - INVWD - 1 February 2001 - Retention of front boundary fence

DC - 05/01695/FUL - RF - 11 August 2005 - Two-storey side extension and rear conservatory

DC - 05/01726/LBA - RF - 11 August 2005 - Two-storey side extension, rear conservatory and internal alterations

DC - 05/03337/FUL - PERMIT - 23 December 2005 - Two storey side extension and rear conservatory (Resubmission)

DC - 05/03404/LBA - CON - 23 December 2005 - Two-storey side extension, rear conservatory and internal alterations

DC - 17/04826/LBA - CON - 25 January 2018 - External alterations for the like-for-like replacement of the back door

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Keynsham Town Council:

Support - There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017. The granting of permission on this application should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

## **POLICIES/LEGISLATION**

The Council has a statutory requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission 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 statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)

- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

**Core Strategy:**

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP1: Retrofitting Existing Buildings

CP2: Sustainable Construction

CP6: Environmental quality

**Placemaking Plan:**

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General Urban Design Principles

D2: Local Character and Distinctiveness

D.5: Building Design

D.6: Amenity

HE1: Historic Environment

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made.

**LOW CARBON AND SUSTAINABLE CREDENTIALS**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

**OFFICER ASSESSMENT**

The application seeks permission for a number of external works including a two-storey side extension and replacement dormer to the rear elevation.

The application is accompanied by a listed building application which will assess the impact upon the fabric and character. The key things to consider under this application will be character and appearance, assessment on impact on residential amenity and any implications to the setting of the listed building and wider conservation area.

Impact on character and appearance of listed building and wider conservation area:

Policy D1, D2, and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will be supported where, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Policy HE1 requires that alterations, extensions or changes of use, or development in the vicinity of listed buildings will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

Replacement Dormer:

As noted in the applicants Heritage Statement, pre-application advice was given in 2019 in relation to works to the property. The pre-application request included advice regarding the replacement of the rear dormer and the applicant was advised 'Subject to design, replacing the dormer at No 20 is considered acceptable in principle provided loss of its historic fabric is outweighed by an improved design.' The advice went on to say that any replacement should reflect the vertical window proportions characterised elsewhere on the house.

The replacement dormer design initially submitted under this application was not considered to sustain or enhance the significance of the listed building by virtue of the size, design and materials proposed. The applicant was advised that any replacement dormer should not exceed the width of the window directly below to ensure a proportionate addition and to show materials and a detailed design appropriate for a historic/listed building.

A number of amendments were submitted with revision D being submitted as the final design. Whilst some improvements have been made from the initial design, it is considered that the dormer would result in a disproportionate addition to the building which would be at odds with its original character. The dormer cheeks and fascia are too wide, giving a heavy appearance to the addition which will dominate the rear elevation. Whilst the alteration of the current dormer is not objected to, it is considered that the proposed replacement would result in harm to the significance of the listed building rather than sustaining or enhancing.

Two-storey extension:

Planning permission and listed building consent were granted in 2005 for the extension of the existing two-storey side addition. These consents were not implemented.

Based on historic map regression, the side addition appears to be original to the building, mirroring the side addition at no.22 which has now been significantly altered.

The existing side addition is modest in width and depth. Amendments were made to reduce the depth of the proposed extension to create a more subservient appearance.

The proposal would still however result in some loss of existing character and the loss of historic fabric through the proposed openings to access each floor.

Whilst it is noted that no.22 has been significantly altered, this would not justify the alterations proposed to the subject site. No.20 has not been so dramatically changed and illustrates how the properties would have been seen in their original form, with a pleasing symmetrical design. It is therefore important to sustain the existing character and prevent the cumulative harm of further inappropriate alterations.

Section 193 of the NPPF states that 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is supported by Placemaking Policy HE1 which states that great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified.

Section 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposal includes the replacement of the existing front door with something more in keeping with the character of the building. Whilst this would result in some enhancement, it would not outweigh the less than substantial harm resulting from the proposed extensions. The extensions would provide additional internal space for the applicant, it is however noted that the property is occupied in its current form. The extension and alterations would not therefore be essential to secure the optimum viable use for the building. It is considered that the alterations would result in private benefit only, the submission has not demonstrated any enhancement which could be considered a public benefit to outweigh the less than substantial harm identified.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extensions will fail to preserve the character of the building, further diminishing the uniformity with the adjoining property which forms part of its significance. There is no public benefit to outweigh the less than substantial harm identified. The proposal is not consistent with the requirements, aims and objectives of the primary legislation, planning policy and accompanying guidance.

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. In this case by virtue of the design and extent of the proposed extensions and erosion of character it will fail to preserve or enhance the setting or character of the Conservation Area.

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

Amenity Impact

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The increase in depth of the existing side extension will not result in any significant change in circumstances to neighbouring occupiers in terms of loss of light. A number of windows already exist on the rear elevation, there will therefore be no unacceptable increase in overlooking compared to the existing situation.

Sufficient amenity space would be retained following the construction of the extension.

Overall, the proposal would not harm the amenity of nearby properties through, unsatisfactory outlook, the loss of privacy or daylight. As such, the development would be in accordance with Policy D6.

### **Low Carbon and Sustainable Credentials:**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. Had the proposal been considered acceptable, the development would have been built to meet current building regulations in terms of construction and insulation and an informative would have been added to advise the applicants to consider sustainable construction when undertaking the development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

### **Conclusion:**

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF as outlined above and there are no public benefits resulting from the proposal which would outweigh the harm identified to the significance of the listed building and character of the wider conservation area. The proposal is therefore recommended for refusal.

### **RECOMMENDATION**

REFUSE

### **REASON(S) FOR REFUSAL**

1 The proposed extensions would result in harm to the significance of the listed building and appearance of the streetscene to the detriment of the character and appearance of the Keynsham Conservation Area. The proposal fails to preserve the character of the building, further diminishing the uniformity with the adjoining property which forms part of its significance, there is no public benefit which would outweigh the less than substantial harm identified and as such is considered contrary to Policies, D1, D2 and HE1 Placemaking Plan for Bath and North East Somerset (2017) and Paragraphs 193, 194 and 196 of the NPPF.

## PLANS LIST:

1 This decision relates to the following drawings:

Drawing	29/10/2020	(3)021 REV D	PROPOSED DORMER SASH WINDOW
Revised Drawing	29/10/2020	(3)012 REV D	PROPOSED FIRST FLOOR PLAN
Revised Drawing	29/10/2020	(3)013 REV D	PROPOSED SECOND FLOOR PLAN
Revised Drawing	29/10/2020	(3)015 REV D	PROPOSED SIDE ELEVATION
Revised Drawing	29/10/2020	(3)016 REV D	PROPOSED REAR ELEVATION
Revised Drawing	26/08/2020	(3) 014 A	PROPOSED FRONT ELEVATION
Revised Drawing	26/08/2020	(3) 011 A	PROPOSED GROUND FLOOR PLAN
Revised Drawing	26/08/2020	(3) 020	PROPOSED RAILINGS
Drawing	18/05/2020	(3)017	PROPOSED FRONT DOOR
Drawing	24/04/2020	(3)001	LOCATION PLAN
Drawing	24/04/2020	(3)010	PROPOSED BASEMENT PLAN
Drawing	24/04/2020	(3)002	SITE PLAN

## 2 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant 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](http://www.bathnes.gov.uk/cil)

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 02  
**Application No:** 20/01475/LBA  
**Site Location:** 20 Avon Road Keynsham Bristol Bath And North East Somerset BS31 1LJ



**Ward:** Keynsham East                      **Parish:** Keynsham Town Council                      **LB Grade:** II

**Ward Members:** Councillor Hal McFie                      Councillor Andy Wait

**Application Type:** Listed Building Consent (Alts/exts)

**Proposal:** Internal and external alterations to include two storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,

**Applicant:** Mr S Perkins

**Expiry Date:** 11th September 2020

**Case Officer:** Emily Smithers

To view the case click on the link [here](#).

## REPORT

Reason for application being referred to committee:

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number of policy requirements, even though changes have been made during the application process. On balance, this decision could be explored further by the Committee

Vice Chair:

I have studied the application & note KTC support.

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## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Keynsham Town Council:

Support - There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017. The granting of permission on this application should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

## **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 statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
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- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

CP1: Retrofitting Existing Buildings  
CP2: Sustainable Construction  
CP6: Environmental quality

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

HE1: Historic Environment

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made.

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## OFFICER ASSESSMENT

The application seeks consent for internal and external works including a two-storey side extension and replacement dormer to the rear elevation.

The application is accompanied by a planning application which will assess relevant planning matters.

Policy HE1 of the Placemaking Plan states that have extensions or changes of use, or development in the vicinity of a listed building, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

### Replacement Dormer:

As noted in the applicants Heritage Statement, pre-application advice was given in 2019 in relation to works to the property including the replacement of the dormer. The applicant was advised 'Subject to design, replacing the dormer at No 20 is considered acceptable in principle provided loss of its historic fabric is outweighed by an improved design.' The advice went on to say that any replacement should reflect the vertical window proportions characterised elsewhere on the house.

The replacement dormer design initially submitted under this application was not considered to sustain or enhance the significance of the listed building by virtue of the size, design and materials proposed. The applicant was advised that any replacement dormer should not exceed the width of the window directly below to ensure a proportionate addition and to show materials and a detailed design appropriate for a historic/listed building.

A number of amendments were submitted with revision D being submitted as the final design. Whilst some improvements have been made from the initial design, it is considered that the dormer would result in a disproportionate addition to the building which would be at odds with its original character. The dormer cheeks and fascia are too wide, giving a heavy appearance to the addition which will dominate the rear elevation. Whilst the alteration of the current dormer is not objected to, it is considered that the

proposed replacement would result in harm to the significance of the listed building rather than sustaining or enhancing.

Two-storey extension:

Planning permission and listed building consent were granted in 2005 for the extension of the existing two-storey side addition. These consents were not implemented.

Based on historic map regression, the side addition appears to be original to the building, mirroring the side addition at no.22 which has now been significantly altered.

The existing side addition is modest in width and depth. Amendments were made to reduce the depth of the proposed extension to create a more subservient appearance. The proposal would still however result in some loss of existing character and the loss of historic fabric through the proposed openings to access each floor.

Whilst it is noted that no.22 has been significantly altered, this would not justify the alterations proposed to the subject site. No.20 has not been so dramatically changed and illustrates how the properties would have been seen in their original form, with a pleasing symmetrical design. It is therefore important to sustain the existing character and prevent the cumulative harm of further inappropriate alterations.

Section 193 of the National Planning Policy Framework (NPPF) states that 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is supported by Placemaking Policy HE1 which states that great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified.

Section 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposal includes the replacement of the existing front door with something more in keeping with the character of the building. Whilst this would result in some enhancement, it would not outweigh the less than substantial harm resulting from the proposed extensions. The extensions would provide additional internal space for the applicant, it is however noted that the property is occupied in its current form. The extension and alterations would not therefore be essential to secure the optimum viable use for the building. It is considered that the alterations would result in private benefit only, the submission has not demonstrated any enhancement which could be considered a public benefit to outweigh the less than substantial harm identified.

During the course of the application it became apparent that a bathroom had been installed in a first-floor principle room without the benefit of listed building consent. This resulted in the subdivision of the room through the addition of a partition wall which collides with the chimney breast. The alteration results in harm to plan form and is not considered acceptable. The applicant therefore amended the drawings to show the removal of the bathroom to revert back to the original plan form. Had the submission been considered acceptable, a condition would have been recommended for the bathroom to

be removed within a set period of time and the room made good to rectify the unauthorised work.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extensions will fail to preserve the character of the building, diminishing the evidence of the former uniformity with the adjoining property which forms part of its significance. There is no public benefit to outweigh the less than substantial harm identified. The proposal is not consistent with the requirements, aims and objectives of the primary legislation, planning policy and accompanying guidance.

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. In this case by virtue of the design and extent of the proposed extensions and erosion of character it will fail to preserve or enhance the setting or character of the Conservation Area.

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

#### **Low Carbon and Sustainable Credentials:**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. Had the proposal been considered acceptable, the development would have been built to meet current building regulations in terms of construction and insulation and an informative would have been added to advise the applicants to consider sustainable construction when undertaking the development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

#### **RECOMMENDATION**

REFUSE

#### **REASON(S) FOR REFUSAL**

1 The proposed extensions would result in harm to the significance of the listed building and appearance of the streetscene to the detriment of the character and appearance of the Keynsham Conservation Area. The proposal fails to preserve the character of the building, further diminishing the uniformity with the adjoining property which forms part of its significance and will result in the loss of historic fabric. There is no public benefit which would outweigh the less than substantial harm identified and as such is considered contrary to Policy HE1 Placemaking Plan for Bath and North East Somerset (2017) and Paragraphs 193, 194 and 196 of the NPPF.

## PLANS LIST:

1 This decision relates to the following drawings:

Drawing	29/10/2020	(3)021 REV D	PROPOSED DORMER SASH WINDOW
Revised Drawing	29/10/2020	(3)012 REV D	PROPOSED FIRST FLOOR PLAN
Revised Drawing	29/10/2020	(3)013 REV D	PROPOSED SECOND FLOOR PLAN
Revised Drawing	29/10/2020	(3)015 REV D	PROPOSED SIDE ELEVATION
Revised Drawing	29/10/2020	(3)016 REV D	PROPOSED REAR ELEVATION
Revised Drawing	26/08/2020	(3) 014 A	PROPOSED FRONT ELEVATION
Revised Drawing	26/08/2020	(3) 011 A	PROPOSED GROUND FLOOR PLAN
Revised Drawing	26/08/2020	(3) 020	PROPOSED RAILINGS
Drawing	18/05/2020	(3)017	PROPOSED FRONT DOOR
Drawing	24/04/2020	(3)001	LOCATION PLAN
Drawing	24/04/2020	(3)010	PROPOSED BASEMENT PLAN
Drawing	24/04/2020	(3)002	SITE PLAN

## 2 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant 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](http://www.bathnes.gov.uk/cil)

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 03  
**Application No:** 20/03006/FUL  
**Site Location:** 81 Hillcrest Drive Southdown Bath Bath And North East Somerset BA2 1HE



**Ward:** Southdown      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Paul Crossley    Councillor Dine Romero  
**Application Type:** Full Application  
**Proposal:** Creation of Loft conversion and installation of rear dormer  
**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, SSSI - Impact Risk Zones,  
**Applicant:** Mr John Shackleton  
**Expiry Date:** 6th November 2020  
**Case Officer:** Samantha Mason  
To view the case click on the link [here](#).

## REPORT

The application refers to a dwelling located in the Southdown residential area of Bath. The site is within the World Heritage Site.

Planning permission is sought for the creation of loft conversion and installation of rear dormer.

Reason for going to committee:

The application was referred to the chair of the committee in line with the scheme of delegation as the officer was minded to refuse but the local ward councillor requested it be heard at committee. In his decision the chair stated 'I have looked at this application, which seems to hinge upon the size. The principle of a dormer is met, there's no harm to

local amenity, and the applicant has reduced the size. I think the committee can look at this further.' The Vice chair did however recommended delegations stating 'I have carefully looked at this application & note the Ward Cllr planning committee request, an acknowledgment of dormers in the area is clear from both the Officer & Ward Cllr. However, the issue is the impact the proposal will have on the dwelling & as the report explains it does not adhere to relevant planning policies, I recommend the application be delegated to Officers for decision.'

#### Relevant Planning History:

##### 71 Hillcrest Drive:

DC - 17/01900/FUL - WD - 15 June 2017 - Provision of loft conversion and rear dormer

DC - 17/03456/FUL - PERMIT - 27 September 2017 - Provision of loft conversion and rear dormer.

##### 58 Hillcrest Drive:

DC - 17/01312/FUL - RF - 5 May 2017 - Loft conversion and erection of a rear dormer.

AP - 17/00083/RF - DISMIS - 24 October 2017 - Loft conversion and erection of a rear dormer.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

#### Consultation Responses :

None received

#### Representations Received :

None received from third parties

#### Committee Request from Cllr Paul Crossley:

I support this application and should the recommendation be to refuse then this is a formal request for the application to be determined by Committee. The application is for a large dormer to the rear of the building. At the back the land falls away to Ivy Ave and so there is no overlooking from the extension. Several buildings on Hillcrest Drive have been modified in a variety of ways. It is a recent estate and it is common for these modern estates to evolve and develop over time with modifications and extensions. Therefore, the application does no harm the look and feel of the estate. As it is a family home being enlarged for a growing family and because there is an adequate drive at the front the extension causes no additional parking issues.

### **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 Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)

- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - Policy GDS.1 Site allocations and development requirements (policy framework)
  - Policy GDS.1/K2: South West Keynsham (site)
  - Policy GDS.1/NR2: Radstock Railway Land (site)
  - Policy GDS.1/V3: Paulton Printing Factory (site)
  - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

#### Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

B1: Bath Spatial Strategy

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles

D2: Local character and distinctiveness

D.3: Urban fabric

D.5: Building design

D.6: Amenity

HE1: Historic environment

#### National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### SPD's:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

#### LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

The main issues to consider are:

- Character and appearance
- Residential amenity

### **CHARACTER AND APPEARANCE:**

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

81 Hillcrest Drive sits at an elevated location, and due to the topography the property is visible from Ivy Avenue. Steps leading from Ivy Avenue up to Hillcrest Drive are situated immediately adjacent to the property.

The proposed dormer window was originally full width however has now been reduced following the submission of revised plans.

Due to the very prominent location of the property any proposed dormer will be visible to the public realm, and the existing roofline of the property sits above Ivy Avenue, giving both short and long range views to the property. Given the conspicuous nature of the site the dormer design is a key consideration.

The proposed dormer takes up much of the roof slope and would appear overly dominant and bulky. The dormer will be built right up to the ridge rather than set down and so will fail to be read as a subservient addition, resulting in a top-heavy appearance of the property. The placement adding the ridge fails to respect the proportions of the existing dwellings roof. Additionally, the proposed window serving the dormer is a large three pane window which fails to consider the hierarchy of windows, the size appears at odds with the existing fenestration and is consequently an alien feature. The dormer will be an incongruous addition to the host dwelling failing to integrate successfully.

A dormer permitted at 71 is visible from similar viewpoints as 81. The principle of a dormer is accepted in this location, and a proposed dormer a similar size to that at 71 would likely be acceptable, however following negotiation with the applicant a reduction to this size has not been achieved.

The proposal by reason of its design, siting, scale, and massing, is unacceptable and fails to respond to the local context and maintain the character and appearance of the surrounding area. The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and parts of the NPPF.

## WORLD HERITAGE SITE:

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

## RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Although the proposal will slightly increase overlooking to the rear of the property this is not to the extent of causing significant harm to residential amenity.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

## CONCLUSION:

It is therefore considered that the proposal is contrary to with the relevant planning policies as outlined above and the proposal is recommended for refusal.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposal by reason of its design, siting, scale, and massing, is unacceptable and fails to respond to the local context and maintain the character and appearance of the surrounding area. The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and parts of the NPPF.

## PLANS LIST:

1 This decision relates to the following plans:

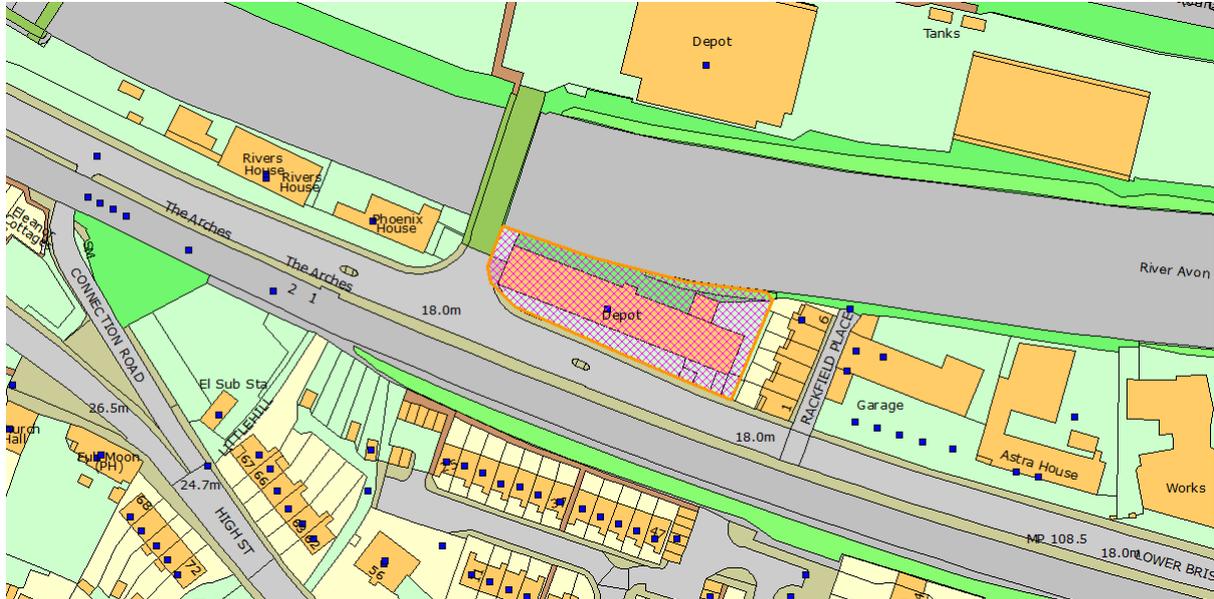
01 Nov 2020 0154/1-C1 D Proposed Floor And Roof Plans  
01 Nov 2020 0154/1-C2 D Construction Elevations & Section  
20 Aug 2020 0154-0100 Location Plan

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 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.

### **3 Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant 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](http://www.bathnes.gov.uk/cil)

**Item No:** 04  
**Application No:** 20/01794/FUL  
**Site Location:** Jubilee Centre Lower Bristol Road Twerton Bath Bath And North East Somerset



**Ward:** Twerton      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Tim Ball    Councillor Sarah Moore

**Application Type:** Full Application

**Proposal:** Mixed-use redevelopment of site for storage and distribution (Class B8) and erection of 121 units of purpose-built student accommodation (sui generis) following demolition of existing building and associated access and landscaping works.

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

**Applicant:** Toplocation 4 Ltd & Longacre

**Expiry Date:** 16th December 2020

**Case Officer:** Samantha Mason

To view the case click on the link [here](#).

