

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **17th November 2021**

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.

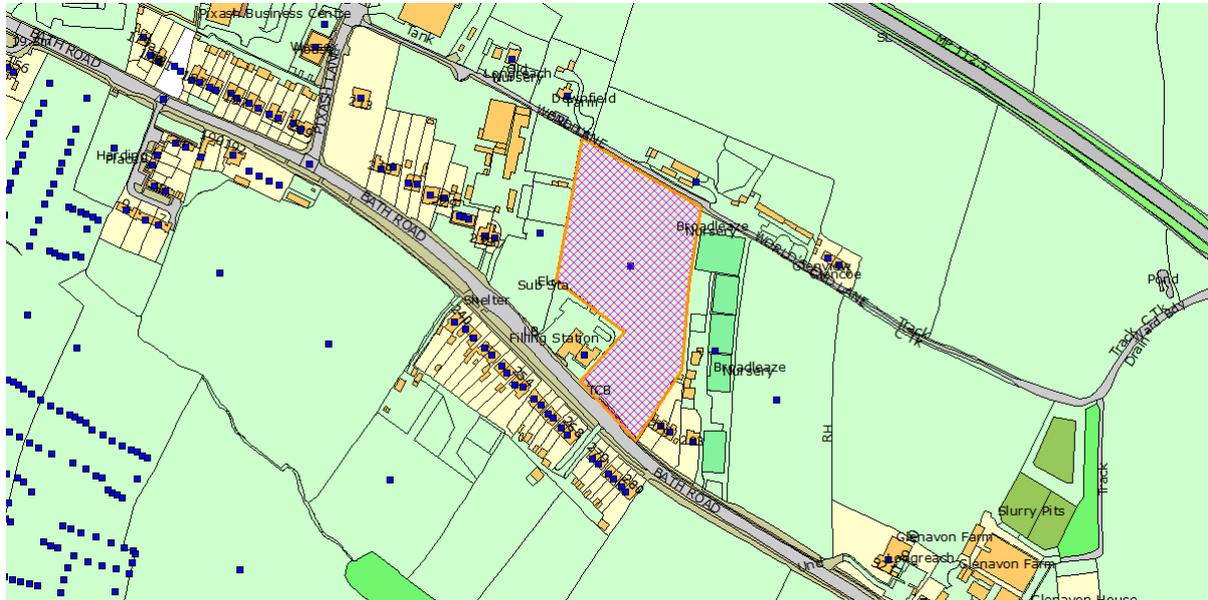
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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:** 20/02479/OUT  
**Site Location:** Parcel 1991 Bath Road Keynsham Bath And North East Somerset



**Ward:** Keynsham East                      **Parish:** Keynsham Town Council                      **LB Grade:** N/A  
**Ward Members:** Councillor Hal McFie                      Councillor Andy Wait  
**Application Type:** Outline Application  
**Proposal:** Outline application for up to 5,700 sqm (GEA) of flexible use commercial development falling within Use Classes B1(b), B1(c), B2, and B8 with primary access onto Bath Road. All matters reserved except access  
**Constraints:** Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing Zones, Policy ED2A Strategic & Other Primary In, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,  
**Applicant:** Places For People Strategic Land  
**Expiry Date:** 12th March 2021  
**Case Officer:** Chris Griggs-Trevarthen  
To view the case click on the link [here](#).

### **REPORT REASONS FOR REPORTING TO COMMITTEE**

Councillor Andy Wait has requested that the application be determined by committee and Keynsham Town Council have objected to the proposals contrary to the officer recommendation. In accordance with the scheme of delegation, the application has been referred to the Chair / Vice-chair of the Planning Committee. The Chair has decided that

the application should be determined by Planning Committee and given the following reasons:

*"I have studied the application and all related information and comments from both third party and statutory consultees, including both Keynsham Town Council and the Ward Councillor's planning committee request.*

*Whilst a number of issues have been addressed through negotiation and are policy compliant some concerns remain. Therefore, I recommend the application be determined by the planning committee so issues can be debated in the public arena."*

## DESCRIPTION

The application site relates to a parcel of land bounded to the south by the A4 Bath Road and the north by World's End Lane. Broadlease Nursery lies to the east of the site and an Esso Petrol Filling Station lies on the western side of the proposed access from the A4. Numbers 274, 276, 278 and 280 Bath Road lie on the south side of the A4 opposite the proposed access.

The site is part of the wider KE3A policy allocation and is outside of the Green Belt which lies immediately to the east.

The application seeks outline consent for up to 5,700 sqm (GEA) of flexible use commercial development falling within Use Classes B1(b), B1(c), B2, and B8 with primary access onto Bath Road. This quantum of development has been reduced from 5,950 sqm (GEA) during the application process. Vehicular access is proposed from the A4 Bath Road with pedestrian and cycle access onto Worlds End Lane to the north.

All matters are reserved except for access. All plans except for those detailing the access proposals are therefore illustrative. A parameter plan has also been included which shows the extent of the developable area proposed.

## PLANNING HISTORY

The site has no relevant planning history.

## ENVIRONMENTAL IMPACT ASSESSMENT

A screening opinion for this development issued by the Council in July 2020 and concluded that it does not represent EIA development. Whilst there have been minor changes to the proposals since that date, these have not been of such significance to change the conclusion that the proposal is not EIA development.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

HIGHWAYS: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No objection, subject to condition

ECOLOGY: No objection, subject to conditions

LANDSCAPE: Scope for revision (comments receive prior to latest parameter plan)

The current indicative layout may not include sufficient space to; enable the adequate mitigation of the developments landscape and visual impact; provide compensatory tree planting provision; allow for the enhancement of green infrastructure and the retention and strengthening of existing boundary vegetation.

PLANNING POLICY: Scope for revision

Planning Policy supports the principle of the development and indicate that the positive impact that the proposed development would have on the economy of Keynsham, the increase in job numbers and contribution to overall job and floorspace targets for the town all need to be given weight when reaching a balanced decision.

Notwithstanding the above, the masterplan referred to in KE3a(3) is required to encompass the whole of the employment land allocation, working with other landowners, in particular, those who are also actively developing proposals for other parts of the employment land allocation. There is no evidence of a comprehensive masterplan as part of the application documents submitted. Rather, all documents focus purely on land within the red line boundary of the site ownership, and do not address the wider KE3a site allocation.

ARBORICULTURE: No objection, subject to conditions

CONTAMINATED LAND: No objection, subject to conditions

PUBLIC RIGHTS OF WAY: No objection

NATURAL ENGLAND: No objection, subject to conditions

Natural England note the Revised Parameter Plan (Gaunt Francis Architects, September 2021) which has been submitted. This shows a 10m buffer zone which the applicant has committed to maintain below 0.5 lux and keep free of built development. This provides the confidence needed that lighting for the forthcoming reserved matters application will be able to be designed to maintain horseshoe bat commuting corridors on site. This revised plan also provides more scope for replacement planting to be incorporated into the proposals to compensate for the loss of the southern hedgerow.

It is possible that the lighting and layout for the forthcoming scheme can be designed to avoid a significant impact to the SAC provided that the proposals are in accordance with the parameters shown on the Revised Parameter Plan. Therefore, provided that the Revised Parameter Plan is enforced at reserved matters stage, a Likely Significant Effect on the Bath and Bradford on Avon Bats SAC can be ruled out at this stage.

AVON FIRE AND RESCUE SERVICE: No objection, subject to fire hydrant contributions

AVON AND SOMERSET POLICE: No objection

SALTFORD PARISH COUNCIL: Object

Saltford Parish Council is seriously concerned that the application grossly underestimates the vehicle movements for this proposed development which would have significant consequences for the safety of pedestrians and cyclists including school students from Saltford attending local schools, etc. They also make the following points:

1. The proposals would add another junction to the busy A4 resulting in increased congestion, air and noise pollution and adversely affect road safety;
2. The number of road movements is underestimated given the number of parking spaces and the unknown final user;
3. The proposal should be considered alongside other recently consented and proposed developments as well as any changes arising from the Clean Air Zone in Bath;
4. Opposed to the removal of the refuge island on the A4 and the A4 layby;
5. Concerned related to proposed use of site by heavy goods vehicles and the congestion caused;
6. New development should be preceded, not followed, by new transport infrastructure to prevent further congestion and gridlock as economic activity recovers from Covid-19 lockdowns;
7. The proposal would result in the loss of valuable agricultural land;
8. The location of the proposed access and the size and location of the indicative buildings would clearly have an impact on existing landscape character and views;

KEYNSHAM TOWN COUNCIL: Object

Keynsham Town Council consider that the application is unacceptable on the grounds that it would fail to promote sustainable travel contrary to policy ST1 and be prejudicial to highway safety, contrary to policy ST7 of the Placemaking Plan. Keynsham Town Council request that any new development between Keynsham and Saltford must be preceded, not followed, by new transport infrastructure to prevent further congestion and gridlock at peak periods as economic activity recovers.

They make the following points:

1. Another junction onto the A4 will exasperate current traffic movements and increase congestion resulting in increased air and noise pollution and harming road safety. The number of movements associated with the development have been underestimated;
2. Access onto Bath Road is contrary to the parameters identified in the Placemaking Plan. It is too close to the petrol station entrance. The width of the access will cause safety concerns for all pavement users trying to cross including school children and cyclists;
3. There is no cycling link provision to the existing shared walking and cycling path on the south side of Bath Road and existing refuges are not suitable as cycle crossing points;
4. The loss of the pedestrian refuge and A4 layby is unacceptable;
5. There is insufficient road width on the A4 to support three lanes of traffic. The bend of the road with camber pushes traffic towards the centre of the road and causes serious highways safety issues;

6. The traffic impact of recently approved development and other proposals coming forward have not been taken into consideration;
7. No EIA has been submitted in respect of air pollution;
8. Insufficient space has been left on the boundaries of the site to allow for planting to mitigate the impact of the development on the landscape;
9. Proposal is out of keeping with this semi-rural landscape. The proposed access would remove an old hedge, tree line and a copse within the site. The proposals would also result in the loss of agricultural land;
10. The indicative layout may impact negatively on mitigation of the development's landscape and visual impact, compensatory tree planting provision, enhancement of green infrastructure and boundary vegetation;
11. Ecological assessment and lighting details are incomplete and the scheme does not demonstrate compliance with policy requirements in respect of protected species;
12. There is a diverse ecosystem within the pastureland that needs protecting from inconsiderate and insensitive planning applications. Bath & North East Somerset Council has declared an Ecological Emergency in response to the escalating threat to wildlife and ecosystems. The declaration recognises the essential role nature plays in society and the economy and provides a statement of intent to protect our wildlife and habitats, enabling residents to benefit from a green, nature rich environment.
13. The proposal is not within the Masterplan for Keynsham North East which includes proposed strategic housing development and further commercial sites connecting to this section of the A4. The proposal to move Avon Valley Country Park as part of the Masterplan towards this proposed development must be taken into consideration;
14. The nature of the Class B2 commercial use is unknown and would be unacceptable without further information as to the business intended in this locality

COUNCILLOR ANDY WAIT: Call in request

The reasons for me are to ensure that the objectors have the chance to speak, in terms of planning, my main concerns are around HGVs turning right across a very busy road and the inevitable increase in pollution and congestion for the residents. This together with a weak environmental statement which in no way accounts for a carbon neutral solution

SALTFORD ENVIRONMENT GROUP: Objection

Saltford Environment Group (SEG) shares the concerns of Saltford Parish Council and Keynsham Town Council over the impact these proposals will have on access to and from the A4. They make the following points:

1. The draft Local Plan would provide for additional road infrastructure to relieve pressure on the A4, but the proposals do not take account of this and would make the A4 more dangerous contribution to congestion and thereby air and noise pollution.
2. New transport infrastructure should precede, not follow, new development to prevent congestion and gridlock
3. Removal of the refuge island and layby in the A4 will reduce safety for road users and pedestrians
4. Concerns raised by the Council's Landscape Officer should be addressed. There is a need to mitigate the development's landscape and visual impact, compensatory tree

planting provision, enhancement of green infrastructure and retention and strengthening of existing boundary vegetation.

5. Loss of agricultural land should be minimised where possible;

6. Previously developed land should be considered and developed for commercial use before green field land;

7. New commercial development should only proceed if it continues to be required as a result of changes to economic activity subsequent to the aftermath of Covid-19.

**THIRD PARTIES/NEIGHBOURS:** There have been 147 OBJECTION comments from third parties. The main issues raised were:

Most of the comments raised concerns about highways safety. The access onto the A4 was considered to be dangerous for a number of reasons; adding another access onto an already busy road, the access would be located on a bend with a camber, there is insufficient width for a ghost lane, there are conflicts with other existing access (e.g. petrol station, neighbouring residents), the width of the access will increase danger for pedestrians, cyclists and other vulnerable users (e.g. school children), dangers of HGVs using the access. It was suggested that the Road Safety Audit highlights shows that the development will increase risk. It was considered that the proposals would be contrary to policy ST7.

There was also concern that the proposals would result in the loss of a refuge island, making pedestrian crossing of the A4 more difficult, and the loss of a lay-by which was considered to be a vital facility used by emergency services and delivery drivers.

Many felt that access should be achieved off Worlds End Lane/Pixash Lane rather than the A4 in accordance with the Keynsham East Masterplan. It was also considered to be piecemeal development that did not accord with the Masterplan or the Core Strategy and Placemaking Plan.

There was concern that the proposals would increase congestion, resulting in gridlock on the A4. This would be worsened by the impact of HGVs turning in and out of the access and increase the risks of accidents. It would increase queuing and the time taken by residents to access the A4. It would also result in an increase in air pollution, noise and vibration disturbance. The impacts of the Bath Clean Air Zone upon traffic using the A4 has not been factored in and it was considered that the proposals would have a negative impact upon air quality, in particular the Keynsham and Saltford Air Quality Monitoring Areas.

