

# Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **11th March 2020**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

**AN OPEN PUBLIC ITEM**

## BACKGROUND PAPERS

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

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

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

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

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

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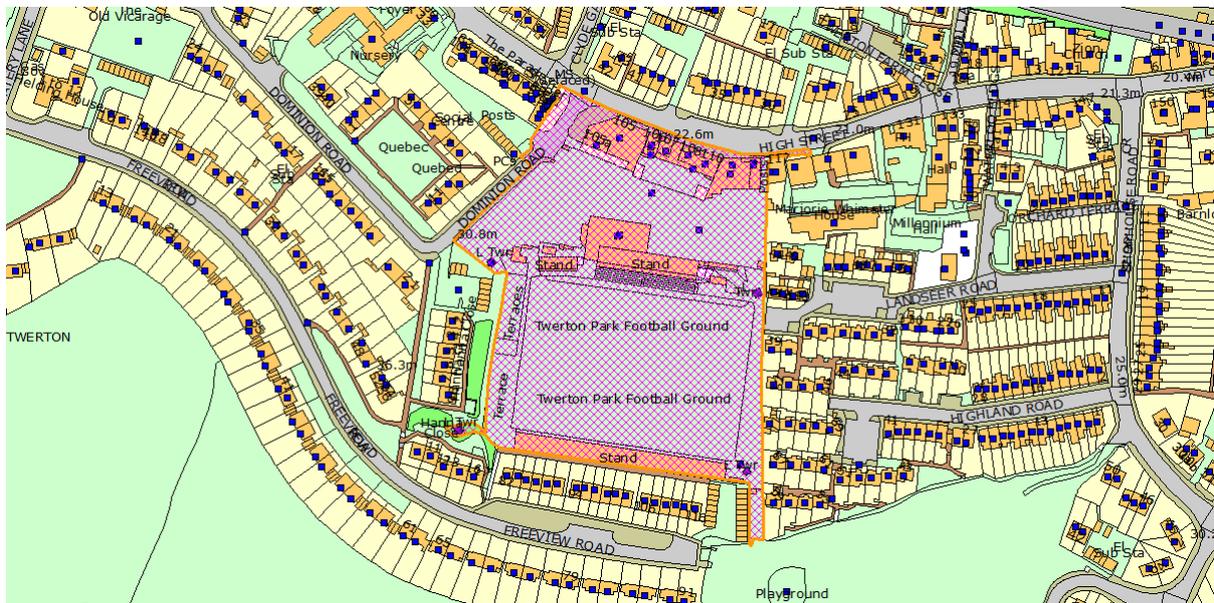
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	19/02276/FUL 13 March 2020	Bath City Football Club & Greenacre Capital Ltd Bath City Football Club, High Street, Twerton, Bath, BA2 1DB Mixed-use redevelopment of Twerton Park and adjoining land, comprising of; replacement spectator stand, new east terrace and playing pitch (levelling with 3G surface); 12no. affordable dwellings (C3 Use), 33no. co-living apartments (Sui Generis); 356 beds of student accommodation (Sui Generis); community function space (D1 Use); gymnasium (D2 use); commercial units (A1/A2/A3/A4/A5 and AA Uses); modifications to the external appearance of the existing retail and residential units (providing 6no. additional apartments) between 105 and 116 High Street; associated landscaping and public realm works.	Twerton	Chris Griggs-Trevarthen	REFUSE

02	19/01854/OUT 30 August 2019	Oakhill Group Hartwells Of Bath, Newbridge Road, Newbridge, Bath, BA1 2PP Outline application with all matters reserved except for access and layout comprising the demolition of the existing buildings on the site; construction of replacement buildings ranging in height from 3 to 5 storeys providing a mixed use development comprising up to 104 residential units (Class C3 Use), up to 186 student bedrooms (Sui Generis Use), and a commercial retail unit (flexible A1/A3 Use); formation of new vehicular access from Newbridge Road, construction of new access ramp, and provision of vehicle parking spaces; provision of new shared bicycle and pedestrian sustainable transport route through the site and formation of new access and linkages on the eastern and western boundary; provision of hard and soft landscaping scheme across entire site.	Newbridge	Chris Gomm	Delegate to PERMIT
03	19/03734/FUL 15 October 2019	Elmhurst Foundation Combe Grove, Brassknocker Hill, Monkton Combe, Bath, BA2 7HS Erection of 1 no. polytunnel, reconfiguration of car park and associated landscaping works.	Bathavon South	Sasha Berezina	REFUSE
04	19/05225/FUL 12 March 2020	Mr Colin Blackburn 35 Hantone Hill, Bathampton, Bath, Bath And North East Somerset, BA2 6XD Demolition of existing dwelling and erection of replacement dwelling.	Bathavon North	Chloe Buckingham	PERMIT
05	19/04764/OUT 12 March 2020	Mr Gerald Cox Former Builders Yard, Temple Inn Lane, Temple Cloud, Bristol, Outline planning permission for demolition of existing storage building and erection of single dwelling	Mendip	Chloe Buckingham	REFUSE
06	20/00098/FUL 13 March 2020	Bath And North East Somerset Liberal Democrats 31 James Street West, City Centre, Bath, Bath And North East Somerset, BA1 2BT External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).	Kingsmead	Helen Ellison	PERMIT