## REPORT

This is a resubmission of a proposal to redevelop an industrial site on Lower Bristol Road in Bath currently occupied by a local charity Mercy in Action.

The existing premises sit within the Twerton/Newbridge area of Bath Enterprise Zone and comprise circa 725 sqm of B8 warehouse and storage space. The building is 12m in height at the pitch and the footprint measures approx. 67.3m x 11.6m

The site falls within Bath WHS and Conservation Area, and Flood Risk Zone 2. The site lies immediately adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) supporting high ecological value and a range of wildlife and is used by bats (including bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC)), which utilise the river and its associated bankside habitats for foraging and flight routes.

There is a group of three-storey Grade II listed houses at Rackfield Place set immediately to the east of the site, followed by the Twerton Mill PBSA development. Grade II listed Great Western Railway Twerton Viaduct by Isambard Kingdom Brunel is raised above the opposite side of Lower Bristol Road to the south. To the west lies the bridge to First Group Weston Island bus depot and two-storey buildings occupied by Aldridge Auctioneers and Environment Agency. To the north, the site backs onto the banks of River Avon.

The current scheme seeks to provide a purpose built B8 storage and distribution premises on the ground floor and 121 units of student accommodation on the floors above.

The B8 warehouse and storage space facility would be circa 625 sqm GIA of ground floor warehouse accommodation with an internal loading area; and 232 sqm GiA of office space at mezzanine floor level. The ground floor will provide a pedestrian entrance to the PBSA which is located on the 4 No. upper floors. The student accommodation comprises: 50 No. rooms in 10-bed clusters; 24 No. rooms in 6-bed clusters; 46 studios and 1 accessible studio apartment. A shared outdoors amenity space for the occupants is provided in a form of a roof terrace.

The existing eastern access adjacent to Rackfield Place is retained to provide rear access for maintenance and 6 No. off-street staff parking spaces for the proposed Class B8 use. Additionally, a disabled parking space is proposed on the site frontage to Lower Bristol Road along with an internal access for LGV sized delivery vehicles which will enter and turn within the ground floor area of the building.

## RELEVANT PLANNING HISTORY

DC - 00/02278/FUL - WD - 2 July 2004 - Alterations and change of use of existing building to provide B1 office

DC - 17/02914/FUL - WD - 10 October 2017 - Demolition of existing building. Redevelopment of site for the erection of a 3-5 storey building to provide student accommodation (Sui Generis), comprising 136 bed spaces and communal facilities. External works, including hard and soft landscaping and felling/works to existing trees. Proposed vehicular access to Lower Bristol Road and provision of 1 no. parking space and covered cycle parking.

DC - 17/05536/FUL - RF - 12 February 2018 - Demolition of existing building. Redevelopment of site for the erection of a 3-5 storey building to provide student accommodation (Sui Generis), comprising 137 bed spaces and communal facilities. External works, including hard and soft landscaping and felling/works to existing trees. Proposed vehicular access to Lower Bristol Road and provision of 1 no. parking space and covered cycle parking.

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

**ARCHAEOLOGY** - No Objection subject to conditions. The proposed development lies within the riverside corridor area of Twerton. While the Heritage Statement submitted (Michael Heaton Heritage Consultants April 2020) suggests there is little archaeological potential, it is our understanding that previous desk-based archaeological assessments of this area have indicated that although the area appears not to have been occupied or developed until the 18th century, there is still some potential for the survival of archaeological deposits, with a historic ferry route across the river Avon and mills in the vicinity. The recent archaeological evaluation (trial trenching) of the adjacent Twerton Mills site appears to have confirmed this, but also revealed extensive disturbance from more recent river and drainage works.

**ARBORICULTURE** - Objection. The proposal provides no added contribution to tree canopy cover within the city or the strategic green infrastructure corridors along the road and River Avon. The space between the building and riverbank is inadequate to provide meaningful green infrastructure and will remain so unless the footprint can be reduced.

**CANAL AND RIVER TRUST** - No comments.

**CONSERVATION** - Objection. Concerns regarding height, design, roof form and materials.

**CONTAMINATED LAND** - No Objection subject to conditions.

**DRAINAGE AND FLOODING** - No Objection subject to conditions. The FRA includes a surface water drainage strategy based on the principle agreed within 17/02914/FUL. Since this agreement there has been a slight change in our standards in that we are prepared to forgo betterment of the brownfield flow rate where this would result in attenuation structures within Flood Zone 2 (due to maintenance issues). All sites still need to demonstrate no increase in discharge compared to the existing development. A condition is requested regarding the submission of a detailed surface water drainage design prior to commencement onsite.

**ECOLOGY** - no objection. While the inadequate buffer zone alongside the River Avon remains an unsatisfactory aspect of the scheme, the ecological provision at the site is now accepted, subject to conditions and sensitive lighting. A Habitats Regulations Assessment has been documented and concludes that, provided light spill levels remain within the thresholds predicted within the submitted lighting assessment, the proposal will not have a significant effect on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

**ECONOMIC DEVELOPMENT** - No Objection subject to conditions. Whilst Core Strategy Policy B5 states that proposals for off-campus student accommodation will be refused within Bath Enterprise Zone, Economic Development supports this application on the basis that it is providing a net increase in both industrial floorspace and jobs for the site. The retention of such sites for employment uses is of paramount importance, hence our service deems that the investment in purpose-built B8 space to secure the existing tenant's future outweighs the negative of student accommodation being included in the redevelopment plans.

**ENVIRONMENT AGENCY** - No Objection subject to conditions, however in accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.

**ENVIRONMENTAL PROTECTION** - No Objection subject to conditions.

**HIGHWAYS** - No Objection subject to conditions and S106 obligations. The revised plans have addressed the majority of concerns that Highways initially raised about the proposals. Highways do still require further details to confirm that the proposed student element of the cycle parking can be accommodated.

**HISTORIC ENGLAND** - Raised concerns regarding the application on heritage grounds. The revised design to reduce the scale and massing of the proposed development when viewed from the Lower Bristol Road and from trains on the raised viaduct of the adjacent main line railway is a positive step which will reduce the perceived scale and massing of the building and better assimilate it into the surrounding context. However, questioned the proposed materiality of the buildings. The use of a complex palette of differing materials set against each other is a superfluous veneer, which gives a falsity to the Southern elevation and makes for an unfortunate juxtaposition with the uniformity in materials that characterises the conservation area.

**LANDSCAPE** - Objection. The proposed building is considerably taller than the one it replaces such that it would physically and visually dominate the streetscape and the neighbouring buildings in a way that the existing building does not. The inclusion of green roofs and a green wall would fail to have a significant impact on close views of the building from the lower Bristol Road and the elevated mainline railway.

**NATURAL ENGLAND** - No objection.

**PARKS & GREEN SPACES** - No Objection subject to Section 106 obligation securing a payment of £226,631 to greenspace enhancement projects in the local area to make the development comply with policy LCR6 and the Planning Obligations SPD (amended August 2019).

**PLANNING POLICY** - Objection. Even though the scheme allowing MiA to continue to operate is welcome, there are significant concerns over the flood risk. The site fails to pass the flood risk sequential test therefore it is considered that the proposed development is, in principle, contrary to Policy CP5.

SUSTAINABLE CONSTRUCTION - No objections. Overall the sustainability strategy and information provided is reasonable for the development. More detailed comments regarding individual points made within the Checklist and Energy & Sustainability Strategy.

#### OTHER REPRESENTATIONS:

49 contributors sent 36 objections, 3 general comments and 9 letters of support. Key points raised were as follows:

#### OBJECTIONS:

- In principle objections to redevelopment of the site for student housing
- Oversaturation of PBSAs and HMOs in the locality
- Insufficient parking will result in spilling out onto highways
- 'No car policy' is unenforceable and unlawful
- There is little uptake from students of cycling
- Impact on wider infrastructure, such as public transport and traffic
- Lack of demand/need for more PBSAs from both universities
- No guarantee there won't be a drop in student population after the pandemic
- Need for affordable housing in the area, not PBSAs
- The design and massing of the development are out of keeping with the locality.
- This site can and should deliver more employment
- The proposal takes away a future opportunity to encourage new enterprises or possible expansion of existing companies.
- This proposal offers very little gain in adding green infrastructure
- Evacuation plan within flood zone is not viable
- This scheme offers little in the way of access to the river or enhanced riverscape
- Question on application of Policy CP10 (Housing Mix) in relation to different projects

#### Federation of Bath Residents:

- Objection. Supports redevelopment of Jubilee Centre for storage and distribution and enabling Mercy in Action to continue operate in the City, but object to the proposed PBSA on the site principally due to lack of quantifiable need or demand.

#### Bath Preservation Trust:

- Objection. strong in-principle opposition to this proposal on the grounds of the unjustified provision of further student housing, and the proposed height, scale, and massing of the development which would be of detriment to the appearance and character of the Twerton region of the conservation area, and harm the setting of two Grade II heritage assets.

#### SUPPORT:

- This is becoming a thriving area due to the student accommodation and extension of the faculty of design.
- The current site is a derelict eye sore on the main thoroughfare into Bath
- Concentrating students into purpose-built accommodation as oppose to HMO makes good social sense and will incentivises students to stay on in PBSAs
- Good location in terms of public transport

- A well thought out design
- Less residents' amenity issues
- Easier waste management
- Good for local businesses

Mercy in Action:

- Support. The existing building is coming to the end of its useful economic life and does not meet Mercy in Action's current needs. The proposal will facilitate creation of a modern, efficient and sustainable building and allow the retention of this crucial local charity service within the locality it is needed. The new facility will continue to support the employment and day to day running of Mercy in Action's charity and nine charity shops in and around Bath.

COMMENTS:

- Need to build more homes for next generation and community spaces
- The chancellor of the university has said there is no need for more accommodation
- PBSAs can only be supported if there is a ban on HMOs
- There is too much student housing in the City already
- Increase in height compared to existing is turning the Lower Bristol Road into a concrete canyon unless the buildings are set further back from the road
- Impact of building's illumination on dark flight corridor should be strictly controlled

### **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 Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - Policy GDS.1 Site allocations and development requirements (policy framework)
  - Policy GDS.1/K2: South West Keynsham (site)
  - Policy GDS.1/NR2: Radstock Railway Land (site)
  - Policy GDS.1/V3: Paulton Printing Factory (site)
  - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

B1: Bath Spatial Strategy

B3: Strategic Policy for Twerton and Newbridge Riverside

B4: The World Heritage Site and its Setting

CP2: Sustainable Construction

CP3: Renewable Energy  
CP5: Flood Risk Management  
CP6: Environmental Quality  
CP9: Affordable Housing  
CP10: Housing Mix  
SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

B5: Strategic Policy for Bath's Universities  
D1: General urban design principles  
D2: Local character and distinctiveness  
D.3: Urban fabric  
D.5: Building design  
D.6: Amenity  
ED1a: Office development  
HE1: Historic environment  
NE2: Conserving and Enhancing the landscape and landscape character  
NE2A: Landscape setting of settlements  
NE3: Sites, species and habitats  
NE5: Ecological networks  
NE6: Trees and woodland conservation  
PCS2: Noise and Vibration  
ST7: Transport requirements for managing development  
SCR1: On-site renewable energy requirement  
SCR5: Water efficiency  
SU1: Sustainable drainage policy

#### National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### SPD's:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

#### Buildings Heights Strategy

#### Conservation Areas:

In addition, 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.

Listed Buildings:

In addition, 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.'

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development of use of existing employment land and provision of Purpose-Built Student Accommodation (PBSA).
- Flood Risk
- Heritage, Visual Impact and Design
- Highways safety and parking
- Trees and Green Infrastructure
- Ecology
- Residential Amenity
- Off-site public open space contribution
- Other matters

## PRINCIPLE OF DEVELOPMENT:

The key in-principle issues:

- The acceptability of the principle of the redevelopment of this industrial land within Bath Enterprise Zone in the context of Policies DW1 ( District-wide spatial strategy), B1 ( Bath Spatial Strategy), B3 ( Strategic Policy for Twerton and Newbridge Riversides), ED2B ( Non-Strategic Industrial Premises), B5 (Strategic policy for universities, private colleges and their impacts) and CP10 (Housing Mix).
- The principle of the redevelopment of this land considering flood risk.

## PRINCIPLE OF USE OF THE EXISTING EMPLOYMENT LAND AND PROVISION OF PBSA:

The proposal is seeking permission for a mixed-use redevelopment of storage and distribution (Class B8) and 121 units of purpose-built student accommodation (sui generis) following demolition of existing building.

The site is located in the Bath Enterprise Zone, in particular in the Twerton Riverside area. This area is characterised by its contribution to Bath's industrial history and present-day employment structure.

Policy B5 of the Bath Placemaking Plan drives the location of student accommodation in the city. It states that proposals for off-campus student accommodation will be refused within the Enterprise Zone where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space).

Policy B3 sets out the strategic vision for the Twerton and Newbridge Riverside areas of the Enterprise Zone. Twerton Riverside has contracted as an industrial location in recent decades. The policy states 'that this area is suitable for a broader range of uses and there is scope to redevelop the area to provide new business premises and housing. The area presents an opportunity to host business that is displaced as a consequence of the residential led development of Western Riverside and the growth of the intensification of the Central Area into Sydenham Park. Whilst Newbridge Riverside will remain the core industrial location, Twerton Riverside can provide additional flexibility.'

Policy B1 sets out the wider Bath Spatial Strategy but is relevant here. Part of the spatial strategy plans for a net overall increase in jobs over the plan period, along with the contraction of industrial floorspace whilst sustaining a mixed economy by retaining a presumption in favour of industrial land in the Newbridge Riverside area.

Much of the Newbridge Riverside area is designated as strategic and primary industrial estate, however the Twerton Riverside area, including this site, is not. Instead it is considered Non-Strategic Industrial Premises and is covered by Policy ED2B.

Policy ED2B states that proposal for B8 uses will be considered acceptable in principle subject to other material planning considerations. It goes onto say that 'Non-strategic sites are not afforded the same level of protection for industrial and warehousing (B1c, B2 & B8) uses as those listed in ED2A (Strategic and Primary Industrial Estates). Applications for residential development or others uses will normally be approved unless there is a strong economic reason why this would be inappropriate.'

One of the key changes when compared to earlier refused proposals on the site is that the application now seeks to maintain the B8 employment use on the ground floor, building student accommodation on the upper floors. Additionally, this scheme goes further and the B8 element has been designed to secure the retention of the existing tenant Mercy in Action (MIA). The Planning Statement submitted with the application states that the applicant has agreed terms with MIA subject to planning, whereby MIA will take a leasehold interest for the proposed ground floor and associated mezzanine level.

The proposal will provide an increase in employment floorspace, increasing from 725sqm to 856.8sqm. It will also result in a planned increase in employment from 20 to 25 full time staff and 10 to 15 part time jobs. This is considered to comply with the economic aspirations of policy B1.

Whilst the site will also accommodate student accommodation on the upper floors, given that a B8 use will be retained at the site which will be increasing in floor space and

increase the number of jobs in an area that is adjacent to location of high employment deprivation, it is considered that the proposal complies with policy ED2B as there are no strong economic reasons why this proposal would be inappropriate.

Securing the occupier for the ground floor is considered to provide a long-term operation which leads to a contribution to the economic objectives of Policy B3 and to the wider area. Student accommodation on the upper floors appears to result in an opportunity cost of the site not being developed entirely for employment uses. Given its strategic location within the Bath Enterprise Zone and on the Lower Bristol Road, student accommodation included within the proposals is seen as a limiting factor. Nevertheless, policy B3 allows for residential development and flexibility of uses in the Twerton Riverside Area. As such the inclusion of student accommodation is not considered to directly conflict with the policy in this instance due to the retention of B8 space.

Policy B1 looks to increase the overall housing stock of BaNES over the plan period, it also looks to enable the provision of new off-campus student accommodation by facilitating growth in the overall number of students whilst avoiding growth of the student lettings market. Policy CP10 has regard to Housing Mix, it states that the mix of housing should contribute to providing choice in tenure and housing type having regard to the character and accessibility of the location. The proposed purpose-built student accommodation will ensure that the student lettings market of properties (HMO's) does not proliferate, additionally the site is located near to other purpose-built accommodation therefore forming part of the character of the wider area.

The proposed uses, as described above, are seen as acceptable in the context of policy ED2B, B3, B1 and CP10, the policies in which the vision and spatial strategy for the city in relation to delivering housing, and economic development is set out, therefore it is considered that, in this instance, the proposal for off-campus student accommodation within the Enterprise Zone is also compliant with Policy B5. As such the principle of the two uses (B8 warehousing and *suis generis* student accommodation) is acceptable subject to other material planning considerations as discussed below.

#### PRINCIPLE OF DEVELOPMENT CONSIDERING FLOOD RISK:

The 2008 Strategic Flood Risk Assessment (SFRA) shows the application site is entirely within Flood Zone 2 with the edge to the riverside falling within Flood Zone 3a.

Policy B3 of the Placemaking Plan identifies this area at risk of flooding. It states that 'The sequential approach to site layout is required to be informed by a site-specific FRA. As minimum, the floor levels of new developments have to be raised at the appropriate level taking into account the vulnerability classification informed by the FRA'.

Policy CP5 of the Core Strategy outlines flood risk management; 'Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy'.

Paragraph 155 of the NPPF states that inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It

goes on to state that this will be achieved, inter alia, through the application of the Sequential Test and, if necessary, the Exception Test.

The Flood Risk Vulnerability Classification Table within the NPPG classifies student halls of residence as 'more vulnerable' and offices; general industry, storage and distribution such as the proposed facility for Mercy in Action, as 'less vulnerable'.

The NPPG indicates that where developments contain different elements of vulnerability, the highest vulnerability category should be used. The proposal is therefore considered to be in the 'more vulnerable' category of development.

The Flood Risk Vulnerability and Flood Zone 'Compatibility' Table within the NPPG indicates that 'more vulnerable' development can be appropriate in Flood Zone 3a, provided that the Sequential Test and Exception Test are passed.

#### SEQUENTIAL TEST:

Paragraph 158 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The NPPG states that 'For individual planning applications... the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.'

The applicant has submitted their assessment of the availability of sequentially preferable alternative sites for the development. The area of search for alternative sites was defined as being within the urban area of Bath with the following additional criteria:

1. Available sites (with and without planning permission) of up to 0.2ha (i.e. of a comparable size to the application site that will be suitable to accommodate the proposed development) within Flood Zone 1, within 300m of a public transport route, and located within the Bath Housing Development Boundary and University of Bath's Claverton Down campus, as defined on the Local Plan Policy Map
2. Alternative sites that do not suffer from any abnormal constraints that would impact on the viability of the site.
3. Alternative sites that are currently available for sale at a price that would mean the proposed development is viable.
4. Alternative sites that are not safeguarded/allocated in the Local Plan for another use.

It is considered that given the proposed accommodation is intended to serve students attending one of the cities universities, restricting the area of search to the city of Bath is reasonable.

However, it is considered that some of the criteria are unduly restrictive in limiting the area of search.

Whilst there would obviously be a preference for alternative sites to be close to bus routes for the universities, accessibility within most areas of the city of Bath is good enough to serve student accommodation. Additionally, it is unclear why only those bus routes serving the University of Bath and not Bath Spa University have been included. Bath Spa University campus hasn't been included in the final defined search area map shown in appendix A of the Sequential Test submission, there is no justification for this admission. Furthermore, it is considered that the benefits of providing greater accessibility to public transport would not outweigh the reduced flood risk arising from a sequentially preferable site that is further than 300m from a bus stop.

It is also considered that ruling out all sites which are within or partly within Flood Zone 2 fails to capture all sites which would be sequentially preferable to the application site. The application site is within Flood Zone 2 and 3a. Alternative sites which are only or partly within Flood Zone 2 should also be included within the area of search as these would represent sequentially preferable sites.

In respect of criterion 3, sites do not have to be for sale for them to be considered available. Following a review of appeal decisions, the correct approach is that the availability of sites is appropriately tested by reference to the availability of land for a similar development to that proposed, rather than the issue of the availability of such land to the applicant in question.

The search area is therefore not agreed and not considered adequate by officers for the purposes of undertaking the sequential test. This is considered grounds for refusal in regards to policy CP5 and the NPPF.

Notwithstanding the above reservations about the search criteria, the agent has reviewed the following in identifying reasonably available sites;

- i. site allocations in the core strategy and placemaking plan,
- ii. the Claverton Down Campus,
- iii. the HELAA and Local Plan Review,
- iv. and residential and PBSA sites.

In respect of point i), the agent has discounted all of the 21 site allocations within the Core Strategy and Placemaking Plan save their own site. They state that none of these are available. An assessment of each individual site has not been made and therefore it has not been made clear why some of the sites have been ruled out. For example, Burlington Street is a site of 0.13ha on the southern end of the west side of Burlington Street that is currently used as car parking for St Mary's Church. It is allocated under policy SB16 of the Placemaking Plan for 'residential development, which can include student accommodation'.

As for point ii), the agent states that there is no available land at the University of Bath's Claverton Down Campus because this has been fully built out or committed under the current master plan.

This is incorrect as the site was released from the Green Belt in 2007 specifically to provide developable space for the university, including student accommodation under Policy SB19. Policy SB19 sets out the following development principle for the campus:

Development on campus should contribute to the full spectrum of the University's needs, including academic space, all the accommodation space that is needed for the growth in the intake of first years from 2011 and a major share of the accommodation space that is needed for their subsequent years of study. This essentially means that the university is required to meet the majority of its student accommodation needs on the campus if it intends to grow. There is also clearly sufficient space available within the already allocated area on the campus for the proposed development. The university letter upon which the report relies does not state that there is no available space on campus for PBSA. It states that there are no arrangements with the developer and that currently 'there are no opportunities to expand the campus until the new Masterplan is agreed'. The Claverton Down campus site however is identified as an area which can come forward now under the current allocation policy (SB19) without the need for the masterplan to be formally endorsed by the Council. Additionally, as mentioned above, it has not been made clear why the Bath Spa University campus has not been included when it is much closer to the site than the University of Bath.

In regard to iii), the agent has identified 42 sites within the HELAA (found in Appendix C of the Sequential Test document). The agent discounts 39 of these sites as not being suitable for the development and discounts the remaining 3 sites as being 'unavailable'. There is no methodology included within the document, and it has not been made clear why many of the sites are 'not sequentially more suitable' when, for example, some of them sit solely within flood zone 2, rather than 2 and 3a like this site does. It has also not been made clear why the ones identified as acceptable are not currently available. It is assumed this is because of the four previously aforementioned search criteria, however these criteria are disputed by the Council as set out above.