It was suggested that the recent traffic levels are not representative due to the covid-19 restrictions and lockdowns.

Several comments considered that the proposals need to take into account the cumulative impact of the development alongside other recently permitted and upcoming developments in the East Keynsham area. Future infrastructure improvements also needed to be taken into account. There was concern that the proposals would set a precedent for further developments in the area.

Many comments were concerned about the loss of a greenfield/greenspace and the loss of agricultural land. A few comments incorreced referred to the site as green belt. There was concern about the loss of the rural aspect and landscape character contrary to NE2. These spaces were also considered important to preserve the separation of Keynsham and Saltford.

Many were also concerned about the loss of hedgerow (described as an ancient hedgerow by some) as a result of the development and the adverse impacts upon wildlife and biodiversity. There was concern about the loss of habitat on the site and the site's use by a wide variety of ecology. The hedgerow was also considered to act as a sound and pollution barrier for the A4.

There were concerns about the impact upon soil quality and health.

Several comments suggested that the industrial site would create additional light pollution.

The proposals were considered to be contrary to the Climate and Ecological Emergency declarations. It was suggested that there was limited scope for renewables within the application, but that all industrial roof space needs to be covered with solar PV and EV rapid charging points provided at the development.

There were concerns that industrial development on this site would adversely impact upon the amenities of the neighbouring residential properties. HGV movements and industrial activities will result in noise and disruption and vehicles using the access will cause headlights to shine into neighbouring windows. It was noted that there was no screening with adjacent properties and that the impacts would be stressful and have an adverse impact upon mental health.

Some comments questioned the need for further employment/commercial uses on the site.

There was concern that the final users of the site were unknown and the flexible use classes might result in a wide variety of different impacts.

There were complaints about a lack of consultation and alleged inaccuracies in the submitted application, including issues with the noise and traffic surveys.

Concern that proposals will increase litter along the road and the surrounding areas.

There were concerns about the potential increase in run off resulting in localised flooding.

There has been 1 GENERAL COMMENT from third parties. The main issues raised were:

Access from the A4 should be avoided as it is already very busy. The Hygge Park development, new school and further housing developments have increased local congestion. The obvious solution would be to make access from World's End Lane thereby eliminating the need to remove the layby on the A4, destroy a hedge and wildlife habitat, remove a road crossing point, restrict access to the petrol station and impact upon air/noise/traffic pollution.

## **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
- KE1 Keynsham Spatial Strategy
- KE3a Land adjoining East Keynsham Strategic Site Allocation
- CP2 Sustainable Construction
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CO13 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 General Urban Design Principles
- D2 Local Character and Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design
- D6 Amenity
- D8 Lighting
- D9 Advertisements and Outdoor Street Furniture
- HE1 Historic Environment
- NE1 Development and Green Infrastructure
- NE2 Conserving and Enhancing Landscape and Landscape Character

NE2A Landscape Setting of Settlements  
NE3 Sites, Species and Habitats  
NE6 Trees and Woodland Conservation  
PCS1 Pollution and Nuisance  
PCS2 Noise and Vibration  
PCS3 Air Quality  
PCS5 Contamination  
PCS7A Foul Sewage Infrastructure  
H7 Housing Accessibility  
LCR7B Broadband  
LCR9 Increasing the Provision of Local Food Growing  
ST1 Promoting Sustainable Travel  
ST2 Sustainable Transport Routes  
ST7 Transport Requirements for Managing Development

## **NATIONAL POLICY**

National Planning Policy Framework and the National Planning Practice Guidance can be awarded significant weight.

## **SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE**

Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)  
Green Infrastructure Strategy (2013)  
Planning Obligations SPD (2015)  
West of England Sustainable Drainage Developer Guide (2015)

## **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. Masterplan
3. Highways
4. Design
5. Residential amenity
6. Ecology
7. Sustainable Construction
8. Drainage and flood risk
9. Contaminated land
10. Other matters
11. Conclusion

## 1. PRINCIPLE OF DEVELOPMENT

The application site lies within a larger site allocation at East Keynsham which was removed from the Green Belt in Policy KE3a of the Core Strategy for employment purposes. The KE3a site is allocated for around 30,000sqm of employment floorspace within Use Classes B1 (b) and (c), B2 and any employment use not falling within the NPPF definition of a main town centre use. The proposed development is in line with the uses allowed for within Policy KE3a. The principle of the development is therefore supported.

Policy KE3a includes a number of development and design requirements. These will be considered as part of the overall assessment.

In addition, policy KE1 plans for about 1,600 net additional jobs at Keynsham between 2011 and 2029, and increases in office floorspace (from about 13,000sqm in 2011 to about 20,200sqm in 2029) and industrial/warehouse floorspace (from about 52,000sqm in 2011 to 60,300sqm in 2029) to address future requirements arising in Keynsham and Bath. Policy KE1 has an overall aim to ensure that the scale and mix of development at Keynsham increases self-containment and helps develop the town as a more significant business location. A key element of this is delivery of the employment allocation within Policy KE3a.

The preamble to Policy KE1 states that the job growth figure of 1,600 and the related employment floorspace figures set out in Policy KE1 represent the minimum growth that it is considered will be delivered during the Plan period at Keynsham. The physical capacity for additional floorspace provided through the extension of the Broadmead/Ashmead/ Pixash Industrial Estate provides flexibility to accommodate higher economic growth rates across the whole District.

The Core Strategy Inspector accepted the justification that the allocation site is well suited for industrial uses displaced as a result of redevelopment of sites in Bath for more intensive, higher value uses; that it will help to support increased self-containment at Keynsham; and that it is a good business location, being in the favoured Bath-Bristol corridor and therefore has the potential to facilitate economic growth. Separate evidence provided in the Employment Land Review by Lambert Smith Hampton looked specifically at the KE3a allocation and concluded that the site is in a good location; displays market appeal; and whilst it has access constraints the area has shown good demand from a number of occupiers benefitting from being between Bath and Bristol.

The positive impact that the proposed development would have on the economy of Keynsham, the increase in job numbers and contribution to overall job and floorspace targets for the town are therefore factors which attractive significant weight in favour of the application.

## 2. MASTERPLAN

Policy KE3a(3) requires the preparation of a comprehensive masterplan which needs to be consulted on publicly, and agreed by the Council, reflecting best practice as embodied in 'By Design' (or successor guidance), ensuring that development is well integrated with neighbouring areas.

The submitted application does not include a 'comprehensive masterplan'. However, the applicant has engaged with and inputted into the 'Wider Masterplan' prepared in support of the Council's proposals for a mixed-use development adjoining Pixash Lane (ref: 21/00435/ERE03). This masterplan shows the current proposals, including the vehicular access onto the Bath Road, alongside the Council's proposals and demonstrates that proposals would not prejudice the future extension of World's End Lane or the other parts of the allocation which are yet to come forward.

The masterplan was previously deemed acceptable for the purposes of application 21/00435/REG03 and the current proposals are considered to significantly accord with it. The level of detail provided in the masterplan is considered to comply with the requirements of KE3a(3).

## 3. HIGHWAYS

### *Access*

The allocation policy KE3a lists one of the development requirements as "Direct highway access from the employment site to be formed to Pixash Lane".

The application does not propose vehicular access from Pixash Lane, but instead seeks access off the A4 Bath Road. The reasons given for this is that third party land ownership constraints prevent a minimum 6.5m wide carriageway being providing into the site from Worlds End Lane (which leads to Pixash Lane). A variety of different alternative access options/configurations utilising different carriageway widths, layouts, design speeds and traffic management measures were also considered, but none of these were considered to be achievable or deliverable.

However, it is important to note that the policy does not preclude vehicular access from the A4 Bath Road and consideration must be given as to whether the access from Bath Road presents a safe option, and if so whether not accessing the site from Bath Road prejudices the delivery of the allocation or results in any other unacceptable harm.

The application was accompanied by a Transport Assessment (TA), and during the application additional documents have been provided including an addendum to this statement, updated plans, and a Stage 1 Road Safety Audit.

As originally proposed, there were two points of access onto the A4. However, the main vehicle access has been revised as a single point of access with a ghost right turn lane. The swept path analysis provided demonstrates that an articulated lorry can be safely accommodated with this arrangement. The Highways Officer considers that the single

junction is a better arrangement for road safety and accessibility than the one-way, dual vehicular access that was initially proposed.

A Stage 1 Road Safety Audit has been conducted on the revised access arrangements. The Highways Officer has accepted the findings of the Stage 1 Road Safety Audit and applicant's response to these. The proposed vehicular access onto the Bath Road A4 is therefore considered not to prejudice highways safety.

Furthermore, the information submitted with the application and the previous wider masterplan (submitted under ref: 21/00435/REG03) demonstrate that the proposals will not prejudice the future widening of World's End Land as and when the remaining land parcel in the northern part of the allocation comes forward for development. The remaining employment land to the north of WEL, not currently the subject of a planning application, could therefore be accessed via Pixash Lane in accordance with policy KE3a.

Concern has also been raised by third parties about the loss of the layby which is currently located on the A4 Bath Road immediately adjacent to the site. The existing layby is subject to a weight restriction and therefore cannot be used by HGVs. The Traffic Management and Network Team have confirmed to the Highways Officer that there is no objection to the loss of the layby and that it will not result in any highways safety or traffic issues. It is therefore considered that there are no grounds within planning policy to object to the loss of the layby.

#### *Traffic Impact/Junction Capacity*

As discussed, the site forms part of the wider KE3a allocation. As such the trips generated by the development have already been accounted for through the Council's strategic modelling and found to be acceptable, subject to appropriate mitigations.

An assessment of the capacity of the proposed junction has also been provided in the TA. This includes taking account of general traffic growth as well as taking into account an allowance for locally committed developments. The assessment model indicates that the junction will operate within capacity and that the greatest delay experienced by vehicles egressing the site in the AM peak is 83 seconds. There is no objection from the Highways Officer on these matters.

#### *Accessibility, Public Transport, Walking and Cycling*

Many comments received have been concerned about the removal of a pedestrian refuge island that is necessary to facilitate the access proposals. Following negotiations, it was agreed that the refuge island will be relocated further east, rather than removed. This relocated island is 2.65m wide and will include tactile paving.

The other existing substandard refuge island adjacent to the petrol filling station (on the opposite side of the proposed access) will be improved to feature tactile paving and widened to 2.8m. A 3m wide shared path will link the site access with the relocated refuge island and the shared use path on the south side of the A4 Bath Road.

The existing shared cycling and walking path on the south side of Bath Road between Broadmead roundabout and Grange Road does not meet design guidelines for strategic walking and cycling routes (see LTN 1/20) by nature of its width and lack of segregation between users.

The development will increase the number of pedestrians and cyclists using the path to reach the site and will also increase the number of heavy vehicles on Bath Road, which will lead to Bath Road becoming less attractive for cyclists who would otherwise have used the road. Increased trips on the shared path will result in increased risk of conflict between people walking and cycling on this route. Due to the proximity of two schools: Wellsway Secondary; and Saltford Primary, a significant proportion of people using the path will be younger road users. This is reflected in traffic surveys of the path which shows peak times coincide with school start/finish times.

In order to mitigate the impact of the development on this route, a proportionate contribution from the development towards cycling and walking improvements has been sought. The Transport Addendum estimates that the development will generate 11 two-way movements (3 bike and 8 pedestrians) in the a.m. network peak (8-9am) and 11 two-way movements (3 bike and 8 pedestrians) in the p.m. network peak (5- 6pm). A traffic survey of this route in 2016 found that there were: 103 two-way movements in the AM peak (7.45-8-45am); and 81 two-way movements in the PM peak 2.45pm on the path.

A proportionate contribution of £104,103 towards improving the shared walking and cycling route on Bath Road (between Broadmead roundabout and Grange Road) has therefore been agreed and can be secured as part of a s106 agreement.

In terms of public transport, the commercial bus network does not serve residential areas of Keynsham and Saltford well. These commercial services, with the exception of the 19A, only serve Keynsham High Street and the level of service from Chandag area and the estates to the south west is poor. It is therefore considered that the development should contribute towards supporting the operation of local services 663, 665 and 665. These services would link between the residential areas in Keynsham and Saltford not served by the commercial bus network. These services stop at the closest bus stops to the development. A contribution of £14,625, based upon the scale and impact of the development, has therefore been agreed and can be secured as part of a s106 agreement.

### *Parking*

Parking will be considered fully at reserved matter stage. Parking will need to comply with the guidance set out in Policy ST7 of the Placemaking Plan.

### *Travel Plan*

Given that the exact scale and split of uses cannot be identified at the outline planning application stage, an Outline/Interim Travel Plan has been submitted with this application. Full details of a Travel Plan can be secured through as part of a s106 agreement

## *Construction Management Plan*

Given the busy nature of the A4 Bath Road and the proximity of nearby residents, it is considered that a construction management plan would be required to avoid unacceptable impacts upon amenity and highways safety. This can be secured by condition.

## 4. DESIGN

The proposal is currently in outline with all matters reserved except access. This means that matters of landscaping, scale, layout and appearance are to be dealt with at reserved matters stage.

### *Layout*

The illustrative masterplan provided with the application indicates one example of how the proposed development could be laid out on the site. However, a parameter plan was subsequently submitted which incorporates a 10m buffer zone around the majority of the site boundaries which it is indicated will remain free from built development/vehicle circulation space. The ecological implications of this buffer are discussed further in the ecology section below, but the effect of this buffer is to limit the developable land within the site.