07	20/00099/LBA 13 March 2020	Bath And North East Somerset Liberal Democrats 31 James Street West, City Centre, Bath, Bath And North East Somerset, BA1 2BT External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission).	Kingsmead	Helen Ellison	CONSENT
08	19/05507/FUL 13 March 2020	Mr & Mrs Humphrey Old House, Northend, Batheaston, Bath, Bath And North East Somerset Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)	Bathavon North	Helen Ellison	REFUSE
09	19/05508/LBA 13 March 2020	Mr & Mrs Humphrey Old House, Northend, Batheaston, Bath, Bath And North East Somerset External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Regularisation)	Bathavon North	Helen Ellison	REFUSE

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

**Item No:** 01  
**Application No:** 19/02276/FUL  
**Site Location:** Bath City Football Club High Street Twerton Bath BA2 1DB



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

<b>Proposal:</b>	Mixed-use redevelopment of Twerton Park and adjoining land, comprising of; replacement spectator stand, new east terrace and playing pitch (levelling with 3G surface); 12no. affordable dwellings (C3 Use), 33no. co-living apartments (Sui Generis); 356 beds of student accommodation (Sui Generis); community function space (D1 Use); gymnasium (D2 use); commercial units (A1/A2/A3/A4/A5 and AA Uses); modifications to the external appearance of the existing retail and residential units (providing 6no. additional apartments) between 105 and 116 High Street; associated landscaping and public realm works.
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, Policy LR6A Local Green Spaces, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Bath City Football Club & Greenacre Capital Ltd
<b>Expiry Date:</b>	13th March 2020
<b>Case Officer:</b>	Chris Griggs-Trevarthen
To view the case click on the link <a href="#">here</a> .	

## REPORT

### REASON FOR REPORTING TO COMMITTEE

The application is accompanied by a viability/enabling assessment which, amongst other things, considers the provision of affordable housing. In accordance with the scheme of delegation the application falls to be determined by the Planning Committee.

### DESCRIPTION

The application site measures approximately 2.1 hectares and comprises the grounds and car park of Bath City Football Club (known as Twerton Park) and the adjacent parade of shops and flats along the south side of Twerton High Street.

The football ground contains a grass football pitch and semi-covered terracing along its east, south and west boundaries. The grandstand is located on the north side of the pitch. The car park, located to the north of the ground, is accessed via Dominion Road and slopes down towards the High Street.

The site includes 6 existing shop units on the High Street (105 - 115 High Street). There are also 12 flats situated above 106 - 110 High Street with associated parking located within a rear parking courtyard. This courtyard is accessed via a gap in the frontage between 107 - 108 High Street and is enclosed by the much higher land of the football ground car park which surrounds it.

The whole site falls within the Bath World Heritage Site and Bath Conservation Area. The football ground and car park are part of allocation policy SB14 (Twerton Park). The

football pitch is also identified as a safeguarded sports and recreational facility (policy LCR5).

The shops and flats on the High Street are outside of the allocation, but do form part of the Twerton Local Centre (policy CP12). Land underneath 106 - 110 High Street is identified as a site of potential concern in respect of contaminated land.