Finally, the agent has looked at sites with permission for residential and PBSA development. The agent instructed Savills to assist in this. Apparently, Savills have confirmed that all permitted and proposed PBSA sites are currently contractually committed and therefore not available. Again, as discussed above, simply because the land is not available for sale to the applicant does not mean that the site is not reasonably available to bring forward the proposed development. The Council considers that there are reasonably available sites with planning permission or for PBSA development within the area of search. For example, there are at least two sites that currently have planning permission or are being assessed for planning permission for PBSA. These are Jews Lane, and the Scala.

Jews Lane is a site of approximately 0.1ha in the Twerton area of Bath within flood zone 1. It has recently achieved planning permission under application reference 18/02831/FUL for student accommodation. The existence of planning permission for student accommodation on this site demonstrates that the site is appropriate for the proposed development. It also demonstrates that the site is available for development and is being actively promoted for a student accommodation development. There is clear evidence that the developer wishes to take this forward as they have discharged pre-commencement condition (ref: 19/05380/COND) and sought minor variations to the scheme (ref: 19/05449/NMA) as the detailed design work has evolved. It can therefore be considered that the site is appropriate for the proposed development and is clearly available (and ready) for development.

The 'Scala' site on Shaftesbury Road is not allocated and not contained within the 2018 HELAA, but the Council recognise its potential for redevelopment. There is currently a planning application being considered by the Council on this site for student accommodation as well as a residential block and some retail. The site is within flood zone 1 and is not within any policy designation where the principle of student accommodation is restricted. These factors, alongside the provision of 96 beds of student accommodation shown in the current application, demonstrate that the site is appropriate and could accommodate the student accommodation. Given the current planning application the site is considered available.

The agent has submitted a further addendum to the sequential test document, setting out reasons why the four sites identified above are not available. The agent states that the scope of the area of search has been agreed between the applicant and the council, however this is not the case. The main reason why the agent considers the four mentioned sites unavailable is that they don't consider the PBSA element of the scheme can be disaggregated from the purpose-built commercial space for MIA. They state that in this case there is a clear cross funding link between the PBSA and the re-provision of purpose-built commercial space for occupation by MIA. The fully repairing and insuring (FRI) lease agreement, which is subject to the grant of planning permission, sets the rent for MIA at approximately 40-45% of an equivalent open market rent, cross funded by the provision of the student accommodation. However, the officer considers that the a PBSA scheme could be used to cross subsidise the rent of the B8 unit in any location, this does not necessarily mean it needs to be provided on this site. It has also not been evidenced that MIA can only take the lease on at 40-45% of the open market rent, nevertheless while securing the future use of MIA is a welcomed benefit it is not necessary to make the scheme acceptable, and in future another B8 user could take over the space paying 100% of the market rate and therefore not relying on cross subsidisation from student accommodation.

The Council disagrees with the results of this addendum document and considers that these sites as reasonably available alternatives has not been disproved, nevertheless the council also considers that the area of search is incorrect for the purposes of the sequential test and therefore more sites may also actually be reasonably available that have at present been ruled out.

#### Conclusion on Sequential Test:

The area of search is considered to be inadequate for the purposes of the sequential test, as the criteria for establishing it are not justified and unduly limiting. There are alternative sites which are considered appropriate and available for the PBSA element of the proposed development; therefore the proposed development fails the sequential test and should not be approved. The proposal is found contrary to Policy CP5 of the Core Strategy for Bath and North East Somerset as well as the NPPF.

#### HERITAGE, VISUAL IMPACT AND DESIGN

To reiterate, planning permission is being sought on the proposed demolition of the existing Jubilee Centre building and the erection of a mixed-use redevelopment of storage and distribution unit and 121 units of purpose-built student accommodation.

The site is located to the west of Bath city centre with river flanking the site to the north and the Lower Bristol Road to the southern boundary. It is within the Bath Conservation Area and the World Heritage Site (WHS), and more specifically within the Brassmill Lane, Locksbrook and Western Riverside Character Area of the Bath Conservation Area. The draft conservation area appraisal for this area identifies the green river corridor as binding the character of the area together and making a positive contribution to the green setting of the WHS. The site is also adjacent to the relatively new Twerton Mills development, and between the two sites is a Grade II listed terrace of buildings known as Rackfield Place that date from the mid C19. The site is also directly opposite the Grade II listed GWR Twerton Viaduct.

It is agreed that existing building dates from the 1970s and possesses no heritage or architectural merit that would warrant its retention. It has a neutral visual impact on the character and quality of the immediate area. Therefore, its demolition and redevelopment of the site are acceptable in principle.

There is, however, an expectation of enhancement and statutory requirement to ensure that the replacement development has special regard to the setting or any features of special architectural or historic interest of the listed buildings, and the desirability of preserving or enhancing the character or appearance of conservation areas.

The site is approximately 0.16ha, the current footprint of the building on site covers most of the site area and is orientated with the front elevation facing onto the Lower Bristol Road. The proposed building follows the same orientation and layout on a similar footprint with the inclusion of hardstanding for parking associated with the B8 use. Both the landscape and Arboricultural Officer considered the layout proposed fails to make space available for planting or practical tree retention given the built forms proximity to the boundaries of the site.

The Bath Building Heights Strategy provides a useful framework within which decisions can be made about the appropriate height of new buildings to ensure the protection of the OUV of the World Heritage Site. It states that the height and scale of new development should respect and respond and contribute to the character of Bath, building on its heritage and values associated with it. This site is located in the 'valley floor area' of the Building Heights Strategy, for this area the document makes clear that building shoulder height should be 4 storey, this is taken to generally be the eaves of the building.

The Placemaking Plan states that the heights of buildings are an important aspect of the visual homogeneity of the city, and new developments need to respond creatively and sensitively to their exceptional context. The World Heritage Site Management Plan expands on this by describing that building heights throughout the city are relatively consistent and low-rise. One of the attributes of OUV of the World Heritage Site is the visual homogeneity of the city due in part to the uniform scale and height of buildings.

In response to the first round of consultations, the roof form has been revised from sawtooth/ pitched to mansard/ flat roof and the top storey on the western end of the building has been set back.

While these changes have resulted in a reduction in the actual as well as the perceived height of the building, which is welcomed, the proposed building is still 5.5-6 storeys high.

It is taller and more prominent than the one it replaces or any of the surrounding buildings facing Lower Bristol Road. The nearby Twerton Mill development is being used as a height's marker, however unlike what is proposed here, the taller blocks of Twerton Mill are deliberately set to the back to the river-facing part of the site, which is also more generous in size. At the southern road-facing end, the majority of Twerton Mill is varying between 8m (near Rackfield Place) and 11m (fronting the Lower Bristol Road) and the facades are more fragmented. At Jubilee Centre, the building occupies the entirety of the plot and presents a much higher (up to 16.7m) façade at a considerable length (approx.67m) which is considered to physically and visually dominate the streetscape and the neighbouring buildings.

This site is located towards the western end of the Lower Bristol Round towards the edge of the city rather than the heart, it is considered that heights of buildings here should provide an appropriate transition from the taller buildings located more centrally to the lower buildings moving away from the centre. This proposal would result in the singularly tallest building in the immediate locality.

The amended design and proportions appear to be now inspired more by the formal C18 townhouse of the Georgian city than the C19 industrial and wharf character of area. This concept results in an architecturally confused, generic appearance that fails to successfully address this specific Conservation Area context. Notwithstanding the loss of many of the industrial buildings that would have occupied the western riverside area of the City, the legibility of a surviving, residual industrial character is strong and clear, and therefore this is regarded as the starting point and guiding principle for design in this part of the city. The 'saw tooth' form of roof of the previous submitted scheme was/is regarded as successful in responding to the character and context of the area. The current roof form of the middle and western sections is flat and lacks the articulation of the predominant pitched roof forms that exist in the immediate area and across the entire historic city.

The materials have been altered during the course of the application and now include buff brick, rubble stone, and standing seam metal cladding. The amended palette of materials is now regarded as acceptable and more appropriate for the context. The only potential issue is the use of 'Buff' brick, which is not regarded as inappropriate in principle, but would need to be controlled by condition to ensure a brick is used of the correct appearance and quality.

In response to hard and soft landscaping greater areas of green roof are proposed and an area of tarmac surfacing at the rear of the building has been replaced with reinforced grass. The inclusion of green roofs, green walls and climbers would fail to have a significant impact on close views of the building from the lower Bristol Road and the elevated mainline railway. While green walls are of some additional benefit they are, by their very nature, maintenance intensive and unsustainable and it is still considered that inaccessible green roofs and the vertical greening of buildings should be seen as an addition to and not a substitute for street tree planting and accessible soft landscape and public realm. It is not considered that the landscaping of the site successfully contributes to local character or enhanced the site.

Overall, the proposed design is considered to be unsuccessful, failing to take cues from or positively integrate with the local character of the area due to its height, scale, massing

and form. The proposal is considered contrary to policies D1, D2, D3, D4, and D5 of the Placemaking Plan.

Objections and concerns in regard to design and heritage have been received from Conservation Officer, Bath Preservation Trust and Historic England. Given the aforementioned, in its current form the proposed development would have a detrimental impact on the setting of the listed terrace and the viaduct, would fail to preserve or enhance the character and appearance of this part of the Bath Conservation Area, and would be detrimental to the authenticity of the WHS and its historic development narrative.

The proposed development results in harm to the Bath World Heritage Site and Bath Conservation Area. This harm has been identified as 'less than substantial'.

The NPPF makes clear that less than substantial harm to the significance of designated heritage assets should be weighed against the public benefits of the proposal. It is also important to note that in applying this balancing exercise, the statutory requirement in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is 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 possess, and to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is not considered that the proposal would lead to public benefits that would clearly outweigh the identified harm.

Public benefits could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. In this instance, removal of the existing building is seen as a neutral factor, and therefore this is not included as a public benefit. There are several public benefits and material considerations which weigh in favour of the application.

Firstly, the proposals would provide student bedrooms for use by university students and would support the growth aspirations of the universities by helping them to meet the demand for student accommodation. The use of PBSA to achieve this aim has the potential to relieve the pressure for further housing stock within Bath being converted to HMO accommodation. However, there is little evidence that building new PBSA will release existing HMO accommodation back to family housing stock. It should be noted there is no currently identified target for student accommodation within the current Core Strategy, except for the strategy to develop about 2,000 study bedrooms at the Claverton Campus as expressed in policy B5. Whilst the provision of these bedrooms is clearly a benefit of the scheme, there is no agreed target against which this can be measured. It is not correct therefore to suggest that the proposals would contribute towards meeting a formally identified 'need'. This element has therefore been afforded limited weight.

The proposal will provide an increase in employment floorspace, increasing from 725sqm to 856.8sqm. It will also result in an increase in employment from 20 to 25 full time staff and 10 to 15 part time jobs. This weighs in favour of the development.

The scheme would generate CIL contributions of over which can be spent on infrastructure on the Council's regulation 123 list. This weighs in favour of the application.

The construction of the proposed development would generate a number of local employment opportunities and opportunities for local suppliers. However, it should be noted that this only a temporary benefit of the scheme for the duration of the construction period and therefore this has been afforded limited weight.

The proposed building will be more energy efficient than the existing building, however this is a separate policy requirement and therefore is not considered a significant benefit as any scheme now brought forward on the site would require improved energy efficiency to be policy compliant with the wider development plan. This has been afforded little weight.

It is not considered that the public benefits identified above, either individually or cumulatively, outweigh the less than substantial harm that has been identified to the heritage assets. The harm mainly derives from the height of the proposal and the design character. Officers are mindful that greater weight must be placed on the desirability of heritage protection and that these benefits could be achieved and delivered without harming the setting of the heritage assets and the surrounding conservation area through a reduced height and revised concept for the design, using appropriate cues from the site heritage and locality. It is therefore considered that the proposals are contrary to the NPPF, policy HE1 of the Placemaking Plan and policy B4 of the Core Strategy.

#### ARCHAEOLOGY:

South West Heritage Trust have been consulted on this application as the council's archaeological consultee.

The proposed development lies within the riverside corridor area of Twerton. While the Heritage Statement submitted (Michael Heaton Heritage Consultants April 2020) suggests there is little archaeological potential, it is understood that previous desk-based archaeological assessments of this area have indicated that although the area appears not to have been occupied or developed until the 18th century, there is still some potential for the survival of archaeological deposits, with a historic ferry route across the river Avon and mills in the vicinity. The recent archaeological evaluation (trial trenching) of the adjacent Twerton Mills site appears to have confirmed this, but also revealed extensive disturbance from more recent river and drainage works. As such if permission were being granted this could have been dealt with via a condition for the archaeological monitoring of all groundworks.

#### RESIDENTIAL AMENITY:

The application site is located outside the residential areas of Newbridge and Twerton, sitting within the predominantly industrial western end of Lower Bristol Road. However, there is a short terrace of dwellings located immediately to the east of the existing building (Rackfield Place). It is noted that the easternmost wing of the new building drops in height to approx. 10.5m, which roughly repeats the existing relationship of these houses with the gable end of Jubilee Centre that currently comes to approx. 9.5m under the eaves. The separation distance of approx. 9-10m would remain the same. The windows on the eastern elevation are proposed to be obscure glazed. The roof-level outdoors space for the students is set further to the west, which should avoid overlooking or noise issues. In terms of the commercial use of the ground floor, this would not be significantly different to

existing. As such it is not considered that the residential amenity of the existing residents would be unacceptably compromised.

The introduction of student accommodation into the mix of uses inevitably affects the type of industrial use that could be integrated into the proposed employment space. Significant limits would likely have to be placed upon hours of operation, noise levels, timing of deliveries, ventilation and extraction to avoid having any negative adverse impacts upon the potential occupiers of the student accommodation (and existing residents). Nevertheless, these factors are more limiting for the future commercial occupier rather than the residents above as it is possible to design appropriate mitigation measures and limit the use by conditions. As such, it is not considered that the proposed mix of B8 and residential uses would in principle be detrimental to the residential amenities of the future residents.

The proposed residential accommodation will also be impacted by noise from road and rail. The applicant has submitted an acoustic report which demonstrates that the proposed development can achieve acoustic ambience for the future residents and surrounding amenity. It is noted that the acoustic measurements were completed during the current Covid 19 pandemic and therefore the assessment of both road and rail traffic noise would be significantly reduced at the time of the assessment. The Acoustic report does reflect this aspect and allows for reasonable adjustments to be made to compensate. To ensure that the development can meet the acoustic criteria contained within the report a condition can be included. It is noted that the Environmental Protection Team have not raised an objection to the scheme.

#### HIGHWAYS MATTERS:

The Highways Development Control Team have been consulted on this application. Policy ST7 of the Placemaking Plan sets out the transport requirements for managing development.

Given that the commercial floorspace proposed is not significantly larger than the existing building, this element of the proposal is not expected to have any materially greater impact on the local highway. The student accommodation is proposed to be car free, therefore it is expected that additional trips generated by the PBSA will primarily be via walking, cycling and public transport, and additional vehicle traffic will be confined to servicing and deliveries.

Vehicle access to the development will be taken directly from Lower Bristol Road via a gated entrance along the eastern edge of the site providing a route to 6no. parking spaces at the rear of the proposed building. Additionally, a disabled car parking space is proposed on the site frontage to Lower Bristol Road along with an internal access for LGV sized delivery vehicles which will enter and turn within the ground floor area of the building. There is an area behind the footway which is proposed to be used as delivery bay for larger vehicles. The existing western vehicular access adjacent to the bridge access to the depot site to the north will be closed.

Highways initially raised concerns about the layout of the proposed delivery bay and requested that a stage 1/2 Road Safety Audit (RSA) should be conducted to assess the

access and servicing proposals prior to making a recommendation. The RSA has now been completed and Highways accept the designer responses proposed to mitigate the problems identified, most of which can be incorporated at detailed design stage.

Vehicle visibility drawing to both the left and right for vehicles entering /egressing the accesses have been provided, together with confirmation that the eastern gated access will not open towards the highway and this is acceptable.

Additional S106 financial contributions are offered towards accessibility improvements; parking measures; upgrading Twerton Mill bus stop and reducing delay to public transport on Lower Bristol Road within the vicinity of the site. For longer distances, rail travel provides a suitable option with the Oldfield Park station situated a 1.2 km walk to the east of the site

The principle of car-free PBSA development is in accordance with the current development plan. A S106 Agreement containing fully worked up strategy will be required to ensure this is the case, in similar terms to those applied at the nearby Twerton Mill student accommodation.

Further details have now been provided in regards to the 44 student cycle parking spaces which will be achieved via a two tier structure system, this is considered acceptable.

Off-street parking policy ST7 requirements for B8 (warehousing) is a maximum standard. The proposal seeks to re-provide 7 parking spaces, including one space for disabled to the front.

For up to 235sqm the policy requires 1 space per 50sqm or if above 235sqm: 1 space per 250sqm. The Transport Addendum explains the calculation applied is: 5 spaces for 235sqm plus 3 spaces for 620sqm. Highways' reading of the standard is that for a development above 235sqm 1 space per 250sqm is permitted and this would equate to a maximum of 4no. car parking spaces.

However, the officers note that the on-street car parking is in high demand in this location, and it is considered that the proposed number of car parking space is appropriate and will avoid transferring unmet parking demand onto residential streets. There are 4no. car parking space in a tandem arrangement at the rear of the building, which may not provide optimum usage due to one space blocking the other. Nevertheless, it is considered acceptable for workplace parking. These spaces would appear to occupy the full width between the building and river edge. The applicant has confirmed that in terms of emergency access to the rear of the building for staff and students, there is a route to the west of the building which can be used if necessary.

In addition, a minimum of 1 cycle parking stand per 400sqm of B8 floor area is required which equates to 3no. cycle stands. An area within the ground floor warehouse has been designated and this is acceptable. Cycle parking to the front of the building has been increased from 3 stands to 4 stands, providing 8 cycle parking spaces for visitors and this is acceptable.

Further details of the Student Move-in/Move-out Strategy have been provided in the Transport Addendum and this is acceptable at this stage.

The proposed waste and recycling store for the student accommodation is adequate. In addition an area has now been designated within the warehouse area for the B8 use of the site, this will ensure that residential and commercial waste is kept separate and stored off the highway.

It is proposed that that service vehicles will be advised within the service management plan for the site to arrive at the development from the west only. A banksman will be required for any service vehicle access on the frontage of the site and this will be included as part of the Servicing and Waste Management Plan for the site.

A framework travel plan is submitted with his application. It is proposed that prior to occupation the appointed management company of the student accommodation will develop a full Travel Plan based on this Framework document. The Student Travel Information Pack will also be updated by the Management Company prior to occupation, to contain up-to-date information on local services.

The above elements would have been secured by condition if permission were being recommended, however the application is recommended for refusal. Additionally, if permission were being granted a construction traffic management plan would also have been required to be submitted prior to commencement of the development due to the scale of the development and location on an 'A' class highway.

Overall the proposed scheme is considered acceptable in regards to highways matters and compliant with policy ST7 of the Placemaking Plan and the NPPF.

## TREES AND GREEN INFRASTRUCTURE

The site is between two strategic corridors; the Lower Bristol Road which is a primary route into the city and the River Avon which is a strategic green infrastructure corridor. The proposed building footprint does not permit the inclusion of green infrastructure along the river which is lacking in this location.

The proposal also requires that trees growing out of the riverbank and those retained at the front will require crown reduction to enable the building to be constructed as stated in the accompanying Arboricultural Report. The need for future pruning is inevitable as a result of the proximity of the building. Cars parked beneath the canopies of the Sycamore trees (identified as T6-T8) will be susceptible to seasonal debris including aphid honey dew.

The building width and length has not been altered to increase the space available for planting or practical tree retention.

In view of the lack of space provided, the replacement tree planting to the north, as shown on the Planting Plan, is placed on the narrow and steeply sloping riverbank rather than on secure and stable land beyond. The new trees as well as the existing Sycamores are therefore likely to be managed as coppice.

It is noted that the proposal has now been revised to remove the two Silver Birch at the front of the site and replace with one multi-stemmed tree with no apparent enhancement

in the space made available for its growth. Given the extent of the building footprint, demolition, construction and landscaping proposals, the retention of the two Silver Birch at the front of the building was not considered realistic in any case.

Based on the tree replacement obligations referred to within the Planning Obligations SPD there is a requirement for the planting of 11 trees which clearly cannot be accommodated on site. Appendix 2 within the West of England Joint Green Infrastructure Strategy 2020-2030 provides an Example Draft Green Infrastructure Area Profile for Bath. Landscape issues identified include loss and deterioration of trees along river Avon within Bath mainly due to development encroachment (against principles in WHS Setting SPD).

Any development along the river should therefore be aiming to strengthen tree cover, which this application doesn't achieve. The very limited buffer zone adjacent to the river is considered insufficient for the purpose of achieving strengthened green infrastructure and providing adequate space for establishment of trees with meaningful stature, canopy extent and room to grow in the long term. This aspect of the scheme has not been altered and therefore, despite the revisions to the landscape scheme providing improved habitat provision, the buffer zone remains too narrow. This constraint continues to severely limit the ability of the scheme to provide functional connective green infrastructure. It is not considered that the proposal fully engages with the aspirations of the Green Infrastructure Strategy, or that the scheme makes a positive contribution to the Green Infrastructure network through the creation, enhancement and management of new, and existing Green infrastructure assets. The proposal is therefore considered contrary to Policy NE1 and NE6 of the Placemaking Plan.

#### ECOLOGY:

An ecological report is submitted and the bat survey findings of the building are accepted; further updates to these surveys may be required should commencement development be delayed by another year. The report also confirms existing habitat present along the bank of the river, comprising trees, scattered and dense scrub and ruderals. The habitat map and aerial photos show these habitats, as existing, provide a more or less continuous connective vegetated strip between the existing building and the river; this also contributes to the ecological value of adjacent and connected habitats beyond the site.

Further revisions have been made to the planting scheme to incorporate additional native shrub planting. The additional planting is now considered to compensate more adequately for the impacts on existing habitat extents along the river bank, and habitat and ecological provision is more fully integrated within the constraints of the scheme.