Despite this reduction in the area available for built development there has been no corresponding reduction in the proposed quantum of development which remains for 'up to 5,700 sqm (GEA)' as per the description. No corresponding update to the illustrative masterplan has been provided. It is therefore not entirely clear that the maximum development of 5,700sqm can be comfortably accommodated on the site.

However, the description refers to 'up to' 5,700sqm and therefore provides flexibility that should it not be possible to accommodate all of this floorspace in an acceptable manner at the reserved matters stage, then a lower quantum of development could be required. Furthermore, there are inefficiencies in the indicative masterplan which mean it may still be possible to accommodate the entire quantum of development within the slightly reduced developable area presented by the latest parameter plan by utilising a more efficient layout.

Policy KE3a (5) requires that the employment industrial buildings should have a positive frontage onto the A4 and all publicly accessible routes. It also seeks to avoid creating corridors of parking and yards along the roadside. The parameters plan presented gives sufficient scope for any subsequent reserved matters to achieve these requirements.

### *Scale*

The scale of development is a reserved matter and no details have been provided within this outline application. However, given the proposed uses it can be expected that the

development on this site will be of industrial scale and therefore may include warehouses, workshops or factories which would typically be single storey or contain mezzanines.

The appropriate scale of development will therefore be assessed at the reserved matters stage.

### *Landscaping*

Details of landscaping are reserved. However, the Landscape Officer raised concerns that there was insufficient space provided within the scheme to enable the adequate mitigation of the developments landscape and visual impact and to provide compensatory tree planting provision, as well as allowing for the enhancement of green infrastructure and the retention and strengthening of existing boundary vegetation.

In response to these concerns, the applicant has produced the revised parameter plan which introduces a 10m buffer around the boundaries of the site for landscape and ecological mitigation. Whilst the detailed planting proposals are not yet known, the additional land given over to landscaping is now considered to be sufficient to enable the mitigation of the landscape impacts of the development including space for compensatory tree planting (if required) and to enable replacement of the hedgerow that would need to be removed to facilitate the access onto the A4 Bath Road.

Whilst landscaping details will be assessed at the reserved matters stage, it is considered that there is likely to be sufficient space to enable the proposals to comply with policy NE2 of the Placemaking Plan.

### *Appearance*

Policy KE3a (6) requires that developments within the allocation should incorporate an element of traditional materials, including natural lias limestone, in key locations to be determined through the masterplan.

The appearance of the development remains a reserved matter and therefore does not fall to be determined at this stage.

### *Access*

Access is not a reserved matter. The main vehicular access is proposed from the A4 Bath Road and is discussed in detail in the Highways section above. The proposals also include a pedestrian and cycle access off Worlds End Lane. The proposals for access are considered acceptable.

## 5. RESIDENTIAL AMENITY

The application site is located in close proximity to a number of residential properties. Policy D6 requires that development must allow for appropriate levels of amenity and

allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light. Furthermore, it should not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbances.

Careful consideration has been given to the third-party representations. A number of occupiers of the nearest residential properties have significant concerns in relation to how the development will impact upon their amenity, through matters including loss of light and an increase in noise and disturbance through the operation of the site and large vehicles using an access at Bath Road.

It is recognised that the development will change how the nearby residents experience of the site, but it must be noted that this is an allocated site, and therefore the principle of development has been accepted. Careful consideration must be given as to the management of the site and any mitigation required. The Council's Environmental Health Officer has raised some concerns with the assessment that have been undertaken with regards to the impact of HGVS. If HGVS are manoeuvring around the site, and reversing late at night, there is the potential for an unacceptable level of noise and disturbance. The applicant has therefore agreed to a condition on any permission which would limit the operation of the site to be between the hours of 7am and 7pm. This is considered to be acceptable and will ensure that the site is not operational at unsociable hours.

It is recognised that by locating the access at Bath Road, there will be an increase in vehicular movements taking place to the side of 279 Bath Road. However, the access will not be set directly against the boundary with the submitted plans illustrating a small buffer area between the access. Given the existing noise levels on Bath Road, the principle of development on this allocated site already being accepted and subject to these movements not being at unsociable hours, it is not considered to be unduly harmful.

At this stage, the layout is indicative, but any future layout should place the noisier activities away from the boundaries with the neighbouring occupiers. It is unlikely to be appropriate to locate B2 uses on the boundary with residential properties, but other uses are more likely to be acceptable.

Additionally, revisions to the parameters plan have introduced a 10m buffer around the boundary of the site. Although intended to provide space for landscaping and ecological mitigation, this buffer will also help to mitigate and screen any impacts that might be otherwise be directed towards 279 Bath Road.

Some concern has been raised about the headlights of HGVs using the access causing light disturbance to 279 Bath Road. However, given the distances involved and the ecological/landscape buffer provided by the parameters plan, it is considered that there will not be any significant loss of amenity.

## 6. ECOLOGY

The application has been supported by an ecological appraisal which has been reviewed by the Council's Ecologist and Natural England. There are no nationally or locally designations on or adjoining the site, although there are a number of designated sites

within a 2km radius of the site. The ecology appraisal also sets out the habitat and wildlife value of the site.

Bat surveys confirmed use of the site and the adjacent land by both lesser and greater horseshoe bats, considered to be associated with the local "bat" Special Areas of Conservation (SACs) including the Bath and Bradford on Avon Bats SAC.

The revised parameter plan provides a 10m buffer zone around the boundary of the site within which there shall be no built development and within which the applicant commits to avoidance of light spill such that within the buffer zone, light levels shall not exceed a maximum threshold of 0.5 lux (calculated at intervals on both vertical and horizontal planes, at and above ground level).

The provision of this wider buffer zone provides more flexibility and increases the area available for protection of retained habitats, and replacement / new habitat provision. There is now more realistic scope for the scheme to deliver replacement habitat of equivalent (or greater) ecological value to habitats that will be removed or reduced. This is particularly relevant to the southern boundary hedgerow which will be removed. Based on the revised parameter plan there is now also greater confidence in the ability of the scheme to deliver "no net loss" of biodiversity and to achieve the required standards of lighting design and light spill avoidance to avoid harm to bat activity including use of the site and linear habitats within the proposed buffer zone by horseshoe bats associated with the Bath and Bradford on Avon Bats SAC.

This has allowed the Council's Ecologist to conclude that at this stage it is considered that the "Likely significant effect" of the proposal on the Bath and Bradford on Avon Bats SAC can be ruled out, based on the scheme as it currently stands as an outline application only, but subject to the proposed parameter plan which shall be secured by condition and at reserved matters stage. This is because it is considered possible for the forthcoming scheme to be designed in such a way that avoids impacts on horseshoe bats and their flight lines, and no adverse impacts are identified at this stage. Therefore, a full "appropriate assessment" is not considered necessary prior to determining the outline application.

Natural England have confirmed that they agree with these conclusions and have raised no objection to the proposals.

## 7. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

As the application is in outline, with only access being considered, it only needs to include a summary of the energy strategy. Detailed calculations of carbon savings will form part of a reserved matters application. The submitted energy strategy suggests that the development will include the following sustainable construction measures:

- o Optimised floor/wall ratios to limit energy volume
- o Fabric first approach
- o Electric vehicle charging points
- o Solar PV or solar thermal installations
- o Mechanical ventilation heat recovery
- o Grey water recycling
- o Rainwater harvesting

## 8. DRAINAGE AND FLOOD RISK

A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The site is located within flood zone 1 and is therefore at a low risk of flooding. The river Avon is located 600m to the north.

It is proposed to discharge surface water runoff to the network of existing ditches on the site. This approach has been reviewed by the Flood Risk and Drainage Team who are satisfied that the proposed strategy is acceptable, subject to conditions requiring further detail including ground investigations and details of maintenance and management of any drainage system.

## 9. CONTAMINATED LAND

The application has been reviewed by the Council's Contaminated Land Officer. Taking account of the proposed redevelopment of the site and the potentially contaminative historical uses adjacent to the site as Works and later Garage/Petrol Filling Station, they have advised that conditions for further investigation and risk assessment, remediation and verification (as appropriate) are required.

## 10. OTHER MATTERS

### *Planning Obligations*

The wider Somerdale site is subject to a s106 agreement which secures a number of matters across the whole allocation. This new planning application would need to be subject to a new s106 agreement to secure several matters relevant to the current proposals including:

1. A contribution of £104,103 towards improving the shared walking and cycle route on Bath Road to mitigate the increase in trips generated by the development
2. A contribution of £14,625 towards providing local bus services should be sought to provide access to public transport to residential areas of Keynsham and Saltford
3. A contribution of £5,000 to amend the parking restriction TRO on Bath Road
4. A Full Travel Plan submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.
5. Targeted Recruitment and Training obligations and contribution
6. Contribution of £3,000 towards 2 fire hydrants

## *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 involve the upgrading of the pedestrian refuge islands near to the site to include tactile paving. This will allow these crossings to become more accessible to those with a visual impairment.

Elderly, disabled and otherwise vulnerable residents in the local area are likely to be more reliant on public transport than other groups. The proposals include a contribution towards public transport which can be put towards improving bus services within the Keynsham and Saltford area which would provide accessibility benefits to these protected groups.

## 11. CONCLUSION

The positive impact that the proposed development would have on the economy of Keynsham, the increase in job numbers and contribution to overall job and floorspace targets for the town all need to be given weight when reaching a balanced decision. The delivery of this part of the KE3a employment is important in allowing Keynsham to meet its requirements for employment provision within the Development Plan and contributes positively to the objectives set out in Policy KE1 for Keynsham to increase self-containment and develop as a more significant business location.

Whilst the access is not to be sited from Pixash Lane as stipulated in the policy, the access from Bath Road has been considered to be safe from a highway safety perspective. Whilst this results in a less integrated approach, it does not prejudice the successful delivery of the rest of the allocation and is not considered to result in any significant harm. The economic benefits of this development are considered to be significant and outweigh any harm identified.

The proposed development is therefore considered to comply with the allocation policy and all other relevant aspects of the development plan, and, in accordance with paragraph 11 of the National Planning Policy Framework, should be approved without delay.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

0 1.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

1. A contribution of £104,103 towards improving the walking and cycle route on Bath Road or other sustainable transport measures to mitigate the increase in trips generated by the development

2. A contribution of £14,625 towards providing local bus services should be sought to provide access to public transport to residential areas of Keynsham and Saltford
3. A fee of £5,000 to amend the parking restriction TRO on Bath Road
4. A Full Travel Plan submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.
5. Targeted Recruitment and Training obligations and contribution
6. Contribution of £3,000 towards 2 fire hydrants

2.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to the following conditions (or such conditions as may be appropriate):

#### **1 Outline Time Limit (Compliance)**

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

#### **2 Reserved Matters Time Limit (Compliance)**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

#### **3 Reserved Matters (Pre-commencement)**

Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

#### **4 Parameter Plan (Compliance)**

All reserved matters applications pursuant to this planning permission shall be strictly in accordance with the approved parameter plan (drawing number 8023/GA(A)003 Rev04).

Reason: To ensure that a buffer around the development is available to provide sufficient landscape and ecological mitigation in accordance with policies NE2 and NE3 of the Placemaking Plan

#### **5 Landscaping Reserved Matters (Compliance)**

Any reserved matters application for landscaping shall include full details of both hard and soft landscape proposals and a programme of implementation. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

## **6 External Lighting (Pre-commencement)**

Prior to approval of reserved matters and prior to installation of new lighting, full details of a proposed external lighting scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of:

1. Proposed lamp models and manufacturer's specifications, positions, numbers and heights;
2. Details of predicted lux levels and light spill levels (with predicted lux level calculations to be provided on both the horizontal and vertical planes);
3. All the above details must be shown on a plan;
4. Proposed lighting controls, hours of use, and proposed measures to limit levels of brightness and use of lights when not required, and to minimise glare and prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land, and to avoid harm to wildlife and bat activity.

The lighting scheme shall demonstrate light spill levels not exceeding 0.5 lux within the 10m buffer zone as defined on the approved parameter plan (drawing no 8023/GA(A)003 Rev04 dated 16th Sept 2021). The lighting shall be installed maintained and operated thereafter fully in accordance with the approved details.

Reason: To avoid harm to wildlife and bats including light-sensitive bats associated with the Bath and Bradford on Avon Bats Special Area of Conservation, in accordance with policies NE3 and D8 of the Placemaking Plan.

## **7 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Temporary arrangements for householder refuse and recycling collection during construction.

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

## **8 Highway Works (Pre-commencement)**

No development shall commence, except for ground investigations and demolition, until detailed GA drawings of the highway and access works have been agreed with the Highway Authority. To include:

1. Revised highway access to Bath Road and Worlds End Lane;
2. Relocated / improved refuges on Bath Road;
3. Widened footway on Bath Road; and
4. A street lighting design to BS5489-1:2020 necessary to increase the light levels to allow for the additional traffic movements, accessing/egressing the A4 Bath Road.

Where applicable, indicating proposals for:

1. Existing levels of the finished highway tying into building threshold levels;
2. Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works;
3. Signing, lining, street furniture, street trees and pits;
4. Structures on or adjacent to the highway; and
5. Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement).

The detailed design of the new access and relocated/improved refuges will be subject to an independent Stage 2 Road Safety Audit (RSA) in accordance with the requirements of GG 119 and that the completed works are subject to a Stage 3 RSA. No occupation or use hereby permitted shall commence until the approved works have been completed.

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. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

### **9 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall include details of the following:

1. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;
2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

No development or other operations shall thereafter take place except in accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset 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.