The application seeks permission for redevelopment of the site to include the following elements:

- o Demolition of the north spectator stand and provision of a replacement stand with a capacity of 2,000 spectators. In addition, the stand will include a ticket office, changing rooms, toilets, directors lounge and boxes, plant room, physio and medical treatment rooms
- o Provision of 33 co-living apartments
- o Provision of students accommodation comprising 356 bedrooms in cluster flats
- o Provision of 12 affordable apartments
- o Provision of 6 open market apartments above the existing apartments 106 - 110 High Street which are to be retained/refurbished
- o Provision of a community centre
- o Provision of a gym
- o Provision of new and refurbished commercial units onto the High Street comprising A1/A2/A3/A4/A5 and AA uses
- o Levelling of the playing pitch and associated retaining structures
- o Installation of a 3G pitch
- o Provision of a replacement terrace along the east side of the pitch
- o Provision of on and off-site hard and soft landscaping and public realm improvements, including highway works on the High Street and Dominion Road
- o A new car park to serve Bath City Football Club and visitors
- o Secure cycle parking to serve the student accommodation, co-living apartments and visitors

## **PLANNING HISTORY**

Whilst the site has some planning history relating to floodlighting, telecommunications and minor changes of use, there are no significant or major applications which are of relevance to the current proposals. The full planning history can be found on the Council's website.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

A summary of consultation responses to the application have been provided below. Full responses are available on the Council's website.

### **Internal Consultees**

Arboriculture: Objection

All trees within the site are removed to accommodate the scale of the development. The proposals cannot accommodate a reasonable amount of tree planting on site and fails to respond to policies NE1 and NE6 of the Placemaking Plan.

Archaeology: No objection, subject to conditions

**Conservation: Objection**

The proposed approach does not respond appropriately to the traditional village, domestic context in terms of height, massing, building form or use of materials.

**Contaminated Land: No objection, subject to conditions**

**Drainage and Flooding: No objection, subject to conditions**

**Ecology: No objection, subject to conditions**

**Economic Development: Support**

Economic Development is supportive of this application due to the additional employment benefits it will bring.

**Environmental Protection: No objection, subject to conditions**

**Highways: Objection**

The evidence demonstrates that the application will fail to comply with Policy ST7. It will not provide an appropriate level of on-site servicing and vehicle parking in accordance with the parking standards and there would be an increase in on street parking in the vicinity of the site which would affect highway safety and/or residential amenity.

**Housing: Objection**

Housing Services regards the planning class use of the proposed 33no co-living accommodation as C3 meaning that they are liable for affordable housing. The proposals therefore provide insufficient affordable housing against policy CP9

**Landscape: Objection**

The proposal would not have any significant impact on the authenticity and integrity of the World Heritage Site. However, residential development above four storeys in height would have an adverse impact on the character and appearance of the Conservation Area and that this would result in an adverse landscape impact that could not be adequately mitigated. The current proposals also fail to provide a suitable and appropriate hard and soft landscape setting for the proposed sporting and residential developments.

**Parks and Green Spaces: No objection, subject to conditions/obligations**

In the absence of provision of publically accessible greenspace to meet the demands generated by new residents as a result from the development, a financial contribution is required to be agreed by S106 for the improvement and maintenance of Innox Park and Pennyquick Open Space. The contribution required is £120,000.

**Planning Policy: Objection, but scope for revision**

The redevelopment of Bath City Football Club (Grandstand and Playing Pitch) is considered to be in conformity with Policy SB14 and Policy LCR6 in principle and the inclusion of the properties facilitating multiple regeneration benefits on the High Street is supported. The proposed co-living studios are considered as self-contained C3 dwellings therefore Policy CP9 affordable housing policy would apply. The proposed development site is outside the areas listed in Policy B5 therefore the student accommodation provision does not conflict with Policy B5. However, overconcentration of student population is a concern in terms of achieving the objective of creating balanced communities.

#### Public Health: Support

It is understood that the proposals will allow more local youth teams, charities, community groups and the local residents to make use of the improved facilities, build on the great work already undertaken by Bath City Football Club and therefore improve health and wellbeing in the local population/area.

Public Rights of Way: No objection, subject to condition

#### Urban Design: Objection

The scheme proposes a continuous and unbroken, densely developed block which, together with height and roof form, exacerbates its monolithic and anomalous overbearing qualities. It is also dominated by an assertive bookend event and emphasised roof massing and complexity contrary to the recessive and simple pitches illustrated in context analysis.

The current facades across the scheme are flat and repetitive. The introduction of gable ends within the scheme lack contextual cues. Whilst they add interest, they also add to the dominance of the scheme.

The proposed materials for the student accommodation and high street frontage are not appropriate for a site within the World Heritage Site and Bath Conservation Area. However, there is no objection to the contemporary materials being employed for the grandstand.

The proposed student accommodation suffers from overshadowing and window openings are relatively modest. Furthermore, the internal courtyard of the student accommodation is a cramped and enclosed space which is an uncomfortable mix of parking, amenity space and residential outlook.