The questions regarding lighting have also been clarified and the council ecologist is satisfied that the scheme can be implemented within the thresholds of light spill levels over the River Avon and bankside habitats that are required to avoid harm to bats, including bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and other wildlife. The lighting report will need to be adhered to and predicted light spill levels will need to be secured by condition and remain enforceable in the long term.

A Habitats Regulations Assessment has been undertaken and concludes that, subject to the sensitive lighting requirements being adhered to, the proposal will not have a

significant effect on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), SAC bats or supporting habitat to the SAC.

As previously advised, the very limited buffer zone adjacent to the river is considered insufficient for the purpose of achieving strengthened green infrastructure and providing adequate space for establishment of trees with meaningful stature, canopy extent and room to grow in the long term.

However, given the limited ecological value already present at the site and the more recent revisions to landscaping I do not consider these limitations of the buffer zone to be sufficient in this instance to sustain a reason for refusal on ecological grounds (they do form a reason for refusal on Arboricultural Grounds, see section above). The council ecologist has therefore withdrawn her objection on these grounds.

#### OFF-SITE PUBLIC OPEN SPACE CONTRIBUTION:

The residential element of the development proposed would be occupied by 121 persons, who will generate demand for green space. Green Space Strategy has assessed the existing supply of Parks & Recreation Ground in the Twerton ward to be in deficit of -2.98ha and the adjacent Newbridge ward a deficit of -3.35ha.

The typologies of greatest relevance to a proposal of this scale and type are Parks & Recreational Ground, Natural Green Space and Amenity Green Space (allotments and play space are excluded in this case). The total demand for greenspace equates to 3509m<sup>2</sup>. The request is justified due to the area having an insufficient capacity to accommodate the recreational demands of additional residents without a greenspace improvement project. Onsite public open greenspace isn't proposed or practical, therefore the development is reliant on existing or new off-site provision for the recreational needs of the residents. The development site is adjacent to the Waterspace River Park / River Line project, the green space demands generated from the development can be met through a S106 payment to this project to make the development acceptable in planning terms in compliance with policy LCR6.

Without the contributions referred to below and the subsequent delivery of a recreational greenspace improvement project, the occupiers of the development would place additional pressure on the existing facilities within the area, which are already insufficient in quantity terms to meet the needs of the area, to the detriment of the particular facility.

The development will generate a need for green space and Placemaking Policy LCR6 clearly states that new developments will be required to make provision for or contribute towards green space to mitigate impact in accordance with the standards set out in the Green Space Strategy. Accordingly, the contribution is necessary to make the development acceptable in planning terms.

The contributions referred to above are directly related to the development as they are calculated on the basis of the residential occupancy of the development and will be used to mitigate the impact of the development on existing recreational greenspace, upon which pressure will be placed by the occupiers of the development.

The Placemaking Plan policy and Green Space Strategy requires that the impact on green space from occupants of new development is mitigated. Future occupants would increase the pressure on green space, therefore the contribution for greenspace improvements is directly related to the development and is justified.

The contributions are fairly and reasonably related in scale and kind. The requirement has been worked out on a proportionate basis based on standards set out in the Green Space Strategy and in scale with the total net occupancy of the development. Future occupants would increase the pressure on green space, therefore the contribution for greenspace improvements is directly related in kind to the development and is in accordance with policy.

The applicant has agreed to the level of contribution and as such the proposal is considered to comply with Policy LCR6 of the Bath and North East Somerset Placemaking Plan, as well as the Council's Planning Obligations SPD (amended August 2019) and the NPPF.

#### CONTAMINATED LAND:

The application has been submitted with the following report: Former Hollis Building (Jubilee Centre), Bath. Phase 1 Desk Study. Card Geotechnics Ltd. May 2020.

Taking account of the sensitive nature of the development (i.e. student residential accommodation), the potentially contaminative historical use of the site as an Engineering Works and Depot and the potentially contaminative historical uses in the area and the conclusions and recommendations of the report for further investigation, monitoring and risk assessment, the contaminated land officer has recommended conditions if permission were granted in regards to investigation, risk assessment, remediation and report unexpected contamination.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLES:

Policies CP2 and SCR1 of the Placemaking Plan requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met. For major new build this figure is expected to be 19% CO2 emissions reduction from all measures including at least 10% from renewables only. The overall reduction from all measures is indicated as 37.4%, which is compliant with and exceeds the policy requirements.

#### OTHER MATTERS:

Other material considerations such as a drainage strategy and sustainable construction matters have also been considered (as per consultee comments) and appropriate conditions could be imposed to cover these aspects of the proposal.

#### CONCLUSION:

In line with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, planning application should be determined in accordance with development plan, unless material considerations indicate otherwise.

As identified above, the proposal would conflict with the terms of policies related to flood risk, heritage and design, as well as green infrastructure and trees.

Whilst the proposal presents some benefits, these are not considered to outweigh the numerous and significant conflicts with the Core Strategy, the Placemaking Plan and the NPPF.

The Officer recommendation is for REFUSAL.

## **RECOMMENDATION**

REFUSE

## **REASON(S) FOR REFUSAL**

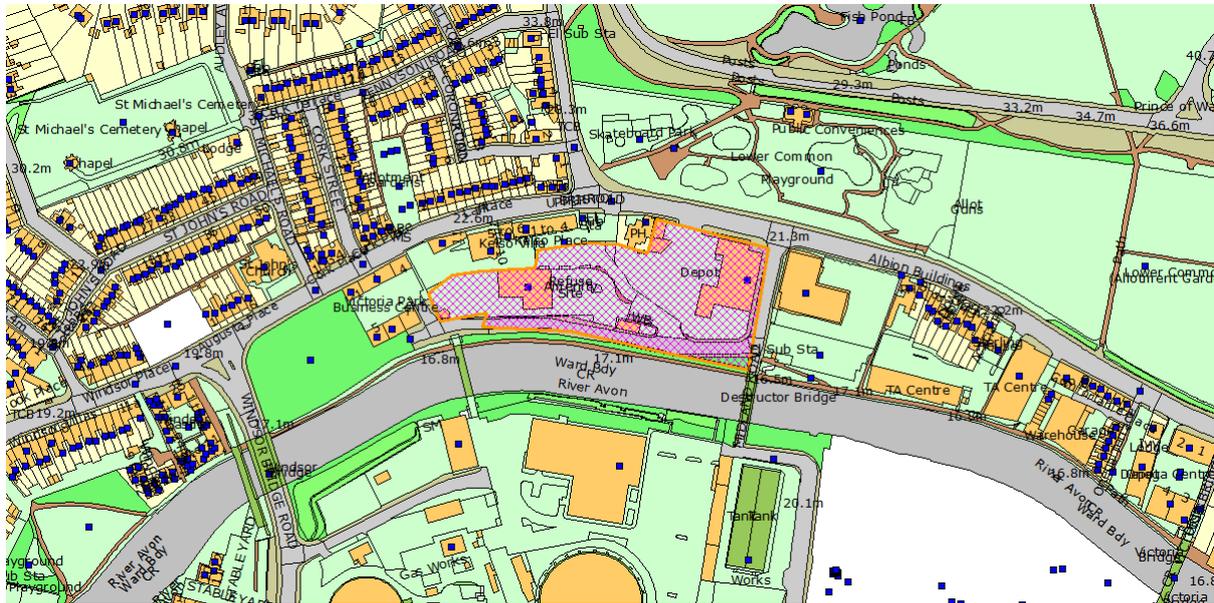
1 The proposed development includes 'more vulnerable' use, which would be located within Flood Risk Zone 2 and 3a. The area of search criteria has not been agreed, and it has not been satisfactorily demonstrated that there are no sequentially preferable sites which are reasonably available for the proposed development in areas with a lower probability of flooding. The proposed development therefore fails the Sequential Test and is contrary to policy CP5 of Bath and North East Somerset Council Core Strategy and Placemaking Plan (July 2017) and Paragraph 158 of the NPPF (2019)

2 The proposed scheme by reason of its bulk, height and design would lead to harm being caused to local character, the setting of the listed building and the wider character of the conservation area, and World Heritage Site. This would materially conflict with the Bath and North East Somerset Placemaking Plan policies D6, HE1 and H3 and the NPPF (2019)

3 The proposed scheme fails to demonstrate that opportunities have been maximised to design Green Infrastructure (GI) into the proposed development, or that the scheme makes a positive contribution to the GI network through the creation, enhancement and management of new, and existing GI assets. The proposal also fails to provide space available for planting or practical tree retention. As such, the application is in conflict with Policies NE1 and NE6 of the Bath and North East Somerset Placemaking Plan (July 2017).

## **PLANS LIST:**

**Item No:** 05  
**Application No:** 19/05471/ERES  
**Site Location:** Western Riverside Development Area Midland Road Westmoreland Bath



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Sue Craig      Councillor Andrew Furse

**Application Type:** Reserved Matters App with an EIA

**Proposal:** Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.

**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

**Applicant:** Aequus Construction Ltd.

**Expiry Date:** 18th December 2020

**Case Officer:** Chris Griggs-Trevarthen

To view the case click on the link [here](#).

## **REPORT**

### **REASON FOR REPORTING TO COMMITTEE**

The applicant is Aequus Construction Limited and in accordance with the scheme of delegation the application must be determined by committee.

### **DESCRIPTION**

The application site currently comprises the refuse and recycling depot located off the Upper Bristol Road, between Victoria Park to the north and the River Avon along its southern boundary. There are several existing buildings on site including a large warehouse style building with a void beneath, various depot buildings and some associated office buildings. The site also contains several high retaining walls around some of its boundaries, particularly around the western half of the site.

The site is located within the boundary of the Bath World Heritage Site and Conservation area. It also falls within an Air Quality Management Area and large parts of the site are within flood zone 2. The River Avon is designated as a Site of Nature Conservation Interest (SNCI). There are a number of listed buildings near the site, the closest of which are Kelso place (Grade II) and Kelso Villa (Grade II). Victoria Park is designated as a Historic Park and Garden.

The site forms part of the approved outline planning permission for the wider Bath Western River redevelopment (ref: 06/01733/EOUT). The outline planning application (17.9 hectares) was granted with the following description:

*A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping*

This application seeks reserved matters (layout, appearance, landscaping and scale) pursuant to the outline planning permission for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.

### **RELEVANT PLANNING HISTORY**

The most relevant planning permission is the outline permission for Bath Western Riverside redevelopment. There have been numerous other reserved matters application for other parts of the development area, but these are less relevant and therefore not listed for the sake of brevity.

#### **06/01733/EOUT - Bath Western Riverside Redevelopment**

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1,

A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping  
Application status: PERMITTED

17/00186/FUL - Avon Studios

Erection of 94 No. bed spaces of purpose-built student accommodation (sui generis), 14 No. residential studios (Class C3); and associated communal and ancillary facilities  
Application status: PERMITTED

15/05699/FUL - Former Gas Works (Westmark site)

Demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis), comprising 394 bed spaces, ancillary facilities, 149sqm of ground floor flexible space (Class B1 and D1), new access to the river towpath, car and cycle parking provision and landscaping.

Application status: REFUSED

## **ENVIRONMENTAL IMPACT ASSESSMENT**

The original outline planning permission was EIA development and contained an Environmental Statement which was updated in a series of addendums. This concluded that with the implementation of suitable mitigation measures, there will be no significant residual environment effects. As discussed in the report below, the current proposals are considered to fall within the ambit of the outline consent and it is therefore concluded that the proposed development will not have any significant adverse effects on the environment and the original findings of the Environmental Statement remain valid.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

A summary of consultation responses to the application have been provided below.

CONSERVATION: No objection, subject to conditions

LANDSCAPE: No objection, subject to conditions

ARCHAEOLOGY: No objection

HIGHWAYS: Scope for revision

No objection in principle, but some outstanding safety concerns about pedestrian and vehicles conflicts between blocks F and G. Recommend a Road Safety Audit is undertaken.

ECOLOGY: Scope for revision

The Council's Ecologist has concerns about whether suitable riparian vegetation can be retained as some of the land for the ecological buffer falls outside of the site boundary.

The planting scheme still proposes a potential breach of the Wildlife and Countryside Act 1981 (as amended) in relation to planting of Virginia creeper. This species should be removed from the planting scheme.

Officer note: A revised planting schedule has since been received which removes Virginia creeper from the planting scheme and proposes all native species.

ARBORICULTURE: Scope for revision

Indicative tree planting is shown on drawing S106 - L-09147 PL08 along the River Avon, however, this is outside the red line boundary and will be restricted as a result of limited space and existing retaining structures.

This proposal represents a further incremental loss in opportunities within the city for tree planting to make a positive contribution to the green infrastructure network along the river and access routes into the city centre.

ENVIRONMENTAL HEALTH: Comments

No objection in respect of internal noise levels, subject to conditions. Some concerns regarding the adverse impact of existing noise to future residents for the proposed external amenity areas.

CONTAMINATED LAND: No objection, subject to conditions

HOUSING: Support

PUBLIC RIGHTS OF WAY: No objection

DRAINAGE AND FLOOD RISK: No objection, subject to condition

NATURAL ENGLAND: No objection

The proposals will not result in adverse impacts from light spill on the bat populations using the river corridor. The Council's ecologist's comments in relation to planting and riverside habitats still need to be addressed.

AVON & SOMERSET POLICE: No objection

ENVIRONMENT AGENCY: No objection

CANAL AND RIVER TRUST: General comment

Overall, the Trust feel that the proposal has an appropriate scale and form for the location and will likely make a positive contribution to the riverscape. Association with past use and building forms is a good approach to anchor the new development to the site and the reorientation of block G to echo previous buildings on the site is welcome. The metal cladding for most of the water facing blocks is a bold and interesting choice, although time will tell how successful it proves to be in townscape terms. The waterside blocks have fairly open frontages and appear to engage reasonably well with the river, and it is good to see the frontages broken up with potential accesses to the riverside between them.

The Trust consider that the choice of brick will be critical and assume that samples will be required. They comment that the projecting balconies on the waterfront blocks, although

acceptable in principle, appear somewhat jarring and at odds with the primary building materials. They consider that these details could be refined and reconsidered as they let down what would otherwise be a good quality scheme.

#### BATH PRESERVATION TRUST: Objection

The Trust have the following concerns about appearance of the scheme with regards to its design and relationship with the surrounding townscape and its contextual setting:

Whilst the Trust appreciate that the height of development is limited to three storeys along the roadside, the Trust maintains that the proposed design does not suitably demonstrate an understanding of the area through a lack of local distinctiveness in its use of form, material, or detailing. An excessive use of brick is highly inappropriate within an area defined by its use of a Bath stone palette in either coursed rubble or ashlar.

The use of incongruous brick materials, particularly along the Upper Bristol Road in Blocks A, B, and H, and the lack of form or detailing relating to the existing historic environment would have little relation to the character of the Bath conservation area. The scale, massing, and uniformity of Blocks D, E, and F along the riverside could result in an over-dominant yet undistinctive appearance that is architecturally and materially isolated from its local environment contrary to Paragraph 127, Section 12 of the NPPF, and Policies D1, D2, D3, and D5 of the Core Strategy and Placemaking Plan.

The Trust feel that the current balcony design visually disrupts the proposed gabled form of the buildings facing onto the riverside and overrides any attempt at building articulation.

Whilst the current total of affordable housing proposed within this portion of development is 25%, the Trust feels that this is insufficient when considering that the expected proportion of affordable housing within the Bath North and West area is 30% as defined by Policy CP9 of the Core Strategy and Placemaking Plan.

The Trust asserts that whilst they appreciate the potential of the site for regeneration and positive redevelopment that can benefit Bath, we feel that the proposed design fails to reinforce local distinctiveness, neither preserves nor enhances the character of the Bath conservation area, and would harm views into and across the World Heritage Site and conservation area by virtue of its discordant use of materials, and lack of meritorious aesthetic connection with the historic environment. It is demonstrative of 'anywhere' design that does not reflect, respect, or contribute to distinctive architectural aspects of local character, and consequently does not relate to or participate in its residential setting. We would encourage that the use of materials and form is reconsidered to better complement the existing streetscape of Upper Bristol Street as well as the Blocks D, E, and F's riverside setting whilst also becoming visually distinctive buildings in their own right.

#### RIVERSIDE COMMUNITY VOICE: Comment

Riverside Community Voice is the Residents' Association for Bath Riverside. They welcome the intention to develop the waste depot site for housing. We would have preferred to see a lower density, but we recognise that the overall quantum of development has already been determined and is unlikely to be altered.

They feel that the development is trying to over-develop its site and is focussed too heavily on referencing the industrial heritage rather than taking its cue from the mix of different residential and commercial buildings along this stretch of the Upper Bristol Road.

The changes to the balconies in Block G from vertical to horizontal does make them less severe, but the vertical structures remain on the other buildings with river frontage, which seems strange. They are not clear why building G is 5 storeys and of a completely different palette of materials.

They are concerned that the frontage on to Upper Bristol Road is dominated by red brick. There is very limited use of red brick in the vicinity and the proposal to make such heavy use of it along the Upper Bristol Road frontage will not sit well with neighbouring buildings.

The changes at the junction of Upper Bristol Road and Midland Road will provide a more coherent entrance to the site. It will be essential to introduce more pedestrian-friendly traffic management arrangements to improve the route from the Destructor Bridge to Royal Victoria Park. The current island arrangement is not adequate when the traffic is heavy.

There is limited green space within the development, whether for public use or confined to residents. They note that the planning application refers to creating a community within the wider Bath Riverside development. Creating a thriving community requires having attractive indoor and outdoor space for people to congregate. While the residents of the new apartments will be able to make use of Royal Victoria Park, they will also need easy access to outdoor space within the development itself.

**THIRD PARTIES/NEIGHBOURS:** 2 General comments have been received from third parties and neighbours. The main points raised were:

Concern about the impact of residential buildings being located close to the garden of Victoria Pub & Kitchen on Upper Bristol Road. The concern is that new residential occupiers may make complaints about noise disturbance from the premises resulting in restrictions being placed upon the pub.

Another comment was pleased to see the proposed pedestrian access to the riverside through the site from Upper Bristol Road. However, they also want reassurance that a suitable pedestrian crossing will be added to Upper Bristol Road and/or Midland Road due to concerns about community and highways safety.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - o Policy GDS.1 Site allocations and development requirements (policy framework)
  - o Policy GDS.1/K2: South West Keynsham (site)
  - o Policy GDS.1/NR2: Radstock Railway Land (site)

- o Policy GDS.1/V3: Paulton Printing Factory (site)
- o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

#### RELEVANT CORE STRATEGY POLICIES

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- DW1 District Wide Spatial Strategy
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 City of Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP4 District Heating
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP10 Housing Mix
- CP12 Centres and Retailing
- CP13 Infrastructure Provision

#### RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- SCR1 On-site renewable energy requirement
- SCR2 Roof mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- D1 Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D10 Public Realm
- HE1 Historic Environment
- NE1 Development and Green Infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE3 Sites, species and habitats
- NE6 Trees and woodland conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and vibration
- PCS3 Air Quality
- PSC5 Contamination
- PCS7A Foul sewage infrastructure
- LCR2 New or Replacement Community Facilities

ST1 Promoting sustainable travel  
ST7 Transport requirements for managing development  
BD1 Bath Design Policy  
S8 Western Riverside

#### **SUPPLEMENTARY PLANNING DOCUMENTS**

The following supplementary planning documents are relevant to the determination of this application:

Bath City-Wide Character Appraisal SPD (2005)  
Bath Western Riverside SPD (2008)  
City of Bath World Heritage Site Setting SPD (2015)  
Sustainable Construction Checklist SPD (2018)  
Planning Obligations SPD (2019)

#### **NATIONAL POLICY**

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance can be awarded significant weight.

#### **LEGISLATION**

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.'

There is also 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.

#### **LOW CARBON AND SUSTAINABLE CREDENTIALS**

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

#### **OFFICER ASSESSMENT**

The main issues to consider are:

1. Principle of development
2. Compliance with outline planning permission
3. Design
4. Highways and parking
5. Residential amenity
6. Ecology

7. Trees and woodland
8. Contaminated land
9. Archaeology
10. Flood risk
11. Drainage
12. Sustainable construction and district heating
13. Affordable Housing
14. Other matters
15. Conclusion

## 1. PRINCIPLE OF DEVELOPMENT

The site is currently in use as a waste depot and recycling centre. It already has outline planning permission for residential redevelopment as part of the wider Bath Western Riverside development (ref: 06/01733/EOUT). This application seeks the approval of the reserved matters of layout, scale, appearance and landscaping with the matters of access having already been determined at outline stage.

The principle of development has therefore already been established and cannot now be challenged.

## 2. COMPLIANCE WITH OUTLINE PLANNING PERMISSION

Whilst the principle of development is not in question, it is necessary to assess whether the proposals submitted fall within the ambit of the approved outline planning permission.

### *Submission of reserved matters*

Condition 2 of the outline planning permission requires that reserved matters applications are submitted within 9 years of the date of the grant of the outline planning permission. The outline planning permission was granted on the 23rd December 2010 and the current reserved matters application was validated on the 12th December 2019. The current application therefore complies with condition 2.

It should be noted that the time limit expressed in condition 2 has now expired and no further reserved matters applications can be submitted. In effect this means that no further development can come forward under the outline planning permission.

### *Quantum of development*

The outline planning permission includes up to 2281 residential homes and apartments. Condition 10 b) of the outline permission requires that a minimum of 107 dwellings be delivered within the current reserved matters area.

The application proposes 176 dwellings within the reserved matters area and therefore meets the minimum requirement of condition 10 b). The outline planning permission has to-date delivered 830 homes. The proposals for 176 dwellings on this site will therefore not exceed the maximum number of homes allowed within the outline permission (2281).

### *Land use*

The approved land use plan indicates that this site should primarily comprise residential development, but that one block of development adjacent to the Upper Bristol Road should contain a shop or cafe at ground floor level.

The reserved matters proposal is consistent with the approved land use plan in that it proposes primarily residential development but includes a small ground floor shop unit adjacent to the Upper Bristol Road.

### *Layout*

Layout is not an approved matter for this site, but the outline permission does include a site layout plan which shows the illustrative locations of the proposed development blocks within this area. The proposed reserved matters layout makes some relatively minor deviations from this illustrative plan. The main changes are summarised below:

1. The long riverside block (B37B) split into two shorter blocks and re-orientated to better follow the course of the river;
2. The 2 blocks adjacent to Upper Bristol Road and Midland Road (B34 and B35) have been merged to create an L-shaped block with development now occupying the corner near to the junction of the two roads;
3. The terrace on western side of the site (B38B) has been re-orientated so that they sit parallel to the Kelso Place on the Upper Bristol Road;
4. A pedestrian route from Upper Bristol Road to the towpath opened up through the centre of the site.