### **10 Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with, but not limited to, the measures described in Section 4 of the approved "Ecological Appraisal" v3 dated November 2020 by First Ecology and shall include:

1. Method statement for pre-construction and construction phases, to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, and proposed reporting of findings to the LPA prior to commencement of works; for the avoidance of harm to retained habitats and to bats, reptiles, amphibians, nesting birds, and other wildlife as applicable;
2. Information and net gain calculations using Biodiversity Metric 3.0 to demonstrate measurable avoidance of net loss of biodiversity, and provision of net gain (with a target of 10%+), in accordance with current methods guidelines and best practice standards
3. Detailed proposals for ecological and habitat mitigation, creation and enhancement, including: provision of replacement mixed native species tree and hedgerow planting;

provision of habitat connectivity and suitability of habitat for bat flight lines and movement of wildlife; pond restoration and enhancement; species-rich grassland and wetland; provision of animal homes, bat and bird boxes.

4. details shall include proposed plant species and/or species compositions, numbers, spacing, positions, materials, fixings, models as applicable.

5. Proposed long term management and maintenance prescriptions and responsibilities

All measures and details shall be fully incorporated into the scheme and shown on all relevant plans and drawings and landscape drawings. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation or operation of the development, and retained and maintained thereafter for the purposes of wildlife conservation and maintaining biodiversity.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 and D5e of the 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.

#### **11 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence, except for ground investigations and demolition, required to undertake such investigations, until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning

Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

### **12 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

### **13 Detailed Drainage Strategy (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until a detailed drainage design based on the agreed outline drainage strategy (WIE15368-100-6-3-3 - Flood; Nov 2020) has been submitted to and approved in writing by the Local Planning Authority. The detailed design shall include plans, sections, detailed drawings of all relevant structures and calculations demonstrating performance at the critical 1:1, 1:30 and 1:100+40% storm events.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because the drainage strategy may have implications for any initial ground works that need to take place which may otherwise prejudice the most appropriate drainage solution.

#### **14 Off-site Culvert Condition (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until evidence has been submitted to and agreed in writing by the Local Planning Authority that the offsite culvert downstream of the development site is in serviceable condition to receive the flows from the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because the condition of the off-site culvert may affect the most appropriate drainage solution.

#### **15 Implementation of Landscaping Scheme (Bespoke Trigger)**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

#### **16 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 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 policies CP6 and KE3a of the Bath and North East Somerset Core Strategy.

### **17 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

### **18 Arboriculture - Signed Certificate of Compliance (Pre-occupation)**

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan and to ensure that the approved method statement is complied with for the duration of the development.

### **19 Ecology Follow-up Report (Pre-occupation)**

No occupation or operation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion 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.

Reason: To demonstrate compliance with the approved Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 and D5e of the Placemaking Plan

### **20 Landscape Management Plan (Pre-occupation)**

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the occupation of the development for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **21 Landscape Maintenance (Pre-occupation)**

No occupation of the development for its permitted use shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of

the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

## **22 Drainage Operation and Maintenance (Pre-occupation)**

No occupation of the development for its permitted use shall take place until an Operation and Maintenance Manual for the agreed drainage scheme has been submitted to and approved in writing by the Local Planning Authority. This document should demonstrate how the drainage system will be managed so that it performs to its design parameters for the lifetime of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

## **23 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

## **24 Hours of operation - Industrial (Compliance)**

No machinery shall be operated, no process shall be carried out and no deliveries shall arrive, be received or despatched from the site outside the hours of 0700 to 1900 Monday to Saturday and 0900 to 1700 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

## **25 Bound/Compacted Vehicle Access (Pre-occupation)**

No occupation of the development for the permitted use shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

## **26 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 EX(G)001 REV 03	Site Location Plan
18023 GA(A)003 REV 4	Parameter Plan
20 A	Proposed Access Arrangements (Swept Path Analysis)
19 C	Proposed Site Access

### **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 Framework. For the reasons given, and expanded upon in a related case officer's report, a positive view of the submitted proposals was taken and consent was recommended.

### **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 Community Infrastructure Levy - General Note for all Development**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

**Do not commence development** until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

### **4 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

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

### **6 Local Highway Authority require an agreement (Section 278)**

The Local Highway Authority (LHA) requires the developer to enter into a legally binding agreement to secure the proposed Highway improvements. Further information in this respect may be obtained by contacting the LHA.

**The Local Highway Authority requires Road Safety Audits**

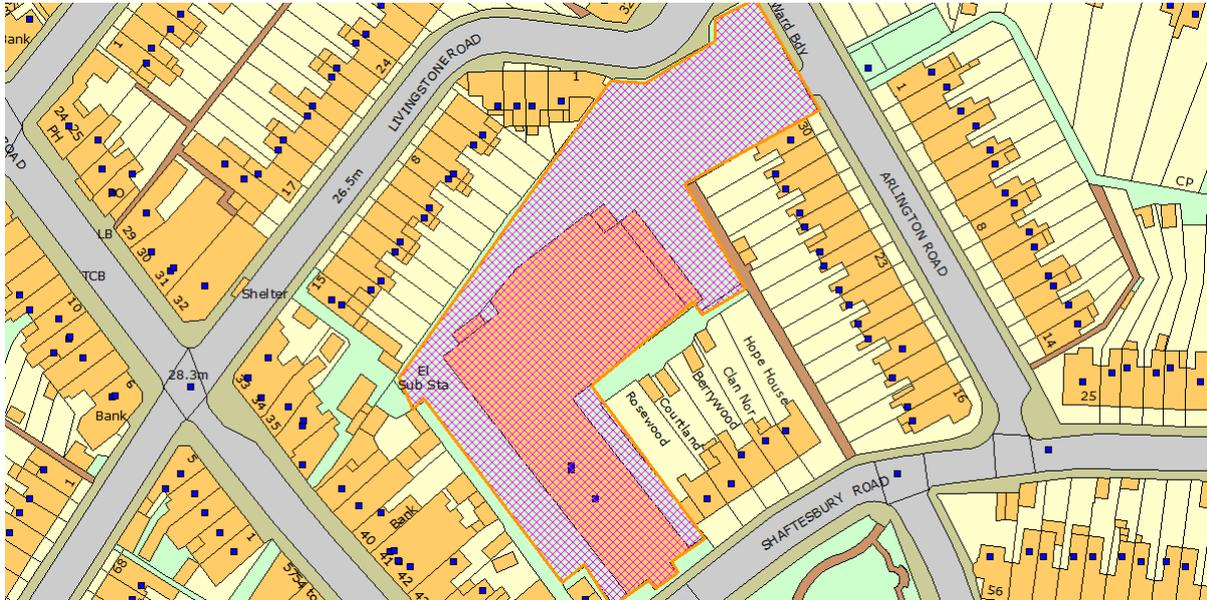
The detailed design of the access works shall be subject of an independent Stage 2 Road Safety Audit (RSA) and the completed works shall be the subject of a Stage 3 RSA. Both audits will be undertaken in accordance with GG119. Both audit briefs together with the CV of the Audit Team Leader and Audit Team Member shall be submitted to and approved in writing by the LHA. A representative of the LHA shall be present at the Stage 2 RSA site visit as an observer and a representative of the LHA and Avon and Somerset Police shall be invited to attend the daytime and night-time Stage 3 RSA site visits.

**Traffic Regulation Order (TRO)**

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to a scale of 1:1000 of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections.

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

**Item No:** 02  
**Application No:** 21/04049/FUL  
**Site Location:** The Scala Shaftesbury Road Oldfield Park Bath Bath And North East Somerset



**Ward:** Westmoreland      **Parish:** N/A      **LB Grade:** N/A

**Ward Members:** Councillor Colin Blackburn Councillor June Player

**Application Type:** Full Application

**Proposal:** Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level, provide a new community space and student accommodation (16no bed spaces) at first floor levels. Erection of student accommodation including 72no. student bedrooms and associated ancillary space. Erection of a residential block (C3) including 9 no. apartments. Parking for cars and cycles and associated landscaping (Resubmission).

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

**Applicant:** Rengen (Scala) Ltd

**Expiry Date:** 30th November 2021

**Case Officer:** Emma Watts

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

## **REPORT**

### Reason for reporting to Committee

This application was called to committee by Councillor Player, the reasons for this are set out within the representation section of this report.

The Chair of the Committee, Councillor Craig concluded that the reduction in height of the Courtyard Building is welcome and addresses the main objection raised against the previous submission made for this development. However, in the interests of consistency she recommended that this application is once again debated in public by the planning committee.

The Vice Chair, Councillor Davis, agreed concluding that this application has addressed concerns regarding the height raised in the previous submission, however for consistency in our decision making on a site which remains controversial the application should be determined by the planning committee.

### Site Description and Proposal

The site is situated within the Oldfield Park area of Bath and the site is designated as part of the Moorland Road district centre. The main part of the site, The Scala building, fronts on to Shaftesbury Road and is considered a non-designated heritage asset because of its local historic significance. The building has been extended over the years and there are large buildings and a car park to the rear of the site which has a frontage to Arlington Road and Livingstone Road. The site is within Flood Zone 1.

The application seeks planning permission for a mixed-use redevelopment of The Scala site including the demolition of existing extensions and the erection of new extensions to improve the retail store at ground floor level; the provision of a new dance centre space (Use Class E) and 16no. student bedrooms at first floor; the erection of a detached block of student accommodation providing 72no. student bedrooms and associated ancillary space; and the erection of two storey residential building with accommodation in the roof space providing 9No. apartments. Parking for cars and cycles as well as associated landscaping is also proposed.

The proposals would provide 743 sqm of retail floor space and 512 sqm of dance studio/community floor space.

The application follows the refusal by the Planning Committee of application 20/00552/FUL for a similar proposal. The main changes to the proposals compared to the previous scheme are as follows:

- Reduction in height, scale and mass of the student accommodation (the 'Courtyard' building) by removing one storey;
- Reduction in number of residential units from 16 to 9;
- Reduction in student bedspaces from 92 to 88.

### Relevant Planning History

20/00552/FUL - Mixed Use Redevelopment of The Scala site including the demolition of existing extensions and new extensions to improve retail store at ground floor level,

provide a new dance centre space (Use Class E) and residential accommodation at first floor (including affordable apartments). Erection of student accommodation including 92no. student bedrooms and associated ancillary space. Erection of residential accommodation (16 no. total residential units). Parking for cars and cycles and associated landscaping.

The application was refused by Committee (decision notice issued 7 May 2021) for the following reasons:

1. The Courtyard building, due to its inappropriate height, massing and design, fails to reflect or enhance the local vernacular. The scheme is therefore not in accordance with policy CP 6 of the Core Strategy (July 2014) and policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

2. The proposed development, due to the overall massing and scale of the development is considered to represent the overdevelopment of the site. The scheme is therefore not in accordance with policy CP6 of the Core Strategy (July 2014) and policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

3. The proposed development is considered to result in an adverse impact upon the residential amenity of the neighbouring occupiers, including through loss of privacy. The scheme is therefore not in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan (July 2017)

21/04822/FUL - Erection of temporary building to accommodate retail store during redevelopment works at the Scala site. Decision pending

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Urban Design: No objection.

Conservation: No objection subject to conditions.

Highways: No objection subject to conditions.

Ecology: No objection subject to conditions.

Arboriculture: Scope for revision. The extensive development of the site limits space to introduce green infrastructure which is critical to mitigate for climate change. The trees proposed are small short-lived varieties which fail to deliver multiple benefits eg shade, air quality improvements, surface water management, urban cooling, canopy cover and carbon sequestration. The use of larger longer-lived trees should be considered in any landscaping proposals. The applicant is advised to refer to the freely available publications provided by Trees and Design Action Group.

Archaeology: No objection subject to conditions.

Drainage: No objection.

Contaminated Land: No objection subject to conditions.

Environmental Protection: No objection subject to conditions.

Parks Department: No objection subject to a S106 agreement securing a payment of £104,880 to greenspace enhancement projects in the local area.

Councillor Player: Objection. The reasons can be summarised as follows:

- Amendments to the proposal insufficient to address previous concerns;
- Impact on the housing mix and over supply of student accommodation in Oldfield Park;
- Lack of demand for further PBSA in Bath;
- Reduction in residential units disappointing;
- Lack of Affordable Housing;
- Mews building is not considerate and responsive to local character and distinctiveness (height and design);
- Zero parking for students unrealistic;
- Highways concerns relating to vehicles visiting or delivering to student accommodation;
- Potential impact on Moorland Road vitality and viability from overspill parking;
- Lack of garden space;
- Disabled parking spaces too far from Co-op entrance.

Bath Preservation Trust: Comments can be summarised as follows:

- The Scala is a non-designated heritage asset;
- Supportive of the principle of development and a mix of uses across the site;
- The development will offer improved permeability of the site;
- Supportive of the proposed removal of the 1960s extension to the original Scala building and the design of the proposed Scala extension;
- Improvements to streetscape and proposed landscaping, planting and public realm improvements are welcomed;
- Supportive of the reduced height of the proposed Courtyard building from four to three storeys - this will sit comfortably within its context and the roof form reflects the surrounding roofscape;
- The community space should be safeguarded as a critical element of the scheme;
- In principle objection to PBSA development without credible evidence of need;
- High concentration of HMOs in the area.

Bath Heritage Watchdog: Objection. The reasons can be summarised as follows:

- Reports submitted relate to the previous scheme and should be updated;
- The Ecology report is out of date;
- Solar panels are not shown on the plans although referred to in other documents;
- Scala extension has been improved but not supportive of perforated metal cladding;
- The original decorative staircase ironwork in the Scala entrance should be retained in situ;
- Objection to student accommodation: lack of need, this will not reduce HMOs, high concentration of student accommodation in the area;
- The recent appeal decision on the Plumb Center is not a comparable case. The Plumb Center is not currently in an area with a high concentration of HMOs;
- Lack of affordable housing;

- Design of the Mews does not relate successfully with the locality and building blocks views to green hills;
- The Mews internal layout resembles student accommodation;
- Reduced height of student block insufficient to address issues and design out of keeping with locality;
- Highway safety concerns: sight lines at the Livingstone Road/Arlington Road junction and altering direction of travel for Co-op lorries;
- Zero parking provision and proposed parking restrictions for student accommodation unrealistic;
- Re-siting of blue badge parking spaces for the Co-op;
- Impact on Moorland Road shopping area from reduction in car parking;
- Lack of garden space and density of development;
- Reduction in light for dwellings on Livingstone Road.

151 objection comments have been received, these can be summarised as follows:

- Objection to purpose built student accommodation: lack of need, this will not reduce HMOs, high concentration of student accommodation in the area;
- No affordable housing proposed;
- Proposal doesn't meet local need for family homes;
- Social imbalance with more students in the area;
- Loss of existing parking spaces;
- Highway safety concerns: sight lines at the Livingstone Road/Arlington Road junction and altering direction of travel for Co-op lorries;
- Inadequate on-site car parking and associated highway safety issues;
- Impact on Moorland Road shopping area from reduction in car parking;
- Zero parking provision and proposed parking restrictions for student accommodation unrealistic;
- Re-siting of blue badge parking spaces for the Co-op;
- Reduction in Co-op floor area;
- Reduction in dance studio/community space floor area;
- Pressure on infrastructure;
- Impact on residential amenity: including loss of light to neighbouring properties, general noise and disturbance;
- Overdevelopment of the site;
- Design and scale not in keeping with the surrounding context;
- Lack of green space and garden space;
- Use of perforated metal cladding on the Scala extension inappropriate;
- Insufficient consideration of sustainable construction and environmental issues;
- Flood risk.

2 support comments have been received, these can be summarised as follows:

- Redevelopment of the site is welcomed
- Demolition of the existing Scala extension encouraged
- Students will support Moorland Road in the long term
- PBSA will prevent students taking up more housing stock
- Adequate on-site parking proposed and only the minority of students have cars
- The present Co-op has a limited range of products, other convenience stores are close by.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan

### 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:

- SD1: Presumption in Favour of Sustainable Development
- DW1: District Wide Spatial Strategy
- B1: Bath Spatial Strategy
- B4: Bath World Heritage Site
- CP2: Sustainable Construction
- CP3: Renewable Energy
- CP4: District Heating
- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP7: Green Infrastructure
- CP9: Affordable Housing
- CP10: Housing Mix
- 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: General Urban Design Principles
- D2: Local Character and 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  
NE2A: Landscape Setting of Settlements  
NE3: Sites, Species and Habitats  
NE5: Ecological Networks  
NE6: Trees and Woodland Conservation  
PCS1: Pollution and Nuisance  
PCS2: Noise and Vibration  
PCS3: Air Quality  
PCS5: Contamination  
PSC7A: Foul Sewage Infrastructure  
H7: Housing Accessibility  
LCR1: Safeguarding Local Community Facilities  
LCR2: New or Replacement Community Facilities  
LCR5: Safeguarding Existing Sport and Recreational Facilities  
LCR6: New and Replacement Sports and Recreational Facilities  
LCR9: Increasing the Provision of Local Food Growing  
CR1: Sequential Test  
CR2: Impact Assessments  
ST1: Promoting Sustainable Travel  
ST7: Transport Requirements for Managing Development  
BD1: Bath Design Policy  
SB14: Twerton Park

### Bath and North East Somerset Local Plan Review

The Local Plan Partial Update submission draft was recently published for consultation alongside the draft Energy Efficiency Retrofit and Sustainable Construction SPD, draft Transport and Development SPD. The consultation closed on 8th October 2021. The draft document can currently be afforded very little weight in decision making.

### Supplementary Planning Documents & other guidance

The following Supplementary Planning Documents (SPDs) and other guidance are relevant to this application:

- Bath City-Wide Character Appraisal SPD
- Bath Western Riverside SPD
- City of Bath World Heritage Site Setting SPD
- Sustainable Construction Checklist SPD
- Planning Obligations SPD
- Draft Twerton Character Appraisal, Bath Conservation Area
- Bath Building Heights Strategy

### National Planning Policy

National Planning Policy Framework (July 2021), National Planning Practice Guidance and the National Design Guide (October 2019) can be awarded significant weight.

## Climate Emergency

The Council declared a climate emergency in March 2019 and this is considered to be a material consideration in the determination of this application.

## Legislation

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 '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 1990 to pay special attention to the preservation or enhancement of the character or appearance 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**

### Principle of Development

The development comprises a mixed use redevelopment including the demolition of existing extensions and erection of new extensions to The Scala to refurbish the existing Co-op retail store at ground floor level and provide a replacement community space and student accommodation (16No. beds), as well as the erection of a purpose built student accommodation block (72No. beds) and a residential (C3) block providing 9No. self-contained apartments.

The principle of the proposed development, including the proposed mix of uses, was accepted under application reference 20/00552/FUL.

### *Retail*

The site is located within Moorland Road District Centre. Policy CP12 of the Core Strategy states that designated centres will be maintained and enhanced; that retail development will be primarily located within centres; that uses which contribute to the vitality, viability and diversity of centres will be encouraged; and that retail development within centres will be permitted where it is of a scale and type consistent with the existing retail function and character of the centre and well-integrated into the existing pattern of the centre. The scheme proposes the redevelopment of an existing retail use.

The proposed development has been driven by Co-op's requirements to adapt the existing store to meet modern retail and consumer requirements. The submission explains that in its current configuration the retail unit is too large for the Co-op's requirements and does not meet the demands of modern convenience shoppers in this location.

Placemaking Plan Policy CR3 requires that development should not result in a loss of retail floorspace of a scale harmful to the shopping function of the centre. As the proposal would result in the loss of retail floorspace, consideration must be had as to whether the development would have an unacceptable impact on the vitality, viability and diversity of the centre.

The Co-op is considered to be the anchor store of Moorland Road. Its presence is therefore considered to play a vital role in maintaining the vitality and viability of the District Centre in which it is located. This appears to be through both the size of the store and products sold, all of which complement the facilities on Moorland Road.

Co-op's reasoning for reducing the floor space is that they are developing the store to tailor the needs to their customer base. Changes to be made include the use of self-scan tills, which take up less space than belted checkouts and they plan to reduce product duplication. The store currently contains an area of disused space which was previously used by a clothing retailer and is too large a space for this type of food retailer to use. Overall, the proposed floor space has been reduced to meet the store's requirements to serve the types of convenience shoppers in this location. Shopping habits have changed in these urban locations, where customers now have smaller basket sizes and make more frequent visits. The proposed reduction in floor space reflects these updated habits.

Based on the above, it is considered that the store can continue to play the anchor role and would not result in any significant consequences on how the District Centre functions and as a result the vitality and viability of the wider District Centre.

#### *Residential Units (C3)*

The site is within the built-up area of Bath in a sustainable location close to local services and public transport provisions. The provision of residential units (C3) on this site can be supported subject to compliance with the relevant policies of the Development Plan.

Core Strategy Policy CP10 explains that new housing development should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location. The proposed development would provide 8No. one-bedroom and 1no. three-bedroom apartments. This would contribute positively to the local housing mix within this area of Oldfield Park, which is predominated by terraced family housing and Houses of Multiple Occupancy.

#### *Student Accommodation*

As the site lies outside the Central Area and Enterprise Area, Core Strategy Policy B5 relating to purpose-built student accommodation does not apply. The preamble to Policy B5 states that new student accommodation blocks should be limited to windfall sites that are not identified for other uses in the Housing and Economic Land Availability Assessments (HELAA) or allocated in the Placemaking Plan. The provision of additional student housing at this windfall site is considered to be acceptable in principle. The layout

as clusters is supported, as this provides more affordable student housing than studio accommodation.

It is recognised that the provision of purpose-built student accommodation (PBSA) was given significant weight at an appeal earlier this year for the Plumb Center, Locksbrook Road in Bath. The Inspector advised that making significant inroads into reducing the dominance of the private rented sector in meeting the demand for student accommodation in Bath would be likely to result in a substantial future demand for PBSA. He confirmed that the likely demand for dedicated student accommodation was a consideration that weighed heavily in favour of that appeal scheme.

Given the above, there is no objection in principle to the provision of student accommodation on the site.

### *Community Use*

The first floor of the existing Scala building accommodates a dance studio. This space is therefore viewed as a community facility and the importance of this is recognised within many of the third party comments received. Placemaking Plan Policy LCR1 sets out that development involving the loss of a site used, or last used for community facilities will only be permitted in certain circumstances. The NPPF also echoes this policy, highlighting the need to guard against unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs.

The proposed development would reduce the floorspace available for community use. The size of the retained floorspace remains unchanged from the previous application. It was previously accepted that, although there was a reduction in the overall floorspace, this did not lead to the community being disadvantaged.

The space proposed appears flexible for a number of community uses and can be accessed independently of the other parts of the building. The overall community value of the site would not be lost and can be argued to be more fit for purpose, containing fitting rooms, showers and overall a high quality flexible space. It is noted that the space would be located adjacent to residential units and this would need to be constructed with measures to ensure that these uses are compatible with one another. This matter is addressed within the submitted noise assessment and the mitigation measures can be secured via condition.

The development is therefore considered to be compliant with Policy LCR1.

Overall, the principle of development is supported. In order to safeguard that the retail element and community use get delivered as expected by the Local Planning Authority, any planning permission should be accompanied by a legal agreement that contains an obligation to secure a phasing plan to ensure that the retail element is fitted out to at least shell and core, and the community use provided, prior to the occupation of any of the residential/student units.

During the construction period, it is proposed to provide a temporary store on site to ensure that the Co-op can remain fully functional and be delivered as the first phase of development. This temporary store will be subject to a separate planning application.

## Design, Character and Appearance

Placemaking Plan (PMP) Policy CP12 specifically supports higher density forms of residential development within designated centres, subject to design considerations. Paragraph 118 of the NPPF advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

While the proposed development lies within the boundary of the Bath World Heritage Site it is not within the Bath Conservation Area and none of the buildings on or surrounding the site are listed. The City of Bath Conservation does, however, lie relatively close to the site.

The development provides the opportunity to redevelop a site which is largely dominated by unsympathetic and out of scale extensions to the Scala building and a large car park with wire mesh fencing. The car park at the rear of the site has two street frontages, Arlington Road and Livingstone Road.

The proposed layout is considered to be an appropriate response to the site's existing form and context. The proposed redevelopment of the site would result in improved permeability of the site and safe pedestrian access from Shaftesbury Road, Livingstone Road and Arlington Road. This has the benefit of integrating the development with the surrounding streets.

The submitted LVIA and visually verified montages demonstrate that the visual impact of the proposed development on middle distant views from the higher ground to the north and south is unlikely to be significant. The impact of the development would therefore be primarily from the adjacent local streets.

The development comprises three main elements, and these will be looked at in turn.

### *The Scala Building*

Formerly a cinema, the building known as The Scala sits in the heart of Oldfield Park, in close association with other local facilities such as the shops. Built in 1919, it started out as a combined cinema and music hall. The conscious use of a classical design for the entrance elevation gives the building a grand eye-catching quality compared to the surrounding buildings as you would expect from an entertainment venue.

It is officers' view that The Scala is a non-designated heritage asset of some considerable significance; any redevelopment scheme must therefore engage with Paragraph 203 of the National Planning Policy Framework which 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. The significance stems from both the principal elevation and the former auditorium behind the frontage. When viewed from various points the front elevation and the flank walls share an intimate physical and functional connection.

Whilst the 1960s extensions to the rear of the site have no significance and are of no architectural merit, it does leave the form and design of the original Scala intact and legible. The 1960s extension would be removed to facilitate its redevelopment and this can be supported.

The proposed extension to the Scala building is considered to be subservient in scale to the heritage asset. The height and mass of the extension would allow the original part of the building retained to be read as the primary building form. The triple roof running in the opposite direction to the cinema roof is considered to be a neat solution to resolving the relationship between the old and new for this site. Overall, the interventions into the historic fabric have been minimised to avoid harm to the character and appearance of the non-designated heritage asset.

The proposed extension would be finished externally in rubble stone to match the flank walls of the existing building, and this is considered an acceptable approach. There is no objection in principle to the use of some small areas of cladding as a secondary material. The final details of the materials can be secured via condition on any permission.

Overall, the proposed extension is considered to be a successful addition to the non-designated heritage asset.

### *The Mews Building*

The surrounding area is characterised by dense late Victorian and Edwardian residential terraces. The predominant height is two storeys, with some second floor accommodation within the roof space.

A new building giving the appearance of a two storey terrace would be erected in the existing car park area at the corner of Livingstone Road and Arlington Road. This would contain a total of nine flats and would provide a street frontage within the site as well as an active frontage to Livingstone Road. This presents the opportunity to repair a broken part of the streetscape, replacing a large area of car parking with a building that relates well to the public realm and responds appropriately to the character and appearance of existing local terraced housing.

The Mews building would have an asymmetrical double pitch roof form, which is considered sympathetic to the building's context. A third storey of accommodation would be provided within the roof space through the addition of dormer windows. The size of the proposed dormers is considered appropriate to local character. The fenestration, detailing and overall rhythm of the building would reflect the design of traditional terraced housing. Overall the design, which is broadly a contemporary interpretation of the local terraces, is considered to be acceptable.

The Design and Access Statement supporting the application states that the Mews building would be faced in Bath stone. The use of Bath stone on this corner building is supported. However, the local palette is rubblestone with smaller quantities of dressed stone to emphasise features. Using larger quantities of the more architecturally refined dressed Bath stone would give the building an overly dominant appearance within the streetscene. Details of the stone finish to be used on each elevation can be dealt with by condition.