Despite the above changes, the layout of the scheme remains substantially in accordance with the approved site layout plan.

### *Scale*

In terms of scale, the approved site layout plan (1268/P/105 Rev Q) establishes proposed minimum ground levels, maximum numbers of storeys and building height parameters.

All the blocks within the reserved matters proposals comply with the minimum ground level and maximum number of storeys parameters.

Most of the proposed blocks also comply with the building height parameters except for the block adjacent to Midland Road (B) and the block adjacent to Kelso Place (H). Blocks B and H both exceed the approved height parameters by 1m. However, this relates primarily to the top of the pitched roof forms, with the shoulder height of both blocks falling well within the height parameters. Furthermore, several of the blocks within the proposal fall below their approved height parameters. Overall, the proposals are substantially in accordance with the approved height parameters.

### *Open Space*

The approved open space strategy parameter plan (1978WR SD011 Rev E) indicates that the site should contain a mixture of private, public and communal open space.

Whilst the reserved matters proposal contains some minor variations, the overall quantum and distribution of private, public and communal open space is considered to be substantially in accordance with the approved parameter plan.

#### *Open water management and habitat creation*

The outline consent also includes parameter plans in respect of habitat creation (197BWR SD012 Rev F) and open water management (197BWR SD013 Rev F). The most significant deviation is that the current proposals do not contain brown/green roofs. However, this is a result of the incorporation of pitched roof forms which are more desirable from a character and appearance perspective. The habitat creation proposals include some minor deviations but incorporates a greater amount of soft landscaping (including tree planting) within the central street areas of the scheme. Despite slight deviations from the approved parameter plans, overall, the proposals remain substantially in accordance with these parameters.

#### *Access and movement*

In terms of access, the outline planning permission contains a number of relevant parameter plans including Movement Strategy Plans for cars, (1268/P/114-2 Rev E) pedestrian and cycle (1268/P/114-1 Rev E) and buses (1268/P/114-3 Rev E). These show that the main vehicular access to the site is via Midland Road and runs east/west through the lower portion of the site. They also show a variety of pedestrian/cycle routes through the site including some primary north-south routes from Upper Bristol Road to the riverside towpath.

The reserved matters proposals include some minor deviations in the precise location of these routes but maintain the overall structure of routes through the site. It is therefore considered to be substantially in accordance with these parameters.

#### *Conclusions on compliance with the outline planning permission*

In conclusion, it is considered that the current reserved matters application is within the ambit of the outline planning permission and substantially in accordance with the approved parameter plans.

### 3. DESIGN

#### *Mix of uses*

Whilst primarily residential, the proposals do also include a small shop use located at the junction of Midland Road and Upper Bristol Road. This will help bring some additional activity to the street scene and help to activate this prominent corner location.

#### *Streets and public realm*

As discussed in the sections above, the scheme layout has slightly changed from the approved outline. The approach adopted has the following advantages:

1. It creates a central public space within the development;
2. Improves connectivity and access to all the routes through the site;
3. Improves the opportunities for providing soft landscaping within the internal streets of the development;
4. It creates a better relationship between the residential blocks and the river they address;

The proposed layout provides for adequate spacing between the blocks whilst also clearly defining and enclosing the streets and spaces created. The central space is broadly triangular in shape and is well defined by the surrounding buildings. It contains a decent amount of soft landscaping and provides an attractive central space and piece of public realm to serve the development. Its position at the nexus of the two main routes through the site also mean the it will act as a meeting point which will help to bring activity to the street scene.

Whilst there is some on-street parking proposed, most of the parking provision is in an underground car park. The proposals are therefore not dominated by parking which allows the buildings and landscaping to better contribute towards the character and appearance of the streets.

The majority of the proposed dwellings are provided with good landscaping and defensible space and there is a clear distinction between public and private space evident throughout the scheme.

The north-south route which runs from the Upper Bristol Road through the centre of the site down to the riverside towpath is a key positive within the scheme. It improves connectivity to the riverside whilst also providing an attractive landscaped route for pedestrians. It also helps to create a strong visual connection to the riverside through the site.

Whilst it would have been preferable for the main north-south route to have been ramped rather than using steps, the change in levels from Upper Bristol Road to the river towpath means that this is not feasible. However, the scheme does include an alternative ramped route which provides access for cyclists or those with a mobility impairment.

The layout also includes improvements to the riverside through the additional of new ramped and stepped accesses.

Overall, it is considered that the proposals will improve the public realm of the Upper Bristol Road, Midland Road and the Avon River Corridor and increase public access between them.

Furthermore, having reviewed the application the Landscape Officer considers that the proposed hard and soft landscaping would positively contribute to creating a high-quality environment; would enhance landscape character and biodiversity; and would provide sustainable public access and other landscape benefits.

*Height, scale and massing*

As discussed in the sections above, the reserved matters proposal is substantially in accordance with the height and scale parameters established through the outline permission.

The heights on the scheme vary between 3 to 5 storeys and, whilst the proposals represent a substantial increase in the density and height of built form within the site boundary, the proposed heights are in line with the recommendations within the Bath Building Heights Strategy that "building shoulder height should be 4 storeys" and "one additional setback storey within the roofscape is likely to be acceptable".

The Landscape Officer has commented to suggest that while the increase in height of the proposed development would necessarily have an impact on local views from the Upper Bristol Road, Victoria Park and the Avon River corridor; these views are likely to be affected by proposed development of Bath Western Riverside to the south of the river in any case. It is therefore considered unlikely that the development would have a significant impact on relevant key attributes of the Outstanding Universal Value of the World Heritage Site.

The slight change from the outline permission to split the long riverside block (B37B) into two shorter blocks has helped to break up the massing of what would have otherwise been an extremely long linear block. The variety in the sizes and shape of the proposed development blocks and the effective use of pitched roofs to create an attractive roofscape mean that the massing of the development is reduced in longer views of the site.

Overall, it is considered that the height, scale and massing of the proposed development is acceptable.

### *Appearance, architecture and identity*

The proposals seek to draw upon the history of the site and Bath's industrial heritage to inform its character and identity. The application makes a compelling case for adopting this approach and addressing the city's often overlooking industrial past.

This approach is primarily expressed through the building forms, which reflect the utilitarian forms of the previous industrial uses on the site. The repetitive pitched roof forms of the riverside blocks successfully evoke the repetitive pitched roof forms of the former gas works building which sat alongside the river and can be seen in historic photographs of the site.

The approach is also reflected in the choice of materials within the proposed development which seek to respect the industrial heritage of the site. The application therefore proposes to use a palette comprising rubble bath stone, metal cladding and red brick.

Other aspects of the design, such as the utilising of the exposed steel structures for the balconies on the river frontage further enhance the character and identity of the proposals.

Whilst there has been some criticism of the proposed palette of materials from third parties who do not agree with the use of red brick and would prefer to see a greater use of Bath stone, the Conservation Officer is supportive of the proposed approach and, subject to conditions requiring samples of the materials to be approved, it is considered that the overall architectural approach, including use of materials and design, is generally good and appropriate for the context and reinforces the historic industrial narrative in this part of the city.

### *Impact upon World Heritage Site*

The site lies within the World Heritage Site in an area along the river corridor which is subject to significant redevelopment and regeneration.

The proposals result in an increase in the height and density of built form on the site compared to the existing. However, whilst the increase in height of the proposed development would necessarily have an impact on local views from the Upper Bristol Road, Victoria Park and the Avon River corridor; these views are likely to be affected by proposed development to the south of the river in any case and it is considered unlikely that the development would have a significant impact on relevant key attributes of the Outstanding Universal Value of the World Heritage Site.

Furthermore, the appropriate height, massing and roofscape of the proposals means that it will not detract from the sweeping views across Bath or the primacy of the Georgian city centre.

It is therefore considered that the proposals will preserve the Outstanding Universal Value of the World Heritage Site.

### *Impact upon setting of Listed Buildings*

In terms of listed building, there are two specific considerations - Grade II Kelso Place and Kelso Villa, which, whilst just outside the site boundary, are nonetheless intrinsically linked to it both visually and historically. Grade II Lark Place, a listed terrace, is also directly opposite the site and its setting also needs to be considered.

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.' In respect of this duty, it is considered that the existing waste site does not preserve or enhance the setting of any of these heritage assets. The layout, scale, landscaping and appearance of the proposed scheme is entirely appropriate for the context and will therefore provide an enhancement to the setting of these listed buildings.

### *Impact upon Conservation Area*

The Bath Conservation Area Character Appraisal notes the site as falling within the Brassmill Lane, Locksbrook and Western Riverside character area. The character appraisal notes the following:

*"considerable coherence of building heights despite the diversity of uses". Commercial buildings are predominantly single storey, while residential buildings are mostly 2 stories, extending to 3 or 4 storeys in places. Modern development to the south of the river has seen 4 to 7 storey blocks replace the gasometers and retort house. Building forms are varied between 19th century terraces, mid-20th century semi-detached houses and "commercial shed terraces".*

The existing waste site facilities and recycling depot are identified as negative buildings and townscape features within the conservation area. The appraisal also notes that "sensitive and appropriate redevelopment of unused and under-used commercial/ industrial sites close to the city" is cited as an opportunity to improve the character area.

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. In respect of this duty, it is considered that the proposals will remove the existing negative buildings and townscape features, replacing them with a residential development which is of an appropriate scale, massing and design for the area. The proposals are therefore considered to enhance the special character and appearance of the Conservation Area.

#### 4. HIGHWAYS AND PARKING

##### *Access and highways safety*

Access to the site was agreed at outline stage and the reserved matters are substantially in accordance with this. The access from Midland Road running through the site is therefore acceptable in principle.

The development adopts a shared surface approach to the street with different landscaping treatments utilised to prioritise pedestrians and cyclists over cars. This approach is acceptable and has raised no objection in principle from the Highways Officer, subject to a 20mph speed limit.

However, the Highways Officer has raised some concerns about the turning area provided between blocks G and F. This area is required to provide turning for refuse and other large vehicles but could also be used by other smaller vehicles for turning. This area also contains a flush footway crossing the turning area. There is concern that pedestrians using the footway, especially those with a visual and/or mobility impairment, are given no indication that they are sharing "their space" with motor vehicles, least of all a refuse collection vehicle.

The Highways Officer has noted that refuse collection vehicle drivers are professional drivers and that on the occasions that a reversing manoeuvre is required, one of the crew exits the vehicle and acts as a Banksman to ensure that the safety of vulnerable road

users is not prejudiced. However, they are concerned that drivers of other vehicles which use this area to turn will not be as careful.

Having reviewed the submitted plans it is considered that the risk of conflict in this location is relatively low. Until development of the land immediately to the west of the access road comes forward, this part of the site will essentially act as a cul-de-sac where levels of traffic will be minimal and vehicle speeds will be low. Should development come forward on land to the west it will enable this to become more of a through route which will negate the need for this turning area to be used at all. It is therefore considered that the proposals will not unduly prejudice highways safety and is acceptable on highways grounds. Notwithstanding this conclusion, it is considered reasonable and appropriate to require a road safety audit to be undertaken to identify whether any further improvements to highways safety can be achieved in this part of the site. This can be secured by condition.

### *Parking*

Condition 51 of the outline planning permission specifies the ratio of parking spaces per dwelling which are required across the whole development. This indicates that parking should be provided at an average ratio of no less than 0.7 spaces per new residential dwelling. There is no requirement to comply with the current parking standards under policy ST7 of the Placemaking Plan as these matters have already been determined by the outline planning permission.

The total requirement for the 176 dwellings proposed is 128 spaces. The proposals provide for 129 parking in the following locations:

Basement car park	111 spaces
Alongside access road	13 Spaces
Midland Road	4 Spaces
Total	128 spaces

Spaces within the basement car park will not be allocated to specific units but will be made available for lease on an annual basis.

A total of 46 accessible spaces are proposed and will meet the Optional Technical Standard 4(2) in Building Regulations Approved Document M, and the Lifetime Homes Standard. They will be provided on street (17) and in the basement car park (29).

The applicant has confirmed that around 50 of the proposed spaces will be made available with electric charging points.

Car parking provision will comply with the requirements of the outline planning permission and is considered acceptable by the Highways Officer.

Condition 52 of the outline planning permission requires an average ratio of no less than 0.5 covered cycle parking spaces per dwelling across the site. The current reserved matters proposals exceed this requirement and provide 176 cycle parking spaces, equating to 1 cycle space per dwelling.

Most of the cycle parking will be provided within the basement car park, offering a secure, lit and weather protected location in which to store bikes. A second cycle store will be provided beneath the raised gardens behind the dwellings in the north east corner of the site.

Cycle parking provision therefore complies with the requirements of the outline planning permission and is considered acceptable by the Highways Officer.

### *Highways Adoption*

The application states that the highways within the site will be offered up for adoption to the Council. The Highways Officer has raised some concerns regarding the adoption of the internal access roads, particularly where these cross the basement car park due to liability concerns. However, these matters fall outside of the planning process and can be considered through separate highways agreements (s38 agreements) and there is no reason to objection to the reserved matters application on these grounds.

## 5. RESIDENTIAL AMENITY

The proposals include a variety of different apartments and maisonettes arranged in a variety of forms across the site. Each of the proposed dwellings is provided with adequate living space and access to outdoor amenity in the form of private gardens, communal areas or balconies overlooking the river. Each dwelling is provided with adequate outlook, light and privacy. Overall, it is considered that the proposals will provide a high-quality living environment for its potential occupiers.

In terms of nearby occupiers, there are relatively few residential properties close to the application site.

The nearest residential property is Avon Studios, a development comprising 94 bed spaces of purpose-built student accommodation and 14 normal residential studios, which is located to the east of Midland Road. The separation provided by the road and the orientation and scale of the buildings means that the proposed development will not result in any loss of light, outlook or privacy from the occupiers of Avon Studios.

Other properties near to the site are primarily commercial in nature.

Kelso Villa and Kelso Place lies immediately north of the application site on Upper Bristol Road. Both are occupied as commercial offices. The rear gardens of block H of the proposed development share a boundary with the access road and parking area which serves both Kelso Villa and Kelso Place. However, there is a significant change in the level of the land here such that there is a large retaining wall along the northern boundary. There is enough separation between the rear of 1-4 Kelso Place and the rear of proposed block H to prevent any harmful loss of light, overlooking or overbearing impact from occurring.

Kelso Villa does not sit directly behind any of the proposed blocks of accommodation. The nearest proposed blocks are G and H, but due to the separation distance and the

orientation of these buildings there are unlikely to be any significant loss of outlook, privacy or light issues.

The closest property potentially affected by the development is 'Victoria Pub and Kitchen' situated on Upper Bristol Road which would share two of its boundaries with the site (south and east). The operators of this public house have raised concerns that the proposed residential development adjacent to them will result them receiving complaints about noise and disturbance and that this might ultimately impact upon the operation of their business. Their current opening hours are indicated as being 12-10pm everyday and the property includes a small pub garden to the rear which shared a boundary some of the rear gardens serving block H. Some concern has also been raised by the Environmental Health Officer in respect of the potential for adverse impact of existing noise upon the proposed external amenity areas of the development.

However, there is a significant change in levels at the boundary with the pub and the gardens serving block H are on much lower land than the pub and its garden. Noise occurring in the pub garden is therefore likely to be less disruptive than if it were on the same level. The proposed boundary fence has also been increased from 1.8m to 2.3m to aid with noise attenuation. An updated noise assessment has been prepared by the applicant which demonstrates that the noise from the pub's external areas is not likely to result in any adverse impact or disturbance to the internal environment of the occupiers of block H.

In light of the above, it is considered that there is no objection to the proposals on residential amenity grounds.

## 6. ECOLOGY

An ecological assessment (Tyler Grange, December 2019) has been submitted alongside the application and reviewed by the Council's Ecologist. The site comprises buildings, hardstanding, occasional scattered trees and pockets of ruderal vegetation. The River Avon Site of Nature Conservation Interest (SNCI) is adjacent to the south. This includes a strip of native and non-native scrub and semi-mature trees along the towpath, part of an important habitat and green infrastructure corridor. The River corridor is used by dispersing rare, light-sensitive bat species as identified in the submitted ecological assessment.

Protected species surveys of the site identified an individual summer day roost for a soprano pipistrelle bat within one of the buildings. All existing buildings on the site will be demolished as part of the proposals. A Natural England licence will therefore be required, and the three derogation tests of the Conservation of Habitats and Species Regulations 2017 would need to be met.

The first test is that that there is no satisfactory alternative. In this case the site already has outline permission for redevelopment and forms part of a key allocation within the development plan. A 'do nothing' approach is therefore not feasible as the site needs to be developed to realise the allocation within the development plan. Furthermore, the existing buildings on the site are large unitarian warehouses or ancillary offices which are not

suitable for conversion to residential accommodation. It is therefore considered not to be feasible to retain the identified roost in situ and convert the existing buildings.

The first test is therefore considered to be met.

The second test is to consider whether there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. As discussed above, the site forms part of a key allocation within the development plan and its redevelopment will make a significant contribution towards meeting the housing needs of the district in line with the agreed spatial strategy. Furthermore, the proposals provide a number of other benefits including improved connectivity to the riverside and the removal of negative buildings from the Conservation Area. When this is weighed against the loss of an individual roost for a soprano pipistrelle bat, these matters are considered to amount to imperative reasons of overriding public interest.

The second test is therefore considered to be met.

The third test requires that the proposals should not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The Council's Ecologist has reviewed the submitted appraisal and has concluded that the proposals would maintain the favourable conservation status of this species.

The third test is therefore considered to be met.

The proposals therefore meet the three derogation tests and are considered likely to be granted a Natural England licence. Therefore, there is no objection to the loss of the roost.

Light spill onto the River Avon is another key ecological consideration for this site. Concerns were originally raised that there was insufficient information to rule out any likely significant effect upon from the development upon light sensitive species using the river. However, a revised lighting scheme and assessment has been submitted (e3 Consulting Engineers, January 2020). These were able to address the previous concerns related to lighting design.

The modelling now includes details of external lighting which is welcomed. Consideration has been given to restricting light spill onto the riverside and the proposals broadly comply with Waterspace Design Guidance. A baseline assessment has not been completed, but the justification for this on the grounds of removal of existing lighting on site is accepted. Providing the lighting design is implemented as detailed, the proposals will not result in adverse impacts on bat populations using the adjacent River corridor and the proposals should meet Bath and North East Somerset Placemaking Plan Policy D8. This can be secured by condition.

Furthermore, Natural England have confirmed that they remain satisfied with the lighting proposals and the Council's Ecologist has confirmed that there is no risk of significant impacts on the Bath and Bradford-on-Avon Special Area of Conservation as a result of the proposals.

The Council's Ecologist has raised concerns about the use of non-native species within the planting scheme, including Virginia creeper which is subject to legal controls under schedule 9 of the Wildlife and Countryside Act 1981. These concerns were raised with the applicant and a revised planting schedule was submitted removing Virginia creeper and including only native species.

The Council's ecologist has also raised concerns about the delivery of a 6m vegetated buffer from the River Avon SNCI which is referred to in the applicant's ecological appraisal. Parts of this buffer fall outside of the red line of the application site. Whilst this land is not within the application site, the delivery of these works is will come forward as part of the Council's Bath River Line project. The s106 agreement associated with the outline planning permission for Bath Western Riverside included a financial contribution (£225,000) towards 'North Bank Public Footpath Improvements' which has already been paid to the Council. Furthermore, the Bath River Line project has outline business case approval from WECA and its planned to submit the full business case to unlock £3.5m in July 2021. The programme for these works as part of the Bath River Line Project indicates that these works will come forward either during winter 2022 or at a date to be agreed to fit in with development proposals to maintain a green corridor. Given the existing funding and programme of works it is considered that the ecologist's concerns about delivery of this ecological buffer can be set aside. Furthermore, it is considered that the proposed development will not prejudice the delivery of suitable riparian habitats or green infrastructure alongside this part of the riverbank.

## 7. TREES AND WOODLAND

The application site currently contains 11 individual trees and 2 groups. The Arboricultural Impact Assessment (AIA) identifies that all trees on site and part of a group of offsite trees would require removal to accommodate the development. This includes 7 individual trees and 1 group of trees of low arboricultural value, and 4 individual trees and 1 group of trees of moderate arboricultural value.

The loss of trees from the site would entail a minimum number of 24 replacement trees in accordance with the Council's tree replacement formula within the Planning Obligations SPD. The application proposes a scheme of soft landscaping which includes the provision of 40 new trees to be planted as part of the development.

However, the Council's Arboriculturalist has raised objections on the grounds that they consider insufficient space has been provided along the Upper Bristol Road and river frontages of the development to provide adequate replacement planting. They also comment to indicate that some of the planting is provided outside of the red line application boundary on land adjoining the towpath.

Whilst the concerns of the Council's Arboriculturalist are noted, even without the off-site planting (which will be delivered as part of the Council's Riverline project as discussed in the ecology section above) the proposals would deliver 26 replacement trees within the site boundary. The exceeds the minimum number of replacements required under the tree replacement policy. Furthermore, the Landscape Officer is satisfied that the soft landscaping proposals for the scheme are acceptable and would positively contribute to

creating a high-quality environment; would enhance landscape character and biodiversity; and would provide sustainable public access and other landscape benefits.

## 8. CONTAMINATED LAND

The proposals have been reviewed by the Council's Scientific Officer. The reserved matters application has not included any contamination assessment reports. However, it is noted that investigation and risk assessment reports and outline remedial strategy were submitted as part of the outline application, covering the wider site area.

Taking account of the sensitive nature of the development (i.e. residential apartments), the sensitivity of the environment (hydrogeology and hydrology) the potentially contaminative historical use of the site as a Waste Destructor Site, Part of Gas Works, and Depot the Scientific Officer has recommended conditions requiring further investigation, remediation and verification. Such conditions are already attached to the outline planning permission and therefore do not need to be repeated on this reserved matters application

## 9. ARCHAEOLOGY

The archaeology potential of the Site and potential impacts resulting from the proposed redevelopment were discussed as part of the Environmental Statement submitted as part of the Outline Application. Planning condition 30 on the outline planning permission requires an archaeology programme of investigation and recording and therefore such conditions do not need to be repeated on this reserved matters application

## 10. FLOOD RISK

Large parts of the site are located within flood zone 2 where there is a medium probability of fluvial flooding. The principle of development has already been established through the outline planning permission and therefore there no requirement for the development to pass the sequential or exceptions tests. However, the application has been accompanied by a site-specific flood risk assessment. The Environment Agency have reviewed this submission and have raised no objection. The flood risk assessment demonstrates that the development will be safe for its lifetime and will not raise flood risk elsewhere.