The concerns that this building may conceal some views to the green hillside beyond are noted. However, this needs to be balanced against the streetscape benefits of removing the large car park area at this prominent corner site. Overall, the siting, scale and appearance of the Mews Building is considered to be acceptable.

### *The Courtyard Building*

The Courtyard building would be in a similar location to the existing 1960s extension but would be detached from the Scala building. A key change to the application is the removal of a storey from this element of the scheme. As a result, the proposed Courtyard building would have a maximum height of around 10 metres, which is not significantly greater than the existing extension to the Scala. Together the proposed Scala extension and the Courtyard building would have a smaller built volume than the existing extension they would replace, and the two separate new builds would break up the massing compared to the existing extension. Overall, it is considered that the Courtyard building would sit comfortably between the adjacent buildings and the height, scale and massing are considered appropriate to the site context.

The submission explains that this building design is kept simple and efficient. A regular, repetitive façade of openings would provide near symmetry to the street that runs through the site. A central open courtyard forms the centre of this block, enhanced with planting to provide an exterior amenity space. The northern elevation would create an active frontage facing the new internal street and would relate positively to the public realm. The main entrance would be to the east of the building, creating a meeting point and activity within the site. The overall design approach is considered to be acceptable.

The roof form of this building would be predominantly gabled interspersed with flat roofed elements and dormer windows. It is considered that the roof form takes cues from the surrounding area and breaks up the overall massing of the building. Design features, including the use of materials, have also been used to give a horizontal emphasis to the building and break up the perceived height and mass. In order to allow accommodation in the roof, dormers have been included, but these are considered to be of an acceptable design which reflects those in the surrounding area.

Brick has been chosen as the primary material for this building, combined with areas of ashlar Bath stone. The buff brick, which would be the dominant material on the external elevations, has a similar tone and weathering texture as stone. It is accepted that brick maintains the masonry and monolithic nature of the surrounding areas and can be a high quality material. Given the context of the building within the site, and the contemporary nature of the building, the use of brick is considered to be acceptable. It is considered necessary to secure the final details of the brick, including a sample panel, via a condition on any permission.

The submitted Visual Impact Assessment demonstrates that the revised proposals would provide a reduction in visual impact with respect to height, scale and massing, such that the scale of development will be similar to that which exists in the local area, and that there would be an improved visual relationship with the local streetscapes and related built form.

### *Neighbouring Conservation Area*

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. Whilst the site is outside of the Conservation Area, it is close enough for development to impact on the setting.

The proposed Courtyard building would be internal to the site and would not front directly onto any street. Whilst the design of the building bears little relation to the surrounding context, visually, except for limited glimpses, it would be largely contained within the core of the development resulting a very low level of harmful impact on the wider character of the area. The design of the proposed Mews building would respond appropriately to the character and appearance of surrounding terraced housing whilst repairing a broken part of the streetscape. The design, scale and materials of the proposed Scala extension would result in a successful addition to the non-designated heritage asset which would enhance the character and appearance of the setting of the neighbouring conservation area. Overall, it is considered that the proposed development would at least preserve the setting of the Conservation Area.

### Landscaping and Trees

No trees of arboricultural significance are implicated in the proposal since there are no trees within the site. NE6 states that development will only be permitted where it includes the appropriate new planting of trees. Comments regarding the lack larger tree planting within the landscaping proposals are noted. Given the existing context of the site where the site is dominated by hardstanding, the overall landscape strategy is considered to be acceptable and an improvement on the current situation. Planting is proposed in the main street through the site which aids in breaking up the parking area, as well as within the new small public community garden, in the front garden for the Mews and the internal garden for the Courtyard.

Overall, whilst it is noted that there are still large areas of hardstanding within the site, this is necessary to meet the needs of the development, particularly the need for Co-op delivery vehicles to access the site. The proposed landscape strategy is therefore considered to be acceptable.

### Residential Amenity

Placemaking Plan Policy D6 requires that development must allow for appropriate levels of amenity and allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light. Further, it should not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbances.

Careful consideration has been given to the third party representations. Concerns have been raised in particular in relation to loss of light and increased noise and disturbance.

Whilst the development will clearly change how nearby occupiers experience the site, an assessment needs to be made as to whether the siting of the development in this location, as well as the development overall, would result in unacceptable harm to neighbouring residential amenity.

To avoid overlooking issues the student bedrooms at first floor facing towards Shaftesbury Road and Arlington Road and the second floor student bedrooms facing towards Shaftesbury Road would have a faceted facade with angled windows facing towards the

Scala and Mews buildings. Moreover, it is considered that the separation distances between the buildings are such that any overlooking would not result in a significant loss of privacy for those neighbouring occupiers. The separation distance between the rear of the Shaftesbury Road dwellings and the proposed Courtyard Building would be at least 25 metres. The separation distance to the rear of the neighbouring Arlington Road dwellings would be at least 17m.

The proposed Mews block would be located opposite the terrace on the northern section of Livingstone Road. Any overlooking would be across a street which is a traditional arrangement and is not considered to result in any significant loss of privacy for these occupiers.

The submission includes a detailed Daylight and Sunlight Amenity Assessment in support of the application which analysed the impact on 72 relevant neighbouring properties. This has been undertaken in accordance with the Building Research Establishment (BRE) Report 209 - 'Site layout planning for daylight and sunlight' - A Guide to Good Practice. It should be noted that the study is just one tool on which to base the judgement of the acceptability of the development, and officers have the benefit of site visits and detailed plans. It is noted that this study was undertaken based on the original scheme first submitted under previous application 20/00552/FUL, and the overall scale of the development has been reduced which should aid in alleviating some of the identified impacts.

The Daylight and Sunlight Amenity Assessment identified a moderate impact on Courtland and Clan Nor with the other properties on Shaftesbury Road achieving satisfactory results. For Courtland, only one window would be affected. The window where the harm would result would appear to be a utility room. The results for Clan Nor are similar with only one window shown to result in moderate harm. It is understood that this is a bathroom window.

Of the properties on Arlington Road Nos. 27 and 28 Arlington Road are the only properties identified as being affected within the report. The impact on 27 Arlington Road is marginal, and moderate on 28 Arlington Road. It should be noted that this window is a secondary window.

As discussed above, whilst some moderate impact has been identified, the BRE guidance should be interpreted flexibly since natural lighting is only one of the main factors in site layout design. Given the above assessment, and the fact that any impact is primarily to bathrooms or secondary windows, and likely to be reduced through the reductions in the scheme's height and massing, the overall impact on daylight and sunlight is considered to be acceptable.

Whilst it is noted that the outlook of those residents at the adjoining properties would change, it is not considered that the proposed buildings would dominate the outlook, or be significantly overbearing in this urban environment, to such an extent to unduly compromise the residential amenity of those occupiers.

The applicant has submitted a noise assessment which addresses the impact arising from the proposed development and also the impact on future occupants of the residential aspect. The assessment takes into consideration the impact of traffic from the local road network

near the proposed development site as well as the impact of the proposed community dance hall with amplified music noise and the retail unit on the proposed adjacent flats. The report also provides noise limits for the proposed commercial elements at the site, plant noise criteria and a delivery noise assessment. The report makes a number of recommendations for appropriate mitigation and a condition is recommended requiring these to be implemented. A condition is also recommended restricting delivery times to ensure satisfactory living conditions for the residential occupiers of the site.

Whilst the use of the site will intensify, this is not considered to be to a level to result in undue noise and disturbance. A Student Management Plan can be secured via condition, and this will ensure that the Local Plan Authority has comfort that there are suitable measures in place to control the operation of this part of the development.

Therefore, whilst it is recognised that the development will change how the site is experienced by surrounding residents, this is not to a degree that would significantly harm their residential amenity through loss of light, increased noise, overlooking or any other disturbance. Further, the development is considered to result in satisfactory living conditions for the future occupiers of the development.

#### Highway safety

The site is located within close proximity of a number of key bus routes, and the Oldfield Park rail station is also a short walking distance from the site.

#### *Parking provision*

Whilst the existing car park is currently used by multiple users, it is private and the availability of the spaces is subject to the management regime employed by the operators of the site. The applicant is only responsible for providing off-street car parking for the proposed development.

The application proposes to provide 34 off-street parking spaces for use of the commercial unit, of which three would be for the dedicated use of Blue Badge holders. Based upon the adopted car parking standards, the retail unit requires a 'maximum' of 37 off-street car parking spaces to comply with the adopted parking standards. An 'Accessibility Assessment' has been submitted with the application which places the development site in the 'low to moderate' accessibility category. This allows a discount of between 0% and 10% to the number of required spaces. Applying the maximum discount of 10% reduces the maximum required number of off-street car parking spaces associated with the retail use to 33. The proposed 34 off-street parking spaces serving the retail unit is therefore considered to be policy compliant. It is noted that space references 29, 30 and 31 are proposed to be provided with 'active' Electric Vehicle Charging Points (EVCP) with "passive" provision extended to the remainder of the row (space reference 19 to 28), which is acceptable.

The proposed retail floor space requires a minimum number of four cycle stands providing parking for eight bicycles. The proposed development would provide parking for 10 bicycles, which exceeds the minimum requirement and is therefore acceptable.

It has previously been accepted that the proposed dance studio does not require dedicated off-street car parking spaces since this is a local community facility which users

are likely to walk to and from. 10 bicycle parking spaces are proposed to accommodate this use which is considered acceptable.

The proposed residential dwellings (eight one-bedroom and one three-bedroom units) require the minimum provision of 12 off-street car parking spaces to accord with the adopted parking standards. The submitted residential 'Accessibility Assessment' allows for a discount of between 10% and 25% to the number of required off-street car parking spaces. Applying the maximum discount of 5% reduces the minimum required number of spaces to 9. The application proposes to provide 10 parking spaces for the proposed residential units, which is policy compliant and therefore acceptable. One space is proposed to be provided with an 'active' EVCP with 'passive' provision for the remainder of the spaces to allow residents to install the most current active charging infrastructure as they replace their vehicles, which is acceptable.

The proposed would provide 18 bicycle parking spaces for the residential element of the proposal, which complies with adopted standards.

As under the previous application, no off-street car parking spaces are proposed for the 88 student rooms. This accords with the Council's adopted parking standards. A zero-parking policy would be applied to the scheme and that this would be enforced by a Parking Management Plan. This would be enforced in the leases of the occupiers of the development and would prevent students from bringing a car within 1km of the site. Measures to manage this will need to be clearly identified in a Student Management Plan which shall be secured via condition. This approach is similar to many other approved Purpose Built Student Accommodation schemes within the City.

68 cycle spaces are proposed for the student accommodation. This significantly exceeds the minimum number of 30 spaces that the parking standards require and is considered acceptable. The proposal also includes shared short-stay cycle parking for 10 bicycles, which is acceptable.

Third party contributors have raised concerns regarding the location of the proposed disabled parking bays. These would be located approximately 31m to 35m from the retail store entrance. The majority of the route between the blue badge parking spaces and the store entrance would be via a kerbed footway with a short distance across the car park demarcated with white carriageway lines. The Highways DC Officer has raised no issues in relation to the disabled parking bays and these are considered acceptable.

The applicant proposes to fund a car club bay and will be expected to meet the cost of the necessary TRO and all implementation costs. The exact location of the car club bay can be agreed by condition.

Overall, the proposed car parking and cycle parking provision for each of the land uses complies with the adopted parking standards and is therefore acceptable.

#### *Access and general layout*

The access arrangements for the development are as previously discussed and agreed with Highways Officers during the consideration of previous application reference 20/00552/FUL and can be summarised as:

- Shaftesbury Avenue: retain the existing access for vehicles (excluding service vehicles);

- Arlington Road: widen the existing access to allow all vehicles to enter and exit including the removal of the existing TROs which will return the northern section of Arlington Road, between the access and Livingstone Road, to two-way traffic;
- Relocate the existing Livingstone Road pedestrian access around 10m to the west; and
- Connect the site to the shared access off Shaftsbury Road, approximately 20m to the east of the existing Shaftsbury Road access for movements by foot and cycle.

The proposed access arrangements remain acceptable. The applicant would be required to meet the cost of all necessary TROs and implementation costs to widen the existing Arlington Road access; this can be secured by a S106 legal agreement.

Regarding internal site layout for pedestrians, the proposed pedestrian walk route through the car park would be demarcated by white carriageway markings and would be provided by a kerbed footway beyond the car park. This is considered acceptable. Cyclists travelling through the site would do so via a combination of cycling along the access road and walking along the footway. Highway signage is proposed to be erected instructing cyclists to dismount, which is acceptable. The proposed site layout is therefore considered to provide safe routes through the site for pedestrians and cyclists.

Concerns were previously raised by members of the Planning Committee regarding potential conflict between motor vehicles and vulnerable road users of the existing eastern (secondary) Shaftsbury Road access. Officers note that the access is lightly trafficked with low vehicle speeds and that the proposed development is forecast to generate fewer trips. Nevertheless, it is recommended that mitigation measures in the form of highway signage and carriageway markings be secured as part of an 'off-site improvement package.'

A supplementary Technical Note sets out how motor vehicle movements (taxis, deliveries, staff) associated with the student accommodation would function. Staff associated with the student accommodation would not be offered any on-site car parking and would be required to travel by alternative modes of transport. Given the proximity of the student accommodation to the Co-op store and other local centre uses, deliveries are expected to be rare and generally covered by the Royal Mail and other courier firms. It is expected that the student accommodation would be added to existing local rounds with drivers stopping briefly as is widely done locally. In terms of taxis, it

Is expected that drop offs would occur close to a pedestrian access as requested by the passenger. Most taxi movements are expected to occur early in the morning and/or in the late evening when the retail store is less busy, allowing taxis to stop within the car park to allow passengers to alight. Officers are satisfied that the applicant has considered how motor vehicle movements associated with the student accommodation would be managed.

A summary of the proposed student arrival and departure strategy for the beginning and end of the academic year has been provided. This is considered acceptable and approval and implementation of a detailed strategy can be secured by condition.

### Ecology

Ecology surveys have been completed to best practice standards. As the previous survey was completed in August 2019 and found limited evidence of any bat activity, the

information remains acceptable. The survey found no evidence of roosting bats, although there is potential for bats to colonise the building before works proceed. A pre-commencement inspection/update survey for bats should be secured by condition if consent is granted. Evidence and potential for nesting birds including Herring Gull to be present in the building was recorded.

The recommendations provided in Section 6 of the Ecology Report are generally supported. These include seasonal timing, soft strip of the roof and pre-works inspection by an ecologist. Avoidance and mitigation measures will need to be secured by condition. The Ecology Report recommends native planting and a total of two swift nest boxes, two house sparrow terraces and four integrated bat boxes. For a scheme of this scale, a higher number of bird boxes would be expected. Connectivity measures for hedgehog through boundary features should also be provided. Full and final details of ecological mitigation and enhancement measures will need to be secured by condition to provide no net loss and net gain of biodiversity.

The site is unlikely to be used by light sensitive bat species and will not impact on any nearby habitats which may be used by these species. Therefore, a sensitive external lighting design is not required for ecological reasons.

Subject to the recommended conditions, the proposal is considered to be acceptable in regard to ecological impacts.

### Archaeology

The resubmitted Heritage Assessment states that The Scala Cinema will continue be retained as part of the development proposal. It also suggests that given the presence of several possible courses of the Fosse Way (HER 60139, 60140 & 60141) there is a low to medium potential for the presence of Roman activity within the application area, together with a medium to high for potential for the presence of Post Medieval activity. However, the extent of damage resulting from construction groundwork during the late 19th/20th century upon any subsurface features is unknown. Likewise, as stated in the assessment, any assessment of significance can only be based upon "the identified archaeological potential and must be considered only provisional".

Given the current use of the application area, the limited area currently available for investigation combined with the impacts of intrusive investigations, it is accepted that further field evaluation and mitigation will need to be carried out as a condition of the application.

Conditions are recommended relating to archaeological evaluation, securing a sympathetic engineering solution, archaeological mitigation and post-excavation analysis and publication.

### Parks and Open Space

The Green Space Strategy 2015 provides the evidence base informing the green space requirement of development in consideration of Policy LCR6 and LCR9.

Oldfield and Westmoreland wards have deficits in the provision of Parks and Recreation Ground and Children/Youth Play Space. Existing greenspace in the vicinity of the development would therefore not be able to effectively absorb the increased demand from this development for these typologies. In the absence of new greenspace provision, there would be an impact on existing facilities. These impacts could potentially be provided for with a S106 payment to a local greenspace improvement project to make the development acceptable in planning terms and comply with policy LCR6.

Formal allotments are located nearby at Monksdale Road, and there is capacity at this site to accommodate increased demand.

There are a number of greenspaces in the vicinity of the development where a S106 funded project can be utilised, estimated project costs have been provided. There is a need to improve the Memorial Park opposite the Scala entrance (£10K), the development is also fortunate to be located near the Linear Park Green Infrastructure corridor (£25K), this park links Bloomfield Green (£50K), Sandpits Open Space (£70K) and Brickfields Rec (£70K).

The quantum of development proposed can be estimated to be occupied by 109 residents. The cost of providing greenspace for the residents of the proposed development has been calculated in accordance with the Green Space Strategy 2015, generating a capped contribution of £104,880 (plus indexation).

Subject to a S106 agreement securing a payment of £104,880 for greenspace enhancement projects in the local area to make the development compliant with Policy LCR6 and the Planning Obligations SPD, the proposed development would have an acceptable impact in regard to parks and open space provision.

### Land Contamination

It is understood that the proposed development site has previously been developed as a warehouse. It is also noted that a former brick and tile works was historically present to the east of the site and in fact the boundary of the brick and tile works appears to cut into the north-eastern part of the site. It is understood that some historical infilling was also undertaken at the former brick and tile works.

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. Taking account of the previously developed nature of the site and the potentially contaminative historical use of the Brick and Tile Works site with potential infilling, if planning permission is granted, conditions should be included to ensure further contaminated land investigation and potentially remediation works are undertaken.

### Sustainable Construction

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. The benchmark for demonstrating that energy efficiency has been maximised as required by Policy CP2 is a 19% reduction in regulated carbon emissions compared to that required by Building Regulations. Placemaking Plan Policy SCR1 requires 10% of this reduction to come from renewable sources for the new build

proposals. The submission confirms that the proposed development would achieve a 52.6% reduction for the Courtyard building (student accommodation block) with 34.4% coming from renewables only, whilst the Mews building would achieve a 22.7% reduction in regulated carbon emissions from renewables only and a total reduction of 25.9% from all measures. As an existing building, the policy requirement for the extension and refurbishment of the Scala is a reduction in regulated carbon emissions from all measures of at least 10%. The submitted Sustainable Construction Checklist confirms that the percentage CO2 reduction would be 14.87%.

A condition can be attached to any permission to ensure that the necessary reductions are achieved.

In order to achieve this, the development seeks to replace old inefficient buildings with new ones which have modern construction and insulation methods and incorporates renewable energy measures. These methods/measures include:

- Air source heat pumps
- Photovoltaic panels are proposed for the residential uses
- High efficiency LED lighting
- High efficiency mechanical extract ventilation
- Ambitious fabric performance targets to achieve passive energy saving.

Overall, the proposal complies with Policies CP2 and SCR1.

Provision must be made on site for rainwater harvesting for re-use and local food growing in line with Policies SCR5 and LCR9 of the Placemaking Plan. The scheme benefits from communal garden areas which would ensure that these policies can be complied with.

### Drainage

The site is located within Flood Zone 1 (low probability of fluvial flooding). In regard to surface water flood risk, the site has a 'Variable - Low to High' risk of flooding. The proposed development is not considered to materially affect drainage and surface water flood risk compared to the existing situation.

As the site has been identified as at risk of surface water flooding, the submitted Flood Risk Assessment proposes a range of mitigation measures in order to create a flood resilient development. These include raising heating systems, electrical sockets and utility meters above the predicted flood level where possible; ground floors designed to permit water passage at high flood depths and Sustainable Drainage Systems (SuDS) to store/intercept flood water.

The SuDS Strategy proposes using a grate system and flow control to manage the surface water of the development. This is acceptable, and the discharge rate to the surface water sewer and the attenuation volume are acceptable. The design would provide betterment over the existing conditions.

A condition is recommended requiring the measures set out in the conclusion of the Flood Risk Assessment to be implemented as appropriate. Subject to this condition, it is

considered that the proposal accords with Policy CP5 of the Core Strategy and SU1 of the Placemaking Plan.

### Housing Accessibility

Policy H7 of the Placemaking Plan requires residential development to have enhanced accessibility standards and meet the optional technical standard 4(2) in the Building Regulations Approved Document. 19% of the market residential properties must meet this requirement to comply with Policy H7. The submission confirms that two of the nine of units would meet these standards and therefore the development satisfies this policy requirement. The two apartments with enhanced accessibility standards would be located on the ground floor of the Mews building.

### Public Sector Equality Duty

Section 149 of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Third party comments have raised concerns that older people would be disproportionately affected by the reduction in the floor area of the Co-op since they are most likely to rely on local services. In this case it is considered that the proposed remodelling of the Co-op would not significantly alter its convenience retail offer compared to the existing situation. Some of the reduction in floorspace would be achieved through the loss of an existing vacant retail floor area. The Co-op also proposes to reduce product duplication and include more self-scan tills, which take up less space than belted checkouts. Overall, it is not considered that older people would be notably disadvantaged compared to other groups as a result of the proposals.

The existing Blue Badge parking spaces are located opposite the entrance to the Co-op store. The proposed Blue Badge parking spaces would therefore be located further from the entrance than under existing circumstances and this is acknowledged as a worsening of accessibility for Blue Badge holders shopping at the Co-op. However, within the proposed site layout, the siting of the disabled parking bays is considered to be in the most convenient location relative to other parking spaces allocated for the retail use. Whilst there would be a short distance of car park to cross along a demarcated route on the carriageway, the majority of the distance would be on a kerbed footway. The re-siting of the disabled parking bays must also be weighed against the wider benefits of the scheme; this is addressed in the conclusion below.

### Planning Obligations

#### *Affordable Housing*

The proposed development would provide a total of 9No. units of market housing and therefore falls below the threshold for the requirement for affordable housing provision.

#### *Parks and Green Spaces*

A contribution of £104,880 for or towards the enhancement and maintenance of Public Open Space within the Westmoreland, Oldfield, Moorlands and Southdown Wards.

#### *Other obligations*

Obligations to secure off-site highway works together with funding of the required Traffic Regulation Order together with implementation costs will be required as set out above. Further, as identified in this report, the phasing of the development would need to be secured. An obligation is also recommended requiring the provision of fire hydrants on the development where necessary and a financial contribution towards their maintenance for 5 years.

#### Planning Balance & Conclusions

The retention and modernisation of the anchor Co-op retail store would retain and improve the retail offer in Oldfield Park and would continue to positively contribute to the Moorland Road shopping area. It would also continue to provide employment for local people. These are significant economic benefits to the scheme. The redevelopment of the site would also comprise residential housing and student housing, both of which have economic and social benefits as well as the retention of an improved community facility providing a social benefit.

The development would result in the redevelopment of a brownfield site and this should be given substantial weight in the overall planning balance. The overall redevelopment would safeguard the non-designated heritage asset, which again has social and environmental benefits. It is considered that the revised proposal has addressed the reasons for refusal of the previous scheme (ref. 20/00552/FUL). The proposed development would respond appropriately to the local urban context, would be well integrated with the surrounding streets and would have an acceptable impact on the character of the area. Additional benefits of the proposal would include repaired and improved streetscapes, increased permeability and ease of pedestrian movement and modest landscape enhancements.

Re-siting the Blue Badge holder parking spaces further from the Co-op entrance is acknowledged to be a negative aspect of the scheme for users of those spaces compared to the existing situation. However, in highway safety terms the location of the disabled parking bays is considered acceptable. It is therefore considered that the relocated disabled parking bays should be given only moderate weight as a disbenefit of the scheme.

No significant harm has been found to the residential amenity of the neighbouring occupiers or to highway safety, and no other significant issues have been identified.

Overall, taking into account the planning merits of the scheme and weighing the identified benefits against the disbenefit of greater distance to disabled parking bays, it is considered that the proposed development is acceptable and accords with all the relevant policies of the Development Plan and the NPPF. It is therefore recommended that planning permission is granted subject to conditions and a S106 agreement securing the planning obligations as set out in this report.

#### **RECOMMENDATION**

PERMIT

## CONDITIONS

0 A Authorise the Director of Legal and Democratic Services to enter into a Section 106 Agreement to secure the terms outlined:

1. A contribution of £104,880 for or towards the enhancement and maintenance of Public Open Space within the Westmoreland, Oldfield, Moorlands and Southdown wards;
2. Details of management company and operation of the site and open space;
3. Obligations to secure off-site highway works together with funding of the required Traffic Regulation Order together with implementation costs;
4. The phasing of the development to ensure the delivery of the retail unit and community use in the first phase;
5. The provision of fire hydrants on the development where necessary and a financial contribution towards their maintenance for 5 years.

B Subject to the prior completion of the above agreement authorise the Head of Planning to PERMIT subject to the following conditions:

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the 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.

### **3 Parking (Compliance)**

The areas allocated for parking and turning, as indicated on submitted plan reference 1743 AP(0)10 Revision B, shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

### **4 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until bicycle storage for at least 116 bicycles has been provided in accordance with details which have been submitted to and

approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

#### **5 Student Management Plan (Pre-occupation)**

Prior to the opening of the development a Student Management Plan setting out the agreed arrangements for managing student drop off/collection procedures and location, at the start/end of semester/academic year shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Student Management Plan.

To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

#### **6 Travel Plan (Pre-occupation)**

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

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

#### **7 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

#### **8 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, car share, car club information etc., to encourage residents to try public transport.

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.

### **9 Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme produced by a suitably experienced ecologist have been submitted to and approved in writing by the local planning authority. These details shall be consistent with Section 6 of Ecology Report (Ashgrove Ecology, 2020) and shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary wildlife protection and mitigation measures, including, where applicable, proposed pre-commencement surveys and seasonal timing, for the avoidance of harm to wildlife including nesting birds and bats and proposed reporting of findings to the LPA prior to commencement of works; and

(ii) Detailed proposals for wildlife mitigation and enhancement measures including wildlife-friendly and native planting; locations, specifications and numbers of bat and bird boxes; and connectivity measures in boundary features to allow movement of wildlife including hedgehog.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm in accordance with the Wildlife and Countryside Act 1981 (as amended) and to provide biodiversity gain in accordance with policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

NB 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.

### **10 Implementation Wildlife Protection and Enhancement Scheme (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 where appropriate, 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.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

### **11 Site Specific Construction Environmental Management Plan (Pre-occupation)**

No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Environmental Protection Team

- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00

Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

- Procedures for emergency deviation of the agreed working hours.

- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

### **12 Noise Mitigation Measures (Compliance)**

The development shall be constructed in accordance with the noise control and mitigation measures detailed in the approved Noise Impact Assessment reference 7929/BL/PR.