## 11. DRAINAGE

A drainage strategy has been provided within the application and have been reviewed by the drainage team. The submitted strategy is acceptable in principle, subject to the final detailed drainage design being secured. Planning condition 16(b) on the outline planning permission requires the provision of a detailed surface water drainage scheme and therefore such conditions do not need to be repeated on this reserved matters application.

## 12. SUSTAINABLE CONSTRUCTION AND DISTRICT HEATING

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. The Sustainable Construction Checklist SPD requires there is be at least a 19% reduction in carbon emission above the baseline. Policy SCR1 requires major developments to provide enough renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%. Furthermore, the site is located within a District Heating Priority Area where policy CP4 where development is expected to connect to existing district heating networks where available.

An energy statement and completed sustainability construction checklist has been submitted with the application which demonstrates that the proposals will achieve a 37.97% reduction in carbon emissions compared to the baseline. The checklist demonstrates that at least 17.28% of this reduction will be achieved via on-site renewables.

The checklist includes a list of the measures that included to help achieve this including:

- o Connection to the Western Riverside district heating system;
- o Consideration of building orientation and solar gain;
- o U values higher than building regulations part L;
- o Good air tightness;
- o Low energy usage lighting and appliances;
- o Use of Mechanical Ventilation Heat Recovery (MVHR) in all kitchens;
- o Use of timber framed construction to provide good air tightness and levels of insulation;
- o Smart controls for heating, hot water and ventilation for each dwelling.

The proposals are therefore considered to exceed the required energy reduction and on-site renewable requirements of policies CP2 and SCR1 of the Core Strategy and Placemaking Plan. They also meet the requirements of policy CP4. These matters can be secured by condition.

### 13. AFFORDABLE HOUSING

Planning condition 45 of the outline planning permission requires that affordable housing is provided in accordance with the affordable housing scheme associated with the outline planning permission. Affordable housing is not a reserved matter and provision has been made for it as part of the outline planning permission. There is therefore no scope to require 30% affordable housing on this site in line with policy CP9, either through a condition or through a section 106 planning obligation.

The level of affordable housing to be delivered through the planning system will be dependent upon the availability of grant funding with the final details agreed in accordance with condition 45 of the outline planning permission. However, the affordable housing scheme attached to the outline consent is very dated and changes by central government to national grant funding policy mean that this condition can no longer be relied upon to enforce the affordable housing provision originally assumed at the time the outline planning permission was granted.

Notwithstanding the above, the applicant has voluntarily committed to pursuing grant funding to enable the delivery of affordable housing, subject to viability testing of the development. The reserved matters application indicates the intention to provide 25% affordable housing and has shown how this could be provided on-site. These are illustratively shown as including a mix of one and two bedroom apartments alongside 6no. maisonettes. The indicative tenure split is 77% social rent and 23% shared ownership in line with the Council's Planning Obligations SPD. The Council's Housing team are satisfied with the approach adopted and are supportive of the illustrative plans.

Whilst voluntary and non-binding, the commitment to provide affordable housing is of course very much welcomed by officers. It is important to note, however, that the provision of affordable housing is not a material consideration in relation to the determination that must be made under this reserved matters application, as it does not relate to the reserved matters, namely scale, layout, appearance and landscaping. It is noted here because of its general interest to members, but as it is not a material consideration it must be disregarded when determining this application and cannot form part of a reason for or against granting the approval sought by the applicant.

## 14. OTHER MATTERS

### *Urban Gulls*

Condition 53 of the outline planning permission includes a requirement to provide a pigeon/gull management plan prior to the occupation of each phase of development within the wider Bath Western Riverside site. There is therefore no objection or concerns in relation to the management of urban gulls,

### *Conditions*

The outline planning permission is subject to a significant number of conditions which cover a significant number of matters including landscaping/planting details, phasing plans, remediation, verification, archaeology, flood risk, drainage, demolition method statements, construction and environmental management plans, ground works plans, refuse/recycling collection details, opening hours, urban gull management plan, etc. These conditions will apply to the proposed development. It is therefore not necessary to repeat any of these conditions on any reserved matters consent. The only additional conditions proposed are those that are particular to the reserved matters proposal and not already covered by the outline planning permission.

### *Legal agreement*

The outline planning permission contains condition 11 which, inter alia, requires that the development cannot commence until the owners of the land and all other land within this stage of the Bath Western Riverside development enter into a s106 agreement on substantially the same terms as the agreement covering the outline planning permission.

However, there is no requirement for the applicant to enter into an agreement at the reserved matters stage. Therefore, no legal agreement has been prepared in respect of the current reserved matters application.

## *Public Sector Equality Duty*

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

The proposals will provide a ramped access down to the towpath where currently there is none. This is considered to increase accessibility across and through the site and within the wider locality for those with disabilities which make navigating steps difficult or impossible. This is therefore regarded as a benefit of the scheme and can be secured by condition.

The use of a shared surface approach to the streets within this development may raise concerns with those with a visual or mobility impairment. The concerns associated with the use of a shared surface approach by those with visual/mobility impairments are acknowledged. However, the design approach which prioritises pedestrians and cyclists over motor vehicles will ensure that vehicle speeds are minimised and the potential for conflicts reduced. Furthermore, the Highways Officer has recommended a 20mph speed limit for the internal access roads and a road safety audit to be carried out. This further reduces the potential for conflict. Furthermore, it is considered that the benefits of the approach taken (e.g. the prioritisation of pedestrians/cyclists over motor vehicles) outweighs the potential harms to this group.

## 15. CONCLUSION

It is considered that the proposed layout, scale, appearance and landscaping fall within the ambit of the outline planning permission and will result in a scheme which enhances the character and appearance of the area. It will improve pedestrian and cycle connectivity within this area and provide better links and access to the riverside. The proposed redevelopment will deliver a significant number of new homes in a form which is appropriate in its scale, height and massing and does not adversely affect the Outstanding Universal Value of the World Heritage Site. It will also deliver homes which exceed the carbon reduction and renewable energy requirements of the Council's sustainable construction policies.

It is therefore considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Stage 2 Road Safety Audit (Pre-commencement)**

No development shall commence until a brief for an independent Stage 2 Road Safety Audit (in accordance with GG119) of the detailed design has been submitted to and

approved in writing by the Local Planning Authority. The brief shall include the CV of the Audit Team Leader and Audit Team Member.

No development shall commence until the independent Stage 2 Road Safety Audit has been undertaken in accordance with the approved brief and the results submitted to and approved in writing by the Local Planning Authority. A representative of the Local Highways Authority shall be present at the Stage 2 Road Safety Audit site visit as an observer.

Reason: In the interest of highways safety in accordance with policy ST7 of the Placemaking Plan. This is a pre-commencement condition because the stage 2 road safety audit must be undertaken at the detailed design stage. If development were to commence prior to the audit being undertaken it may prejudice its outcomes.

## **2 Wildlife Protection and Enhancement Scheme (Pre-Commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, consistent with the recommendations in Section 4.19-4.40 of the approved Ecological Assessment report (Tyler Grange, December 2019), have been submitted to and approved in writing by the local planning authority. These details shall include:

(a) A Construction Ecological Management Plan including a location plan and specification for fencing of exclusion zones to protect habitats including the adjacent SNCI, method statements for all necessary measures to avoid or reduce ecological impacts during site clearance and construction, findings of update surveys or pre-commencement checks of the site and details of involvement by an ecological clerk of works;

(b) Full and final details of proposed bat mitigation and enhancement measures (which may if desired take the form of a European protected species licence application method statement), or, a copy of a European Protected Species licence showing that a licence has already been granted, together with details of any additions or minor revisions to the Bat Mitigation and compensation measures described in the approved report;

(c) Detailed specification and location plan detailing ecological compensation and enhancement measures including native and wildlife-friendly planting, provision of bat roosting features and/or bird boxes and provision of gaps in boundary features to allow continued movement of wildlife.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), National Planning Policy Framework and policy NE3 of the Bath and North East Somerset Placemaking Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases. Integrated enhancement measures also need to be specified before construction.

### **3 Arboricultural Method Statement (Pre-commencement)**

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

### **4 Materials - Submission of Materials Schedule (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples or a sample panel of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

### **5 Stage 3 Road Safety Audit (Pre-occupation)**

No occupation of any part of the approved development shall commence until a brief for an independent Stage 3 Road Safety Audit (in accordance with GG119) has been submitted to and approved in writing by the Local Planning Authority. The brief shall include the CV of the Audit Team Leader and Audit Team Member.

No occupation of any part of the approved development shall commence until the independent Stage 3 Road Safety Audit has been undertaken in accordance with the approved brief and the results submitted to and approved in writing by the Local Planning Authority. A representative of the Local Highways Authority and Avon and Somerset police shall be invited to attend the daytime and night-time Stage 3 Road Safety Audit site visits.

Reason: In the interest of highways safety in accordance with policy ST7 of the Placemaking Plan.

#### **6 Indoor acoustic insulation (Pre-occupation)**

On completion of the works, but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved:

1. Maximum internal noise levels of 35dB<sub>L</sub>A<sub>eq</sub>, 16hr and 30dB<sub>L</sub>A<sub>eq</sub>, 8hr for living rooms and bedrooms during the daytime and night time respectively.
2. For bedrooms at night individual noise events (measured with F time weighting) shall not (normally) exceed 45dB<sub>L</sub>A<sub>max</sub>.

Reason: To ensure that the occupiers of the proposed development are protected from excessive external noise and disturbance in accordance with policy PCS2 of the Placemaking Plan.

#### **7 Arboricultural Compliance (Pre-occupation)**

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

#### **8 Ecological Compliance Report (Pre-occupation)**

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

(a) Confirmation that ecological avoidance and mitigation measures including measures to protect the adjacent River Avon Site of Nature Conservation Interest, bats and nesting birds have been followed;

(b) Evidence that a Natural England bat mitigation licence was in place before works proceeded, including details of the agreed method statement;

(c) Confirmation that proposed measures to enhance the value of the site for wildlife and provide biodiversity gain have been implemented including native and wildlife-friendly planting, hedgehog connectivity measures and provision of bat and bird boxes, with specifications, numbers and positions to be shown on plans and photographic evidence to be provided; and

(d) A specification for ongoing management, monitoring and maintenance of retained and created habitats.

All measures within the scheme shall be retained, monitored and maintained in accordance with the approved details.

Reason: To demonstrate the completed implementation of ecological mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) the NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan.

### **9 Residents Welcome Pack (Pre-occupation)**

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport. Please follow this link <https://www.gov.uk/government/publications/smarter-choices-main-report-about-changing-the-way-we-travel>

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

### **10 Sustainable Construction (Pre-occupation)**

Prior to first occupation of any part of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development, submitted and approved in writing by to the Local Planning Authority together with the further documentation listed below:

- o Table 2.1 Energy Strategy (including detail of renewables);
- o Table 2.2 Proposals with more than one building type (if relevant);
- o Table 2.3 (Calculations);
- o Building Regulations Part L post-completion documents for renewables;
- o Building Regulations Part L post-completion documents for energy efficiency;
- o Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

### **11 Internal and External Lighting (Bespoke Trigger)**

Light proposals shall be implemented in accordance with the approved Lighting Scheme and Assessment (e3 Consulting Engineers, January 2020). If any revisions to internal or external lighting schemes are required, full details of the proposed lighting design shall be submitted to and approved in writing by the Local Planning Authority before installation. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill; and
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

### **12 Dwelling Access (Compliance)**

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **13 Water Efficiency (Compliance)**

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

### **14 Plans List (Compliance)**

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	153199-STL-XX-XX-DR-L-09146	PL10	REVISED PLANTING SCHEDULE
	153199-STL-AA-ZZ-DR-A-01101	PL02	BLOCK A GA PLANS & ELEVATIONS
	153199-STL-BB-ZZ-DR-A-01102	PL02	BLOCK B GA PLANS & ELEVATIONS
	153199-STL-CC-ZZ-DR-A-01103	PL02	BLOCK C GA PLANS & ELEVATIONS
	153199-STL-DD-ZZ-DR-A-01104	PL02	BLOCK D GA PLANS & ELEVATIONS
	153199-STL-EE-ZZ-DR-A-01105	PL02	BLOCK E GA PLANS & ELEVATIONS
	153199-STL-FF-ZZ-DR-A-01106	PL02	BLOCK F GA PLANS & ELEVATIONS
	153199-STL-GG-ZZ-DR-A-01107	PL02	BLOCK G GA PLANS & ELEVATIONS
	153199-STL-HH-ZZ-DR-A-01108	PL02	BLOCK H GA PLANS & ELEVATIONS

153199-STL-XX-00_DR-A-09200 PL02	UPPER SITE PLAN - LEVEL 00
153199-STL-XX-01-DR-A-09101 PL02	LOWER SITE PLAN - LEVEL 01
153199-STL-XX-02-DR-A-09102 PL02	LOWER SITE PLAN - LEVEL 02
153199-STL-XX-02-DR-A-09202 PL02	UPPER SITE PLAN - LEVEL 02
153199-STL-XX-03-DR-A-09103 PL02	LOWER SITE PLAN - LEVEL 03
153199-STL-XX-04-DR-A-09104 PL02	LOWER SITE PLAN - LEVEL 04
153199-STL-XX-B1-DR-A-01B01 PL02	BASEMENT CAR PARK PLAN
153199-STL-XX-OO-DR-A-09001 PL02	COMBINED GROUND LEVEL SITE PLAN
153199-STL-XX-OO-DR-A-09100 PL02	LOWER SITE PLAN - LEVEL 00
153199-STL-XX-XX-DR-L-09000 PL08	LANDSCAPE GENERAL ARRANGEMENT
153199-STL-XX-XX-DR-L-09100 PL06	LANDSCAPE MASTERPLAN
153199-STL-XX-XX-DR-L-09141 PL08	SOFT LANDSCAPE WORKS PLAN 1 OF 5
153199-STL-XX-XX-DR-L-09142 PL08	SOFT LANDSCAPE WORKS PLAN 2 OF 5
153199-STL-XX-ZZ-DR-A-00003 PL02	PROPOSED BLOCK PLAN IN CONTEXT
153199-STL-XX-ZZ-DR-A-02101 PL02	CONTEXT ELEVATIONS 01
153199-STL-XX-ZZ-DR-A-02102 PL02	CONTEXT ELEVATIONS 02
153199-STL-XX-ZZ-DR-A-02103 PL02	CONTEXT ELEVATIONS 03
153199-STL-XX-ZZ-DR-A-02104 PL02	CONTEXT ELEVATIONS 04
153199-STL-XX-ZZ-DR-A-02105 PL02	CONTEXT ELEVATIONS 05
153199-STL-XX-ZZ-DR-A-02106 PL02	CONTEXT ELEVATIONS 06
153199-STL-XX-ZZ-DR-A-05001 PL02	UNIT TYPE AREA PLANS
153199-STL-XX-ZZ-DR-A-09000 PL02	SITE PLAN - ROOF PLAN
153199-STL-XX-ZZ-DR-A-ZZZZ-04001 PL02	DETAILED ELEVATIONS 01
153199-STL-XX-ZZ-DR-A-ZZZZ-04002 PL02	DETAILED ELEVATIONS 02
153199-STL-XX-ZZ-DR-L-09180 PL08	BOUNDARY TREATMENT PLAN
153199-STL-XX-ZZ-DR-A-00001 PL02	PLANNING RED LINE PLAN
153199-STL-XX-XX-DR-L-09143 PL_P01	SOFT LANDSCAPE WORKS PLAN 3 OF 5
153199-STL-XX-XX-DR-L-09144 PL_PL01	SOFT LANDSCAPE WORKS PLAN 4 OF 5
153199-STL-XX-XX-DR-L-09145	SOFT LANDSCAPE WORKS PLAN 5 OF 5
153199-STL-XX-XX-DR-L-09300 PL01	SITE SECTIONS 1 OF 2
153199-STL-XX-XX-DR-L-09301 PL01	SITE SECTIONS 2 OF 2
153199-STL-XX-XX-DR-L-09410	SMALL TREE PIT IN SOFT
153199-STL-XX-XX-DR-L-09411 PL01	TREE PIT IN SOFT
153199-STL-XX-XX-DR-L-09420 PL01	TREE PIT IN HARD
153199-STL-XX-XX-DR-L-09430 PL01	TREE PIT IN HARD SURFACE ON PODIUM DETAIL
153199-STL-XX-XX-DR-L-09460 PL01	RECYCLING ENCLOSURE DETAIL
153199-STL-XX-ZZ-DR-A-ZZ-D1001 PL01	DEMOLITION PLAN
153199-STL-XX-XX-DR-L-SP901 PL01	LANDSCAPE MATERIAL SHEET FOR SOFT LANDSCAPE TREES
153199-STL-XX-XX-DR-L-SP902	LANDSCAPE MATERIAL SHEET FOR HARD LANDSCAPE AND FURNITURE
153199-STL-XX-ZZ-DR-A-0002 PL01	BLOCK PLAN COMPARISON

## 2 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at [www.planningportal.co.uk](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **3 Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

### **4 Outline Planning Permission**

The applicant is reminded that the development hereby approved is subject to all relevant conditions attached to the outline planning permission (ref: 06/01733/EOUT) including several pre-commencement conditions and an arsenal condition requiring the land to be bound by a s106 agreement.

### **5 Public Rights of Way**

There must be no effect to the surface, line or width of public footpath BCRIV/1 during or after construction works.

If the proposed works require a temporary closure of the footpath to facilitate development, please find full details of the process involved on the Council's website at: <https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rights-way/public-path-orders/temporary-path>

Please contact Cheryl Hannan of the Public Rights of Way Team on 01225 477623 prior to any works commencing on or near the footpath.

### **6 Canal and River Trust**

Any new access points to the towpath will require an agreement from the Canal and River Trust. The applicant is advised to contact David Faull, Principal Estates Surveyor on 07824 561677 or by email to David.faull@canalrivertrust.org.uk

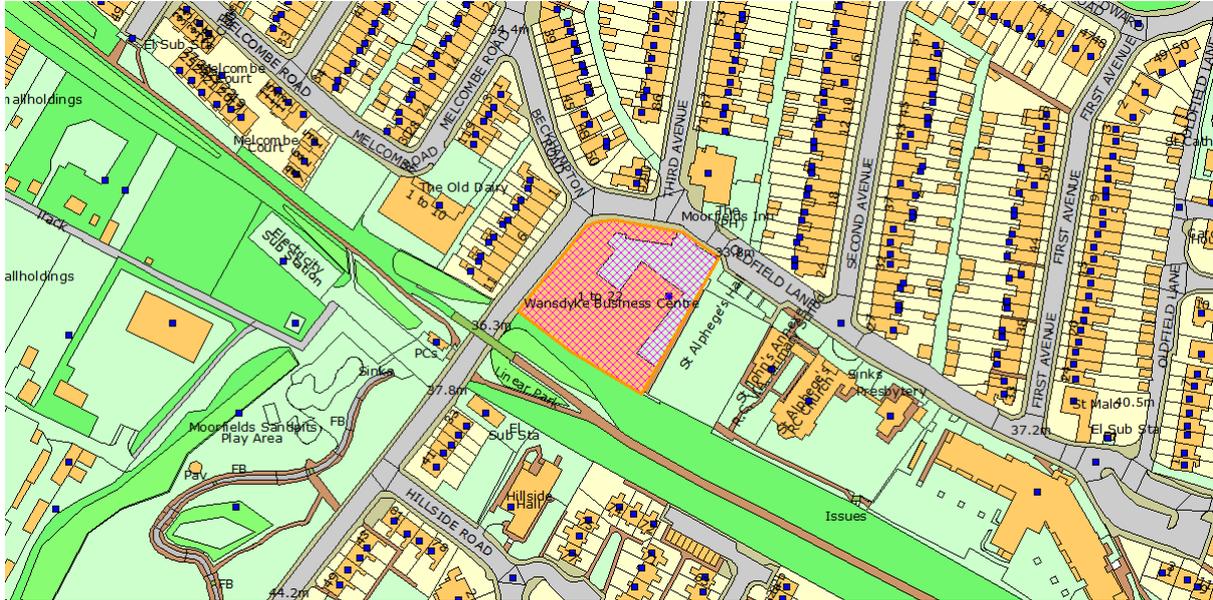
Any alterations to the existing drainage outfall, whether it is to be removed or replaced should be discussed further with the Canal and River Trust. The applicant is advised to contact Jacquie Watt, Utilities Surveyor on 07584335885 or 01926 626158 or by email to Jacquie.Watt@canalrivertrust.org.uk.

Due to the proximity of the development to the Canal towpath the applicant should comply with the Trust's Code of Practice for works affecting the Canal and River Trust to ensure that the works do not adversely affect the canal towpath. The applicant is advised to contact Phil J White, Works Engineer on 07710 175496 or by email at PhilJ.white@canalrivertrust.org.uk.

### **7 Environmental Permitting Regulations**

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

**Item No:** 06  
**Application No:** 20/01765/FUL  
**Site Location:** Wansdyke Business Centre Oldfield Lane Oldfield Park Bath Bath  
And North East Somerset



**Ward:** Oldfield Park      **Parish:** N/A      **LB Grade:** N/A

**Ward Members:** Councillor Shaun Andrew Stephenson-McGall

**Application Type:** Full Application

**Proposal:** Erection of a 68-bed care home (Use Class C2) following demolition of the existing buildings and structures, with associated access, parking and landscaping.

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SAC and SPA, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

**Applicant:** Barchester Health Care Ltd

**Expiry Date:** 17th December 2020

**Case Officer:** Samantha Mason

To view the case click on the link [here](#).

## REPORT

The local ward councillor has requested this application be heard at the committee if the officer is minded to permit or refuse it. The officer is minded to refuse. The application was referred to the chair and vice chair of the planning committee in line with the scheme of delegation.