Reason: To protect future occupants and neighbouring residents from exposure to environmental Noise

### **13 Noise assessment (Pre-Occupation)**

On completion of the development 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. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: In the interests of the amenities of surrounding occupiers.

### **14 Deliveries - retail use (Compliance)**

No deliveries or dispatches shall be made to or from the site to include waste servicing vehicles, and no delivery or despatch vehicles shall enter or leave the site before the hours of 07.00 nor after 22.00 Monday to Saturday, or at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of surrounding occupiers.

### **15 External lighting (Pre-Occupation)**

Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the

curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

Reason: In the interests of the amenities of surrounding occupiers.

### **16 Sustainable Construction (Pre-Occupation)**

Prior to first occupation 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 and submitted to the local planning authority together with the further documentation listed below:

- Table 2.4 (Calculations);
- Building Regulations Part L post-completion documents

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).

### **17 Flood Risk Mitigation Measures (Compliance)**

The mitigation measures recommended in the Flood Risk Assessment reference 72007R3 prepared by FloodSmart shall be implemented as appropriate.

Reason: In the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy.

### **18 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 Bath and North East Somerset Placemaking Plan.

### **19 Housing Accessibility (Compliance)**

Two dwellings in the Mews building hereby approved shall be constructed to meet the optional technical standards 4(2) in the Building Regulations Approved Document M.

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

### **20 Landscape Design Proposals (Bespoke Trigger)**

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas

5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **21 Implementation of Landscaping Scheme (Bespoke Trigger)**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

### **22 Electric Vehicle Charging Points (Pre-Occupation)**

Prior to first occupation of the development hereby approved electric vehicle charging points shall be installed (and shall be fully operational) in accordance with an Electric Vehicle Charging Point Plan/Strategy which shall have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that electric vehicles are adequately accommodated for and encouraged in accordance with Policy ST7 of the Bath & North East Somerset Core Strategy.

### **23 Virtual footway (Pre-Occupation)**

Prior to the occupation of the development, details of a virtual footway or equivalent on the shared access from Shaftesbury Road (to the site and the rear of the properties at Shaftesbury Road) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development.

Reason: In the interest of highway and pedestrian safety.

#### **24 Community use - Use Class E (Compliance)**

Notwithstanding the provisions of the The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (or any order revoking and re-enacting that Order with or without modification), the approved dance centre shall only be used for a dance or sports hall/community hall or a community use as otherwise agreed in writing by the Local Planning Authority, and for no other purpose in Class E (or other class) of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

#### **25 Provision of a temporary retail store (Compliance)**

Prior to the ceasing of the operation of the existing retail use to allow for redevelopment, details of a temporary store which shall be accommodated on the site, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include dates for which the store will be in place. The development shall be carried out in accordance with these approved details.

Reason: To ensure retail space is retained on the site in the interests of vitality and viability of the Local Centre.

#### **26 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 AP(0)01 B Site Location Plan  
AP(0)05 B Existing Site Survey  
AP(0)09 B Demolition Site Plan  
AP(0)10 B Proposed Site Plan - Ground Floor  
AP(0)11 A Proposed Site Plan - First Floor  
AP(0)12 A Proposed Site Plan - Second Floor  
AP(0)14 A Site Plan - Roof  
AP(0)20 A Existing Site Elevations  
AP(0)21 Proposed Site Elevations  
AP(0)30 A Proposed Site Sections AABB  
AP(0)31 A Proposed Site Sections CCDDEE  
AP(0)40 B Existing Site Aerial 01  
AP(0)41 Proposed Site Aerial 01  
AP(0)50 Visualisation 01  
AP(0)51 Visualisation 02  
AP(0)52 B Visualisation 03  
AP(1)01 B Scala Existing Ground Floor Plan

AP(0)02 C Scala Existing First Floor Plan  
AP(0)05 C Scala Existing Elevations  
AP(0)06 A Scala - Existing Sections  
AP(1)10 Scala Proposed Ground Floor & First Floor Plans  
AP(1)20 F Scala Proposed Elevations  
AP(1)30 Scala - Proposed Sections  
AP(1)31 Proposed Scala - Detail Sections  
AP(2)10 M Courtyard - Proposed Ground Floor & First Floor Plans  
AP(2)11 Courtyard - Proposed Second Floor Plan  
AP(2)20 A Courtyard Proposed Elevations  
AP(2)30 A Courtyard - Proposed Sections  
AP(2)31 Proposed Courtyard - Detail Sections  
AP(3)10 Mews - Proposed Plans  
AP(3)20 Mews Proposed Elevations  
AP(3)30 Mews - Proposed Sections

Planning and Economic Statement, October 2021  
Highways Technical Note, October 2021  
Transport Statement, document reference 21114/TS/01, September 2021  
Framework Travel Plan, September 2021  
Design and Access Statement Addendum, August 2021  
Visual Impact Assessment, September 2019  
Addendum Visual Impact Assessment, document reference NPA/11110/100, September 2021  
Visually Verified Montages, document reference NPA 11110 REN, September 2021  
Flood Risk Assessment, document reference 72007R3, 23 January 2020  
Sustainable Drainage Strategy, document reference 72007.01R3, 23 January 2020  
Noise Impact Assessment, document reference 7929/BL-PR, January 2020  
Daylight and Sunlight Amenity Study, document reference 19-02567, August 2021  
Heritage Impact Assessment, 22 September 2019  
Landscape Strategy, document reference 11110 PRE03, October 2019  
Sustainability Report, January 2020  
Ventilation and Extract Statement, document reference 1329RCS Vent Statement, 27 January 2020  
Ecology Report, January 2020  
Accommodation Schedule

## **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 Community Infrastructure Levy - General Note for all Development**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

**Do not commence development** until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

### **Community Infrastructure Levy - Exemptions and Reliefs Claims**

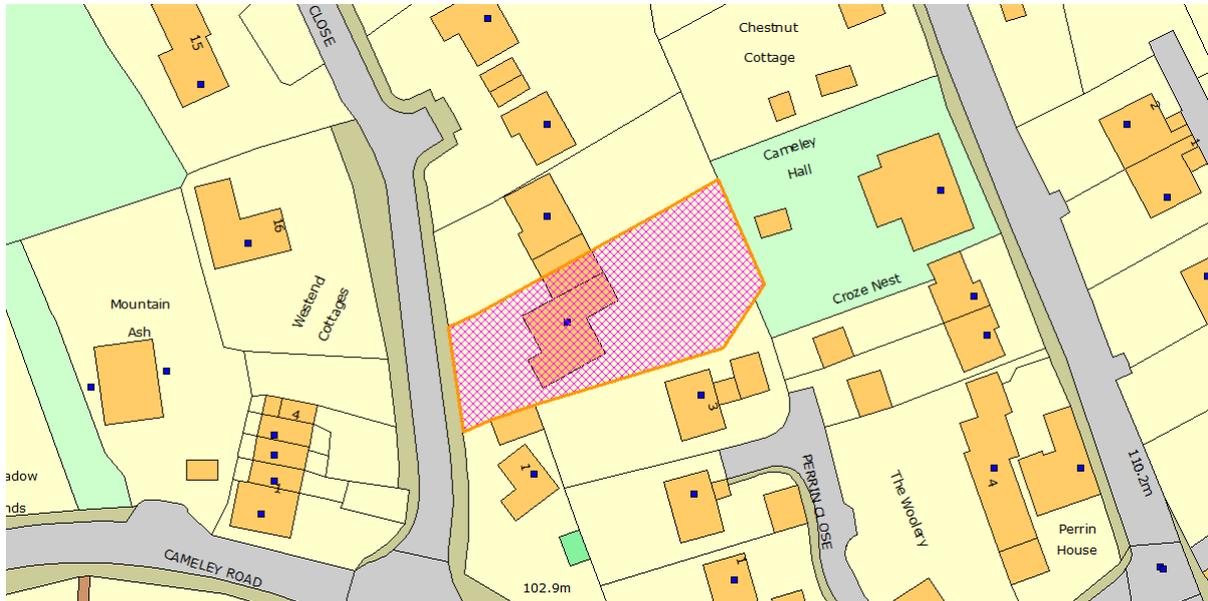
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

#### **4 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.

**Item No:** 03  
**Application No:** 21/02929/FUL  
**Site Location:** 2 Molly Close Temple Cloud Bristol Bath And North East Somerset BS39 5AE



**Ward:** Mendip **Parish:** Temple Cloud With Cameley Parish Council  
**LB Grade:** N/A

**Ward Members:** Councillor David Wood

**Application Type:** Full Application

**Proposal:** Erection of rear extension with flat roof dormer built into the roof space (retrospective)

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Mr And Mrs Davis

**Expiry Date:** 6th October 2021

**Case Officer:** Sam Grant

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

## REPORT

This application relates to a detached house located on Molly Close. The site falls within the parish of Temple Cloud.

The application seeks retrospective planning permission for the Erection of rear extension with flat roof dormer built into the roof space. This application is the result of a Planning Enforcement investigation.

Planning history:

None of relevance.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Temple Cloud with Cameley Parish Council Response:

The Parish Council does not support development without the necessary planning permission.

The parish council would like to highlight the following issues: The Parish Council have received objections from local residents regarding this retrospective application based on the size of the development being excessive and increased parking as a result of this development.

Highways:

Parking

The proposed works will increase the bedrooms the dwelling benefits, from 3-beds to 5-beds. This will result in the required off-street car parking provision being increased from 2 spaces to 3 spaces, in order to be policy complaint under the C3 residential parking standards.

The Applicant is requested to provide revised plans which demonstrate that 3 off-street car parking spaces are available for use by the Applicant. To accord with the authorities adopted parking standards, the minimum dimensions of a standard off-street car parking space shall be 2.4m x 4.8m. Garages can also be included in the prescribed minimum standard, provided they have minimum internal dimensions of 6-metres by 3-metres.

3rd Party comments:

1 comment in Objection:

- o Upstairs window would overlook 3 Perrin Close
- o Object to the balcony on the back of the property due to privacy and noise issues.
- o Height of the roof higher than original.
- o Errors on the application form.

## **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:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- 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  
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.3: Urban fabric  
D.5: Building design  
D.6: Amenity  
ST7: Transport Requirements for Managing Development

National Policy:

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

## 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

This application has been referred to the Committee Chair in accordance with the Councils Scheme of Delegation who has agreed that the case should be considered by the Planning Committee. Temple Cloud with Cameley Parish Council requested that should the officer be minded to permit the application, then it should be considered by the

Planning Committee. Planning policy reasons were given stating objections to the application, contrary the officer recommendation to permit

The application seeks retrospective planning permission for the Erection of rear extension with flat roof dormer built into the roof space. This application is the result of a Planning Enforcement investigation.

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.

This retrospective application proposes the Erection of rear extension with flat roof dormer built into the roof space.

The rear extension extends approximately 6.5 metres from the original rear wall of the dwellinghouse and is 10.5 metres in width (the whole width of the rear elevation of the original dwelling) The extension also has second storey that is built into the roof space of the original dwelling, forming a dormer. Whilst the addition is not insignificant. The plot is generously sized, and the proposed development scale and it is considered that the proposed development would not be disproportional.

The existing dwelling is finished in white render and this application proposed that the rear elevation of the second storey of the rear extension will be finished in natural cedar cladding. Whilst this represents a significant change from the existing, this material is only to be used on the rear elevation and will not be viewable from the street scene (no changes to the front elevation are proposed). Furthermore, the surrounding area contains a variety of housing type and design consequently this choice of material is considered appropriate and in keeping with the character of the local area.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 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.

Concerns have been raised regarding the potential overlooking and the impact on neighbouring properties amenity from the Juliet Balconies on the rear elevation and the new window on the first floor on the southern elevation.

The two rear Juliet balconies are the primary windows for 2 of the 4 upstairs bedrooms, that overlook the rear garden to the property. Third party comments raised concerns regarding the potential noise impacts of these balconies, however the rear first story rooms are planned to be bedrooms, unlike other rooms such as a kitchen or living room, it is considered that the potential noise impacts from these balconies would be negligible and roughly the same impact as a normal window. The rear Juliet balconies are considered acceptable.

Regarding the proposed window on the first floor, this window is for a bedroom. Whilst this is a new window and creates a viewpoint that was not previously available, the use of such a room as with the balconies, would considerably reduce the risk of potential overlooking. In addition, visibility goes both ways, and the neighbouring property would be able to overlook this new bedroom window. The 3rd party objector did request that this window be obscured glassed glazed if it could be removed from the plans, however given that the room is a bedroom and is most likely to be vacant during the day, this would be considered to be disproportionate.

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.

## Highways

The parish council raised concerns in their objection that this development could cause an increase in local parking.

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity. The proposed development would increase the amount of bedrooms at the property from 3 to 5. As per policy ST7 of the Placemaking Plan, the applicant has to demonstrate that 3 off street carparking spaces can be provided. There is a large driveway at the front of the property that the applicant has submitted plans that demonstrate that the required parking spaces can be provided.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

## CONCLUSION

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

## **RECOMMENDATION**

PERMIT

## CONDITIONS

### 1 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 This Decision relates to the following plans:

Drawing	21 Jun 2021	004 B	EXISTING ELEVATIONS
Drawing	21 Jun 2021	004 B	ROOF DETAILING
Drawing	22 Jul 2021	004 B	PROPOSED ELEVATIONS
Drawing	3 Jul 2021	PL 011 B	PLANS EXISTING AND PROPOSED
Drawing	28 Sep 2021	007 B	ROOF PLAN
Revised Drawing	28 Sep 2021	006 A	BLOCK PLAN PARKING ARRANGEMENTS
OS Extract	22 Jul 2021	001 B	LOCATION PLAN AND BLOCK PLANS

### 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 Responding to Climate Change (Informative):**

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.