The chair decided the application should be heard at committee, stating in his decision 'I have looked at this application and the complexities it raises. The committee may wish to

take a view on the nature of the employment on site, as this application brings more jobs than currently, and to further consider the economic argument made against this application.'

The vice chair recommended it be delegated to officer for decision, stating 'I have studied this application & all related information including statutory & third party comments, I also note the Ward Cllr planning cmt request. The proposal has been assessed against relevant planning policy as the report explains & while it adheres to some aspects there clear policies [Policy 1B & ED2B] which it contravenes at this stage & therefore I recommend the application is delegated to Officers for decision.' In this instance the chair has the final say and as such the application is being heard at committee.

#### Details of location and proposal and Relevant History:

The site in question is a long-established and well-known employment site in Oldfield Park. The site is currently vacant but used to comprise 22 self-contained commercial units providing a variety of office, workshop and storage accommodation with a total Gross Internal Area of 2,113 sq.m. It is noted that the site is generally in a poor state of repair.

The site is located in the Oldfield Park area of Bath, located outside of the Bath Conservation Area but within the World Heritage Site.

The development site occupies a corner plot on the junction of Monksdale Road, Beckhampton Road, Third Avenue and Oldfield Lane. It is bounded by the Two Tunnels Greenway to the south; Monksdale Road to the west; Oldfield Lane to the north; and an all-weather sports pitch, St Alphege's Hall and the Grade II\* St Alphege's Roman Catholic Church to the east.

Planning permission is sought for the erection of a 68-bed care home (Use Class C2) following demolition of the existing buildings and structures, with associated access, parking and landscaping.

#### Relevant Planning History:

AP - 17/00062/RF - DISMIS - 3 November 2017 - Mixed use redevelopment to provide 178 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3) following part demolition of existing buildings and structures.

AP - 17/00063/RF - DISMIS - 3 November 2017 - Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space, landscaping and associated works. (Re-submission)

DC - 01/02388/FUL - RF - 31 January 2002 - Change of use from industrial unit to childrens soft play area

DC - 16/02749/FUL - RF - 13 September 2016 - Mixed use redevelopment to provide 178 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3) following part demolition of existing buildings and structures.

DC - 17/00955/FUL - RF - 1 June 2017 - Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space, landscaping and associated works. (Re-submission)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **ARBORICULTURE:**

No objection subject to conditions. The proposal is not considered to compromise the offsite trees provided that tree protection measures are complied with. A pre-commencement condition is considered appropriate to include. The application incorporates enhancements to the offsite green infrastructure subject to a S106 agreement.

### **AVON AND SOMERSET POLICE:**

No objection or comments.

### **CONSERVATION:**

Response 16th June:

Demolishing the red brick engineering building (a non-designated heritage asset) will cause harm through the loss of the authentic fabric and the fracture in continuity that the building currently offers. By extrapolation this will diminish the locally distinctive character of the area contrary to Place Making Plan policy. If the evidence demonstrates that a care home is required to meet need in the district, then its provision could be considered a public benefit in the planning balance.

Response 20th Nov:

No objection subject to condition. These revisions confirm retention and repair of the non-designated heritage asset of the brick engineering workshop which is acceptable. The design now incorporates an architectural distinction between the workshop and the rebuilding on what was the site of the adjoining drawing office based on the historic appearance of the elevation.

### **CONTAMINATED LAND:**

No objection subject to conditions.

### **DRAINAGE AND FLOODING:**

Response 12th June:

The surface water drainage strategy has indicated that this location is not suited to infiltration, this supported by British Geological Survey Infiltration Mapping which confirms that the bedrock geology is likely to be poorly draining. Accordingly discharge to a lower destination in the drainage hierarchy will be considered. It is noted that Wessex Water have agreed in principle to the above discharge rate however this agreement was some

time ago (2016), confirmation is requested that Wessex Water are still agreeable to the proposal.

Response 17th Nov:

No objection subject to conditions. Discussions with Wessex Water have confirmed that a maximum discharge rate of 23.34 l/s (up to and including the critical 1in100+40% storm event) would be acceptable.

#### ECOLOGY:

Response 30th June:

I raise a holding objection on ecological grounds until the following information is provided:

1. Site plan/landscape plan to show compensatory night roost provision for horseshoe bats in an appropriate location;
2. Lighting clarifications.

A Habitats Regulations Assessment (Appropriate Assessment) will need to be completed before determination to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended). The information will be required to inform the assessment.

Response 3rd August:

The location of the compensatory horseshoe bat night roost provision is acceptable in principle. However, insufficient information has been provided to demonstrate that light spill will be sufficiently reduced around the compensatory roost and southern boundary to maintain use by horseshoe bats.

Response 25th August:

No objection subject to conditions. The plans demonstrate that the location of the compensatory bat roost provision and adjacent Linear Park will not be lit to above 0.5 lux. Conditions for a Wildlife Protection and Enhancement Scheme and compliance report and detailed lighting specifications are recommended. A Habitats Regulations Assessment is also passed.

#### ECONOMIC DEVELOPMENT:

Response 24th July:

Object, recommend refusal. It is accepted that Core Strategy policy B1(2)(e) supports a managed loss of industrial space, but this needs to be applied to the local economy to match local demand and assessing the application in Economic Development terms, it is felt that the current proposal should be refused in light of PMP policy ED2B, where there are considered to be strong economic grounds for its retention or redevelopment for industrial uses. These are as follows:

- The planned industrial floorspace losses of Core Strategy Policy B1 have already been achieved in approximately 25% of the plan period.
- There is little to no supply of sites such as this and hence it needs to be either retained and redeveloped for industrial uses to meet the mixed economy objectives of the Local Plan.
- It is our view the demand for units at the existing site is significantly underestimated in the marketing report, DTINT as is the potential return should the site be refurbished for industrial use.

Response 23 Oct:

Object, recommend refusal. The comments from the previous Economic Development submission still stand. The additional information submitted from Carter Jonas does not justify the loss of the current use. The strong economic reasons for refusal remain.

ENVIRONMENTAL PROTECTION:

No objection subject to conditions.

HIGHWAYS:

Response 10th June 2020:

- The applicant should be requested to confirm that actual number of staff that the proposed care home will employ;
- HDC officer's question if the proposed number of 20 off-street, car parking spaces is adequate to prevent overspill parking activities occurring on surrounding residential streets, where existing parking stock is limited, and existing demand is high;
- It is acknowledged that the applicant needs to increase the proposed secure, covered cycle parking provision such that it is policy compliant;
- Any planting within the visibility splay shall not exceed a mature height of 900mm; and
- The applicant should be requested to provide a servicing strategy.

Response 9th July:

Officers remain concerned that the existing on-street parking stock in the area is operating at, or close to, saturation point as a result of the significant changes in the type of accommodation offered within the area and the associated on-street, car parking activities, which have occurred since the 2011 Census. It should be noted that the original Transport Statement (TS) concluded: "The applicant advises that there is unlikely to be any parking pressures in the surrounding streets as a result of the proposed development", however, HDC officers are not satisfied that the applicant has demonstrated that the proposed care home will not result in an increase in on-street parking activities in the vicinity of the application site which would affect highway safety and/or residential amenity, which is contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan.

Response 12th August:

The applicant's transport consultant will be contributing to the statement to clarify Barchester's calculations. HDC officers are hopeful that the transport statement which is being prepared will go some way towards satisfying the Local Highway Authority (LHA) in terms of the proposed off-street, car parking provision based upon staff traffic movements. HDC officers will then be in a better position to advise on any financial contribution being sought towards off-site highway works.

Response 21st October:

Based upon the applicant's statement that the maximum number of staff on site at any one time will be 25, HDC officers have a greater degree of confidence that the proposed 20 off-street, car parking spaces will adequately accommodate all parking activities generated by the proposed care home.

HDC officers note that we are currently awaiting the following information from the applicant:

An update with regards to the proposed storage and collection of refuse and recycling; and

A 'Servicing Strategy'.

Response 19th Nov:

the care home will employ a total number of 68 members of staff and provides confirmation that the applicant has agreed to providing a financial contribution of £10,000 towards a Residents Parking Zone (RPZ) or Traffic Regulation Orders (TROs), which officers welcome.

Officers have previously acknowledged that they have a greater degree of confidence that the proposed number of 24 off-street, car parking spaces, which represents 83% of the maximum requirement (based upon the maximum number of staff on site at any one time being 25), will adequately accommodate all parking activities generated by the proposed care home. However, HDC officers remain keen to understand the circumstances under which the number of staff on site may exceed 25 and how often this is likely to occur.

HDC officers welcome the applicant's commitment to provide a policy compliant number of secure, cycle parking spaces (10 stands providing parking for 20 bicycles), which shall be secured through a Condition attached to any planning permission granted.

**LANDSCAPE:**

No objection subject to conditions.

**NATURAL ENGLAND:**

No objection. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse

effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

**PLANNING POLICY:**

Response 27th July:

Object, recommend refusal. Given the level of net industrial losses in Bath since the start of the Core Strategy plan period and shortage of supply of industrial space within the city together with evidence of demand, there are strong economic reasons to object to the proposal. Further, in terms of policy requirements, evidence of unsuccessful marketing for 12 months prior to the application has not been demonstrated. The proposed development is thus contrary to the requirements of Policy B1 and ED2B.

**PUBLIC RIGHTS OF WAY:**

No effect to the PROW network.

**Representations Received :**

## CLLR SHAUN MCGALL:

Committee request. Summary of points as follows (full comments on the website);

- Many residents and groups have raised legitimate concerns over the loss Industrial use to C2. Admittedly C2 in my book is also an valid and important employment use for this site. But the current Covid-19 pandemic and the impact on our economic locally and nationally needs to be considered.
- The design is considered too high by some, but others would state it was appropriate. The loss of the heritage asset is also controversial.
- Parking in Oldfield Park is a key concern, or I should say the lack of parking is a key concern. This is due to a number of factors not least increasing levels of car ownership by both long term residents and short term residents like students in HMOS, commuter parking, and in the short term government advise not to use public transport.

## BATH PRESERVATION TRUST:

Response 18th June:

In principle, the Trust is supportive of the redevelopment of the site for a mixed-use residential and employment use. We are additionally supportive of the recession of the Oldfield Lane elevation to better open up views to the Grade II\* St Alphege's Church. However, we retain concerns about the treatment of a NDHA of local significance, an apparent discrepancy in the plans provided, and the proposed articulation of the primary elevation fronting Oldfield Lane

## BATH HERITAGE WATCHDOG:

Summary as follows; We do not have an 'in principle' objection to the use of the site for a care home. However, we do have some concerns about the viability of such a use. Unacceptable loss of industrial heritage building. Concern over the height of the proposal and design in relation to local character. We do, however, welcome the setting back of the complex thereby not impacting on the Grade II\* church.

20 objections have been received by third parties, 4 comments and 0 letters of support. The following is a summary of the objections raised:

- Concern over inadequate parking provision (car and cycle) and parking problems locally
- Traffic and road safety concerns
- Site should be retained for industrial use
- Over supply of care homes locally, no need
- Concern over the height of the development
- Negative visual impact
- Design is not in keeping with locality, overly industrial
- Materials do not respect locality
- Concern over loss of industrial heritage building

## **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 Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
  - Policy GDS.1 Site allocations and development requirements (policy framework)
  - Policy GDS.1/K2: South West Keynsham (site)
  - Policy GDS.1/NR2: Radstock Railway Land (site)
  - Policy GDS.1/V3: Paulton Printing Factory (site)
  - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

#### Core Strategy:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:

- B1: Bath Spatial Strategy
- B4: The World Heritage Site and its Setting
- CP2: Sustainable Construction
- CP3: Renewable Energy
- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP7: Green Infrastructure
- CP10: Housing Mix
- SD1: Presumption in favour of sustainable development

#### Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

- D1: General urban design principles
- D2: Local character and distinctiveness
- D.3: Urban fabric
- D4: Streets and spaces
- D.5: Building design
- D.6: Amenity
- D.8: Lighting
- ED2B: Non-strategic industrial premises
- H1: Housing and facilities for the elderly, people with other supported housing or care needs
- HE1: Historic environment
- NE2: Conserving and Enhancing the landscape and landscape character
- NE2A: Landscape setting of settlements

NE3: Sites, species and habitats  
NE5: Ecological networks  
NE6: Trees and woodland conservation  
PCS5: Contamination  
ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

Conservation Areas:

In addition, 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.

Listed Buildings:

In addition, 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.'

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

## **OFFICER ASSESSMENT**

The main issues to consider are:

- Principle
- Design
- Heritage
- Landscape
- Residential amenity
- Arboriculture
- Highways matters
- Contaminated land

- Flooding and drainage
- Technical requirements

#### PRINCIPLE OF DEVELOPMENT:

The site in question is a long-established and well-known employment site in Oldfield Park. The site is currently vacant but comprises 22 self-contained commercial units providing a variety of office, workshop and storage accommodation with a total Gross Internal Area of 2,113 sq.m. It is noted that the site is generally in a poor state of repair.

The principle is two fold; the principle of the loss of the existing industrial use and the principle of the proposed use of the site as a care home.

The most relevant planning policies in which the principle is established against are policies ED2B (Non-strategic Industrial Premises), B1 (Bath Spatial Strategy) and H1 (Housing Facilities for the Elderly, People with Other Supported Housing or Care Needs).

#### PRINCIPLE OF LOSS OF INDUSTRIAL USE:

The site is not a designated industrial estate. Planning applications that seek the change of use of and/or demolition of industrial premises within B&NES that are not identified in the Placemaking Plan under Policy ED2A as 'strategic or other primary industrial estates', are determined against Policy ED2B which states that;

'Non-strategic sites are not afforded the same level of protection for industrial and warehousing (B1c, B2 & B8) uses as those listed in ED2A. Applications for residential development or others uses will normally be approved unless there is a strong economic reason why this would be inappropriate. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application and during a sustained period of UK economic growth will be taken as evidence that there is not a strong economic reason for refusal.'

In this instance no such marketing period has been undertaken.

A Guidance Note has recently been published on Policy ED2B. This note is intended to provide applicants with a guide to the factors that contribute to 'strong economic reasons' for refusal of planning applications as set out in B&NES Placemaking Plan Policy ED2B. Essentially the context for considering whether there is a strong economic reason for refusing an application is provided by the overall Development Plan strategy for economic development and specifically industrial uses and delivery progress against the strategy and the floorspace indicators set out in strategic policies. The Guidance Note states that the following criteria are used for determining whether strong economic reasons exist warranting refusal of the application;

- Progress against the area specific managed changes in industrial floorspace
- Employment & Business Sectoral Growth - growth in business and employment sectors that do or could occupy the site in question.
- Present use - Is the site presently in occupation and how many people are employed there?

- Suitability/ viability - if the site is not currently occupied whether it is in a condition and location that it can viably continue as an industrial employment site
- Demand - if the site is vacant is there any information on the level of commercial demand for the site, this is defined by evidence of marketing on reasonable terms for 12 months prior to an application and the interest from the market.

Progress against the Area Specific Managed Changes in Industrial Floorspace:

Policy B1 2e of the B&NES Core Strategy plans for a contraction in the demand of industrial floor space from about 167,000m<sup>2</sup> in 2011 to about 127,000m<sup>2</sup> in 2029, whilst sustaining a mixed economy to ensure a broad base of employment opportunities for residents, by delivering over 7,000 net new jobs over the plan period.

Additionally Core Strategy Objective 3 proposes 'maintaining an appropriate supply of land in Bath for industrial processes and services to ensure the city retains a mixed economy' and Policy B1.4 works to 'achieve a better balance between the overall number of jobs in the city and the resident workforce...';

Recent monitoring shows a net loss of industrial floor space at a faster rate than planned and shows a net loss of 44,241 sqm of industrial floorspace in the period of 2011-2019, exceeding the managed reduction of 40,000 sqm in the Core Strategy plan period between 2011-2029. A further loss of 15,648 sqm is also anticipated through extant permissions and site allocations in the Placemaking Plan.

These losses are recognised within the Industrial losses study undertaken by Lambert Smith Hampton and Hardisty Jones Associates (LSH/HJA) to inform the B&NES Local Plan review, where 'The rate of losses is far exceeding policy provision and the delivery of new replacement floor space is not taking place at the required rate. This poses significant economic development risks.' Thus it is not only the level of losses suffered within B&NES but also the rate of change, which is affecting economic growth within the city.

Furthermore; according the LSH/HJA study '...it must be recognised that the real value in retaining key industrial sites around the city centre is in providing opportunities for businesses that need to be in close proximity to their city centre customers and/or for their labour force to easily access their place of work. For example, the industrial sector supports retail and tourist businesses in Bath. Without capacity to accommodate a local supply chain the retail market especially will have to source supplies from further afield. It is also vital to provide a mix of jobs for local residents. For both reasons it is important that a supply of industrial sites is maintained to serve Bath through both the protection of existing sites and the identification of further expansion space.'

Within a recent Carter Jonas Report on commercial demand it noted that 'Bath industrial stock levels are now critical ... severe shortage of supply and healthy demand'. It also notes the difficulties for companies to remain in the area, due to the reduction in stock noting that 'With more industrial buildings being lost to other uses the exodus of good companies continues.'

As such, there has already been a loss of industrial floor space well beyond what has been planned for, further loss of industrial floor space would exacerbate the issue and negatively impact on the cities economy contrary to the Cores Strategy.

## Employment & Business Sectoral Growth, and Demand :

Using the HCA (2015) employment density methodology, the present site is capable of supporting approximately 45 FTEs, which is accepted to be lower than the stated employment output of the proposal (68 jobs). However, employment in care has experienced sustained growth and further employment in this sector is not necessary to support the 'mixed economy' aspirations of Core Strategy Objective 3. Economic output per worker is higher within industrial uses in comparison to care.

The site has been vacant for over 2 years due the incumbent tenants being serviced notice. Colston and Colston state that they were actively marketing the units from 2014-2018 but that conversions to lettings were limited due to the condition of the units and the short lease lengths of 12 months precluding tenant repairs. No evidence of this marketing has been submitted other than anecdotal comments in their report.

However, it is considered that the units have been actively allowed to fall into disrepair over a 10-year period or longer. Economic Development have been consulted on this application and have confirmed they received regular enquiries and interest in the Wansdyke Business Centre from potential occupiers in 2017/18 (when property particulars were available); enquirers often cited the Wansdyke Business Centre as having some of the only small industrial units available in the city. The units were not actually available to let, following enquiries to the marketing agent at the time. Additionally, at that time the Economic Development team has evidence of nearly 80 enquiries for industrial space of up to 10,000sq.ft located within the city (all of which were of uses complementary to commercial space within a residential location). Meanwhile use requests for the site were also declined as recently as 2019.

Previously in 2016 the Economic Development Team offered direct engagement with the incumbent tenants of the site, having been made aware of initial redevelopment plans. Nine businesses received support sessions across a range of industrial sub-sectors and including two gym/fitness businesses. The commercial tenants reported a lack of suitable alternative sites in the Bath city area. The tenants reported the site to be convenient both for serving their market as well as employees.

The marketing report concedes that modern industrial units would generate interest, and this is backed up by previous levels of interest in the site. However, Colston and Colston state that they expect vacancy rates to surge towards the end of this year. While this is likely true for retail and office premises, the Economic Development Team do not expect this to occur in industrial demand, particularly with the recent surge in online shopping and the need for localised services/distribution.

Overall, it is considered that the site was initially occupied and made vacant through the serving notice rather than market conditions. There has been regular interest from potential tenants in occupying the site. There is a demand locally for industrial floorspace and this may even be growing due to the current pandemic and shipping trends.

Suitability/ Viability:

The site is not currently occupied for the reasons stated above.

The B&NES Industrial Market Report (Nov 2015) undertook a comprehensive assessment of the industrial market within the district. It included a detailed assessment of current stock, occupier requirements future demands and considers the viability of proposed industrial or existing site allocations in order to test the direction of travel of Core Strategy policies. The review was focused on 24 of the estates within the district which included Wansdyke Business Centre and it concluded that Wansdyke Business Centre had a Grade C rating and a low score on suitability and external condition. As a result of this review Wansdyke Business Centre was in effect downgraded from the higher level of protection (a 'Core Business Area' in the previous Local Plan) to the lower level of protection now provided.

However, it is considered that the site is viable as an industrial site. In their report, Colston and Colston state that similar refurbished space might be available for around £8 sq.ft. However, the Commercial Edge report by Carter Jonas of Autumn 2019 states that prime rent industrial units are now achieving £12.50sq.ft. This would significantly increase the expected rents on 22,750 sq.ft. refurbished units from the £182,000 factored into their report to an actual likely rental income of up to £284,375. This would significantly increase the yield to justify the likely £1.98m refurbishment costs set out in the Building Report, showing viability.

The poor condition of the buildings does not diminish the strategic value of them or that of the site. That the condition of the buildings hasn't been maintained is the purview of the owner. The site is located in a sustainable location, that is easily accessible by employees by a number of modes of travel. The site offers immense potential for refurbishment to bring valuable neighbourhood employment and there are many examples of industrial buildings being brought into use including for example the Paintworks in Bristol. Re-use and refurbishment of the existing buildings would retain local character and interest and meet the climate change emergency agenda, as well as the requirement for industrial units and local facilities.

Overall, the site is considered suitable for future industrial use and viable for such a use.  
Conclusion:

Therefore, in this instance it is considered that there are strong economic reasons for refusal, which can be summarised as;

The planned losses of Core Strategy Policy B1 have already been achieved in approximately 25% of the plan period.

There is little to no supply of sites such as this and hence need to be redeveloped/retained to meet the mixed economy objectives of the Local Plan.

The site is suitable for continued industrial use locationally and could be viably redeveloped as such to modernise it for future tenants.

No evidence/ report of a 12-month marketing period has been undertaken to evidence a lack of demand for the premises. Evidence from the Economic Development team demonstrates continued interest in the site from prospective tenants.

Therefore, a proposal for the loss of this industrial site that would further restrict the supply of B1c, B2 or B8 accommodation in Bath is not supported in principle and is considered contrary to Policies B1 and ED2B of the Core Strategy and Placemaking Plan.

#### PRINCIPLE OF PROPOSED USE:

Whilst the principle of the loss of the existing use is not supported it is still prudent to consider the principle of the proposed use of the site for a 68 bed care home.

The proposed care home is located within the urban built-up area of Bath where residential development is acceptable.

There is a recognised and identified need for residential care provision to support Bath's ageing community, and the Bath Strategic Housing Market Assessment (SHMA) (June 2016) recognises that the population of people aged 75 or over is predicted to grow over the development plan period. BaNES Adult Social Care Team have also confirmed this future need in their consultation response, supporting the scheme on these grounds.

The proposed use of the site as a care home is therefore considered acceptable in principle.

The agent has submitted information to show that there is a current shortfall of 20 bedspaces within the Bath and the wider area, given this and the future predicted demand for bed spaces the agent considers this outweighs the loss of the industrial unit. There are however a number of care homes that have recently been granted permission or are at application stage which would therefore potentially meet this current shortfall and future need, and are more appropriately located, not resulting in the loss of precious industrial floorspace. This includes the recently permitted and under construction Hallmark Care Home on Frome Road in Odd Dows for 79 bed spaces, and the proposed extension at Cedar Park for an additional 20 beds currently seeking planning permission. Additionally, other sites are also coming forward currently through the planning process for care homes, including the Home Base site in the city centre. As such it is not considered that the supply and demand for care homes is a material consideration which outweighs the harm of the loss of the industrial floorspace of which supply is at a critical level.

#### HERITAGE:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

Formally the New Kingston Ironworks, much of the site was bomb damaged during the Second World War. The machine shop facing Monksdale Road survived in terms of historic fabric and this is where the significance of the site now lies. This part of the site is considered to be a non-designated heritage asset (NDHA), as such paragraph 197 of the NPPF is engaged. The site is also with the setting of grade II\* St Alphege and protecting this designated heritage asset from harm is a key material consideration.

Paragraph 197 of the NPPF 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. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The heritage significance of the building falls into the category of historic interest. In this case there are three strands to the historic interest;

- The building represents the only tangible survival from the earliest phase of industrial development on the site.
- The building contributed to the war effort during WW1 as it was used for the manufacture of shells.
- Oldfield Park area was damaged during the WW2 Bath Blitz. A shelter just down the road took a direct hit killing twenty people. The engineering workshop was badly damaged in the raid but the shell survived and was later repaired and repurposed producing the building as it now stands.

Initially the submitted scheme indicated the demolition of the entire site including the non-designated heritage element of the machine shop. Retaining the engineering workshop has always been a fundamental tenet in previous discussions about redeveloping the site. Whilst some aspects of significance can survive removal of the fabric, all of the above significance relies heavily on the existing building be kept as part of the scheme. Therefore, following discussions with the agent this element of the scheme has now been retained. The drawing room/patent room part of the building which is attached to the NDHA has also now been proposed to be rebuilt with a clear architectural distinction between this element and the machine room, taking cues for the existing relationship which is welcomed. The proposal is now considered to preserve the NDHA rather than result in harm to the significance. A condition would be included with a permission to ensure the retention of the machine shop during the construction phase through temporary restraint and support works.

The conservation officer has been consulted on the scheme, and is satisfied that the overall height, massing and industrial stylistic references will now protect the local character and the setting and character of St Alphege Church.

Conditions to secure samples of all external materials and large-scale joinery details would also have been included with a permission. For the brickwork and stonework this would be in the form of onsite panels showing jointing as well as the material for inspection and approval.

#### DESIGN:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the site and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

#### Context:

The development site occupies a corner plot on the junction of Monksdale Road, Beckhampton Road, Third Avenue and Oldfield Lane. It is bounded by the Two Tunnels Greenway to the south; Monksdale Road to the west; Oldfield Lane to the north; and an all-weather sports pitch, St Alphege's Hall and the Grade II\* St Alphege's Roman Catholic Church to the east. The surrounding land use is predominantly residential with north south orientated predominantly inter war two storey terrace housing to the north along Beckhampton Road, Third Avenue and Second Avenue; and a mix of post war one and two storey terraced and semidetached housing to its south on the other side of the Green Way. There is a marked difference in townscape character between these two areas with the layout of housing, amenity green space and soft landscaping to the south having a distinctly suburban character; while the greater density, more regimented form and predominantly hard surface setting of the terraced housing to its north has a harder more urban character.

The proposal site is industrial in nature originating around the early 1900's and being development through a series of post war buildings over time.

The heritage and landscaping aspects and impacts on the context of the scheme is discussed in further detail in the sections below.

Proposed redevelopment of this site has already been the subject of two applications 16/02749/FUL and 17/00995/FUL, both dismissed at appeal. In both cases the Inspector concluded in the planning balance that the schemes would not reinforce local character by reason of their overall scale and mass and would as a result harm the character and appearance of the area. Harm to the significance of the grade II\* listed St Alphege was also cited. It is therefore clear that the scale and massing of a scheme is particularly important on this site.

Layout, scale, massing and form:

The proposed building would have an 'n' shaped form and would vary between two and three storeys in height with pitched asymmetrical roofs. The building would be broadly divided into eastern and western portions separated but linked by a two-storey glazed and flat roofed infill structure at its northern end; with its southern end being formed by two separate gables flanking a central open courtyard area. The form of a building around a courtyard is acceptable in regard to the proposed use.

The northern facade would be formed by a continuous flat roofed projecting single storey linear portico feature at ground level and a series of conjoined and set back triangular pedimented gable ends at second and third floor level separated by the glazed infill structure as previously noted. The northern facade would be set back from the site boundary with Oldfield Lane and separated from it by shared space containing parking spaces, cycle parking and facilitating both pedestrian, vehicular and servicing access. It would be landscaped on its northern eastern and southern boundaries and the landscape strategy plan suggests that the existing tree on the sites eastern boundary would be retained and an additional six trees would be planted.

The Eastern facade would also be set back from the site boundary with the adjacent all weather surfaced pitch. It would contain a communal patio area and a linear series of six small individual gardens for the adjacent ground floor units. A path between these gardens

and boundary planting would allow access around the building to the central landscaped courtyard. As such, the layout and landscaping is considered acceptable in regards to the site and its locality.

The site falls within the Zone Four Hillslopes of the Bath Building Heights Strategy which recommends that within this area building shoulder height of new development should not exceed prevailing shoulder height in the area and that the overall height should not exceed the prevailing overall height in the area. The Strategy also notes that roof form and detail and material should relate to its context.

The height of the building has been significantly reduced from previous iterations on site, it is now a combination of two and three storey elements. It is clear that the three storey height of the part of the proposed development exceeds the guidelines in the building height strategy but not excessively so in the context of the height of the existing buildings on site; the Greenway embankment to its south; and the church to its east. The saw tooth roof design seeks to break up the visual height of the building further. Overall, the scale and massing is considered acceptable.

#### Appearance and detail:

In regards to the aforementioned appeal decisions, in reaching a conclusion the Inspector did acknowledge that the "Contemporary architectural style, including the use of saw tooth and modified saw tooth roofs to reflect the sites industrial past, and the curved glazed entrance corner would also comprise good design." Setting aside the issues of scale and mass, there was a strong industrial aesthetic to both schemes which positively reflected the character of the site.

This scheme once again uses the industrial heritage to inform the design which is welcomed. This consists mainly of the use of the saw-tooth roof form on the western part of the site and the use of red brick and other contrasting materials.

The material palette for the scheme has been designed to reflect the existing materials on the site, and to reference the local Bath stone and how the Bath stone of neighbouring buildings is often used in different tones and textures to add interest to these facades. The old factory building red brick and Bath stone will be re-used where possible.

Two further brick colours are proposed. These match the tone of main red brick, but are lighter in colour, helping to blend between the red brick and the Bath stone.

A dark grey profiled roofing material is proposed on all the roofs, referencing the style of the roof forms and their history. A simple grey render is used in recessed areas to the courtyard sides of the building.

Overall, the appearance and detailing of the building is considered acceptable referencing the sites history and the character of the site today as well as the locality. The proposed materials are considered to result in successful integration of the scheme with the area.

#### LANDSCAPE:

Policy NE2 infers that development will only be permitted where it conserves or enhances landscape character, landscape features, local distinctiveness and important views; incorporates green space within the scheme that positively contributes to creating a high quality environment by enhancing landscape character and biodiversity; demonstrates that the whole scheme, including hard landscape and planting proposals will contribute positively to the local area; and seeks to avoid or adequately mitigates any adverse impact on landscape.

As mentioned above, and again relevant in terms of landscape, the site is situated within the City of Bath, within the World Heritage Site boundary but outside of the conservation area. The Linear Park is set to the south of the site. The landscape context of the site is therefore viewed in an urban and historic landscape setting.

The industrial nature of the existing building contrasts with its predominantly residential surroundings although the backdrop of the canopy of mature trees along the Greenway softens the view south down Third Avenue to some extent. The wider spacing and greener well treed setting of the Grade II\* listed St Alphage's Church, its associated hall and the all-weather sports pitch together with the green well treed backdrop of the Greenway are in marked contrast to these urban predominantly residential surroundings resulting in a view south down Second Avenue to a neo-romanesque building whose style makes a marked and surprising juxtaposition with the terraced housing to its north.

Existing views from the east towards the business centre down Oldfield Lane are currently filtered and screened by the trees and shrubs associated with the St Alphage's site so that the visual impact of the existing building is significantly mitigated. Conversely views to the west down Oldfield Lane from its junction with Monksdale Road and Beckhampton Road are dominated by the west and north facades of the building. These present a utilitarian industrial form that dominates the view. While the older surviving part of the western facade has architectural merit and visual quality the post war northern facade is blocky, utilitarian and ugly. As a consequence, it is considered that the former adds to townscape character while the latter detracts from it. The retention of this element of the building is therefore considered to preserve the townscape setting.

The landscape officer has been consulted on the scheme and concurs with the findings of the Landscape Visual Impact Assessment that he changes to massing and increased height of built form do not result in material adverse effect to the local landscape character. The landscape effects are very limited/negligible beyond the site and the immediate locality and there are no material effects on noted key views across the city, including with respect to 'green hillsides' associated with the World Heritage Site.

The submitted Landscape Strategy Plan (Furse Landscape Architects Ltd AGM-WAN-LS0- 001 Rev C. Dated 21/04/20) demonstrates that opportunities to design Green Infrastructure (GI) into the the proposed development have been taken and that the proposed tree planting on the Greenway embankment to the south of the site would help to mitigate any adverse effects the development may have on the integrity and value of this strategic GI corridor.

Overall, the proposal is considered acceptable in terms of the landscape setting and context of the site subject to conditions.

## RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

There is potential for the proposed residential accommodation to be impacted by noise from road traffic and from the plant associated with the new development. An acoustic survey has been submitted within the application in accordance with British Standard 4142: 2019. The Environmental Protection Team have been consulted on the document and are satisfied that sound attenuation can be provided against external noise if controlled by condition, additionally the acoustic assessment has identified appropriate limits for plant noise which could also be secured by condition.

The proposed care home will have a commercial kitchen which will have the potential to give rise to odour nuisance. While a Ventilation Statement has been submitted which makes reference to the kitchen, there is very little detail on the methods of control of odour. The statement makes reference to a schematic layout of a kitchen extract, referenced to DEFRA. It isn't clear however if this is an illustrative example or the actual layout to be installed. In any event, the level of detail required could have been provided and controlled by condition.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, or loss of privacy. It appears that no third-party objections have been received on any of these grounds.

## HIGHWAYS MATTERS:

Policy ST7 states that development will only be permitted provided, amongst other things, the development does not detract from highway safety and/ or residential amenity. The Highways Development Control Team have been consulted on the scheme and additional information has been provided by the agent during the course of the application in regards to Highways Matters following several rounds of consultation.

### Car parking provision:

The proposed care home will employ 68 members of staff. The roles of the members of staff will have varied start and finish times. Future residents will be given 24/7 care and the team cover the full week, meaning that some roles are full-time and some roles part-time. The statement confirms that the number of staff on duty at any one time never usually exceeds 25.

Based upon the applicant's stated maximum number of 25 staff being on site at any one time, the maximum number of off-street, car parking spaces required by the authority's adopted parking standards are as follows;

- 25 staff require 13 spaces (1 space per 2 staff)
- 68 beds requires 11 spaces (1 space per 6 beds)

As such the proposed care home requires a maximum of 24 off-street, car parking spaces and the proposed 20 spaces provide 83% of the maximum requirement. Given that the parking standards for care homes are based on maximum standards (rather than minimum) and based upon the applicant's statement that the maximum number of staff on site at any one time will be 25, HDC officers accept that the proposed 20 off-street, car parking spaces will adequately accommodate all parking activities generated by the proposed care home. It is also noted that the site is located in a sustainable location where there are a number of means of travel to the site by employees, including bus and rail, negating parking needs.

Officers are aware that there may be infrequent occasions on which the number of staff on site in Bath may exceed 25. Officers will therefore seek a financial contribution from the applicant towards mitigation measures, including a Residents Parking Zone (RPZ) to prevent overspill parking activities associated with the proposed care home, from occurring in the surrounding residential streets. The agent has provided confirmation that the applicant has agreed to providing a financial contribution of £10,000 towards a Residents Parking Zone (RPZ) or Traffic Regulation Orders (TROs), which officers welcome.

Cycle parking provision:

Cycle provision is required for the proposed use, the standards are set at 1 cycle stand per four members of staff and 1 stand per 10 bed spaces. This equates to the following;

- 25 staff require 6 stands
- 68 beds require 7 stands
- Total of 10 cycle stands required as a minimum, providing parking for 20 bicycles.

Following submission of additional information, the agent confirmed the commitment to providing 10 cycle stands which is achievable on site, this would therefore have been secured by condition.

Refuse and servicing arrangements:

A service management and waste management plan has been submitted with the scheme. The highways team have accepted most of the contents but have raised some points for further clarification. It is considered that this can be dealt with via condition and would not form a reason for refusal.

Travel Plan:

Colleagues in the 'Sustainable Travel' team have confirmed that the latest revision of the submitted 'Travel Plan' satisfactorily addresses previous observations and is therefore acceptable. The requirement for a 'Travel Plan' shall be secured through a Condition attached to any planning permission granted.

Overall, the proposal is considered acceptable in regards to all highways matters and complies with policy ST7 of the Placemaking Plan.

**ARBORICULTURAL MATTERS:**

The key trees are those to the south west of the site, within the linear park beyond the site boundary.

The key arboricultural requirements for a scheme on this site are not only to ensure that the health, future safe life expectancy and maintenance of existing offsite trees is not compromised but also to ensure that any replacement or succession planting to maintain the tree cover and green infrastructure generally is not compromised.

The lack of windows facing into the Linear Park from the nearest gable ends is noted as favourable since this will reduce future pressure from occupants for works as a result of shading issues.

Creating a courtyard garden next to the Linear Park should enhance the value of the courtyard which also increases the separation distance between the trees and windows serving the building.

The Landscape Strategy proposes additional planting to reinforce the green infrastructure within the Linear Park which is welcomed. A S106 agreement would be necessary to secure this.

A low bath stone wall is proposed around the northern boundary. Precautionary measures will be necessary and are possible during building to avoid damaging the offsite Beech tree. This has not been included within the submitted arboricultural method statement but could be conditioned. The amended arboricultural method statement refers to the demolition of the boundary wall. No comments have been made in respect to the function of the retaining wall. Subject to engineering advice, the soil may require shoring up to prevent collapse and further excavations

beyond the redline boundary may be necessary to reconstruct the replacement. details of how this will be achieved without compromising any offsite trees can be incorporated into a detailed arboricultural method statement, again the Arboricultural officer is satisfied that this could be achieved via condition.

Overall, the proposal is considered acceptable in regards to arboricultural matters subject to conditions.

#### CONTAMINATION:

From review of the historical mapping records available to the contaminated land department, it is understood that the proposed development site has had a potentially contaminative historical use as an engineering works as marked on the historical maps since 1904 to 1970, after which date the site use changed to a business park.

The application has included the following report: Phase 1 Desk Study. Proposed Care Home, Oldfield Lane, Bath. Clarkebond Ltd. April 2020. Ref: WB05256/R1

Taking account of the sensitive nature of the proposed development (residential care home) and environment, the previous potentially contaminative use of the site as an engineering works and the findings and recommendations of the Phase 1 Desk Study, the proposal is considered acceptable in regards to land contamination subject to conditions in regards to investigation, remediation and reporting of an unexpected contamination.

## FLOODING AND DRAINAGE:

In line with Core Strategy / Placemaking Plan Policy's CP5 and SU1 sustainable drainage is to be employed. The Councils Flooding and Drainage Team were consulted on the scheme and after discussions with Wessex Water have raised no objection to the scheme subject to conditions.

Discussions with Wessex Water have confirmed that a maximum discharge rate of 23.34 l/s (up to and including the critical 1in100+40% storm event) would be acceptable.

The drainage strategy (B05256 v2) has been updated to reflect this. The strategy demonstrates that an onsite attenuation volume of between 91 to 155 m<sup>3</sup> would be required to attenuate the design storm.

Calculations were included based on an orifice plate of 110mm dia and 134.4m<sup>3</sup> of attenuation volume. 1.2m<sup>3</sup> of flooding was predicted at the 1in100+40% event, this should be resolved at the detailed design. Use of a flow control unit to allow a larger orifice opening is encouraged.

A condition regarding submission of the detailed drainage design would have been included if the scheme was being permitted.

## ARCHAEOLOGY:

South West Heritage Trust were consulted on the pre-application Development Team application and commented on archaeology matters on behalf of the LPA. They stated that there are limited to no archaeological implications in regards to this proposal and therefore raised no objections on archaeological grounds.

## ECOLOGY:

A Preliminary Ecological Assessment and Bat Survey Report have been submitted with the scheme and is welcomed. The site comprises hardstanding and existing buildings with no semi-natural habitats of note.

The adjacent Linear Park Site of Nature Conservation Interest (SNCI) will not be directly impacted. Tree protection fencing will also ensure protection of the SNCI. Indirect impacts should be avoided through appropriate storage of waste and materials. Measures could be detailed in a Construction Environmental Management Plan secured by a condition if consent was granted.

A lesser horseshoe bat night roost was identified inside Building 2. Linear Park SNCI is an important corridor for horseshoe bats which are part of the Bath-and-Bradford-on-Avon Special Area of Conservation (SAC). The nearest component unit of the SAC is 1.7km from the site. during the course of the application the Landscape Strategy has been revised to show the location of the compensatory night roost provision for lesser horseshoe bat. The proposed roost is in the south-east corner adjacent to Linear Park SNCI, which is an appropriate location. Although this is not within a greenspace as advised by CSM Ecology, the roost is immediately adjacent to a dark, vegetated dispersal

corridor known to be used by horseshoe bats. The location is therefore acceptable in principle.

The amended lighting layout confirms that the southern area of the site will remain free of any external light fittings and will not be subject to light spill above 0.5 lux at 1-3m. This is consistent with the Dark Zone shown in the Landscape Strategy. Light spill in the area of the compensatory roosting provision for lesser horseshoe bat will remain below 0.5 lux and is therefore suitable replacement habitat.

As there may be potential impacts on dispersing and roosting horseshoe bats, a Habitats Regulations Assessment (HRA) (Appropriate Assessment) was required to meet Regulation 63 of the Conservation of Habitats and Species. The council's ecologist undertook the HRA which concludes that there will not be any significant negative impacts on bat populations associated with the Bath and Bradford-on-Avon Bats Special Area of Conservation. Natural England have been consulted on the HRA and agree with its conclusions, raising no objections.

The updated Arboricultural Method Statement confirms that trees and vegetation within the SNCI will be retained and protected during works. There are proposals for replanting (and felling) of trees within Linear Park SNCI in the long-term. Within a SNCI, habitats (including ash trees) should be retained unless there is a clear and credible risk of a health and safety hazard. Ecological conditions in regard to a planting scheme, bat mitigation, lighting schemes, and wildlife schemes would have been secured to control the aforementioned if the scheme were being permitted.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR1 (On-Site Renewable Energy Requirement) requires a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. The 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions (better insulation for example).

Policy CR2 (Sustainable Construction) overlaps to a certain extent with Policy SCR1 above. This policy requires a 19% reduction in regulated CO<sub>2</sub> emissions. The benchmark for demonstrating that energy efficiency has been "maximised" as required by CP2 is a 19% reduction in regulated emissions. 10% of this reduction must be from renewable energy sources (see above) and the remaining 9% may be from other means.

The requirements of Policy SCR1 and Policy CR2 are dealt with by the Council's new Sustainable Construction Checklist. A Sustainable Construction document has been submitted with this application. The following outcomes are confirmed:

- CP2: 28.3% CO<sub>2</sub> reduction from all measures
- SCR1: 26.3% CO<sub>2</sub> reduction from Renewables only.

The proposal is therefore considered policy compliant on these grounds.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings (including C2 use) meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This could be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). This matters could also be secured by a relevant planning condition.

#### **PLANING OBLIGATIONS:**

B&NES Planning Obligations SPD (April 2015) has a requirement for developers to provide targeted recruitment and training (TR&T) opportunities and contribution for residential developments over 10 units and commercial developments over 1000sqm.

Should the application be approved a S106 Site Specific Targeted Recruitment and Training in Construction Obligation would therefore be applied. This is estimated to be the following targeted recruitment and training outcomes:

- Work Placements: 11
- Apprenticeship Starts: 2
- New jobs advertised through DWP: 2
- Contribution: £6,545

It is a requirement of the developer to provide a method statement following a template and guidance produced in partnership with the B&NES Learning Partnership that will outline the delivery of the TR&T target outcomes. The developer would also be required to participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership that will have the overall responsibility of monitoring the outcomes.

#### **CONCLUSION:**

Given the level of net industrial losses in Bath since the start of the Core Strategy plan period and shortage of supply of industrial space within the city together with evidence of demand, there are strong economic reasons to object to the proposal. Further, in terms of policy requirements, evidence of unsuccessful marketing for 12 months prior to the application has not been demonstrated. The proposed development is thus contrary to the requirements of Policy B1 and ED2B. The proposal is therefore recommended for refusal.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON(S) FOR REFUSAL**

1 The proposal results in the loss of industrial floor space. There are strong economic reasons demonstrating the loss of this site would be inappropriate, furthermore, no evidence/ report of a 12-month marketing period has been undertaken to evidence a lack of demand for the premises as required by policy. Therefore, this proposal for the loss of this industrial site that would further restrict the supply of B1c, B2 or B8 accommodation in Bath is not supported in principle and is considered contrary to Policies B1 and ED2B of the Core Strategy and Placemaking Plan.

#### **PLANS LIST:**