The chamfered corner shopfront is likely to become a focus of anti-social behaviour and the ceiling is likely to be a maintenance liability. Similarly, the stadium undercroft parking areas may become further opportunities for anti-social behaviour and they appear to be open to public access.

#### Viability Assessor: Comments

The independent viability appraisal produces a deficit of £940K. The viability assessor is therefore of the opinion that there is no additional viability surplus to challenge a reduction in development massing and density or to provide any additional planning contributions.

The appraisal has not applied any value to the Twerton Park Asset, in the event that the Council wish to pressure an assessment of the potential value any additional value found would potentially result in the scheme producing an increased viability surplus that could be used for additional planning contributions or to challenge the required development massing and density.

#### **External Consultees**

Avon and Somerset Police: No objection

Counter Terrorism Security Adviser: No objection

#### Football Foundation: Support

They advise that Bath City Football Club liaise with the National League South to ensure that this proposal meets the criteria as outlined within the requirements of the ground grading criteria (link above). Stadia designs should give consideration for the potential of the clubs future progression.

#### Historic England: Concerns

While the proposals envisage a significant increase in the quantum of development at and around Twerton Park, the supplied documentation demonstrates that the proposed development will not rise above existing built form in longer views, and consequently there is no adverse impact on the outstanding universal value of the World Heritage Site.

However, there are concerns that the proposed replacement buildings fronting the High Street may not respond positively to the character and appearance of the conservation area. While the proposed High Street buildings are broken into individual plots with variance in height, their assertive roof forms and extensive areas of metallic cladding give the scheme a neo-industrial character, potentially at odds with the domestic context of its surroundings.

Further refinements to the design are necessary, if the scheme is to preserve or enhance the character or appearance of the conservation area and accord with the 1990 Act.

Sport England: No objection

#### **Councillors and Third Parties**

Councillor Sarah Moore: Objection

Consider this to be overdevelopment with insufficient space to provide adequate housing facilities for the numbers and types of properties proposed.

There is a need for an Environmental Impact Assessment. There is insufficient mitigation for the tree removals and there is a need for more tree/shrub landscaping on the site. The installation of a plastic pitch is also a concern as it does not fit with the need to reduce use of plastics.

Twerton is subject to a large volume of buses through the high street already and the infrastructure is not in place to support any increase in this especially to the quantity that would be required at peak times. Vulnerable residents that rely on these buses are often unable to use the current services due to the high level of demand already needed in our area of the city, adding a significant quantity of non-car owning residents to this route would be unsustainable. Neither university is within reasonable walking distance from this development. Therefore public transport would be heavily required. It is also widely seen that the proposal to not allow residents to have cars is totally unenforceable as this is not being done at other purpose built student blocks around the city and causes considerable parking issues in the already struggling surrounding residential roads. The proposal to restrict the width of the High Street in some areas will also add to this congestion. This would also have an environmental impact on surrounding roads with the increase volume of traffic.

As the majority of residents proposed for this development would be students, this area would have a large drop in footfall for approximately 2-3 months of the year, which would also coincide with non-football season, meaning any shopping put in place here would also see a significant reduction in trade. At the time of the original consultation, a number of people requested a cafe and community facility, however, since that time Rose Cottage and Twerton Village Hall have both since developed a large volunteer base that has seen these community assets grow and provide an essential benefit to both the volunteers and community as a whole, this element of the application would therefore be detrimental to the facilities already embedded within the community.

The height of these buildings is extremely overbearing on the surrounding area. The High Street has nothing that is of similar height or appearance and it does not fit with the current architecture. The proposed properties on Dominion road are opposite small bungalows which currently house elderly and vulnerable residents and an addition of this size would impact them greatly.

There is also concern about the issues that would arise if all student accommodation is not filled. What restrictions could be put in place to prevent use as Airbnb etc. as the restriction of car usage again would not be enforceable in such circumstances?

What contingency is being put in place should this redevelopment not produce the regeneration of the Football Club to a financially sustainable club that is required?

Federation of Bath Residents' Associations (FoBRA) : Objection

FoBRA is concerned at the effect on the local community of the mixed-use redevelopment of Twerton Park and adjoining land.

Given the existence of much student accommodation and increased development in the vicinity, there is a danger of the permanent community being overwhelmed and the character of the area being lost. There are also environmental concerns about the artificial 3G pitch.

On the other hand, FoBRA would be reluctant to scupper the only potential means of saving the club and regenerating the local village centre. FoBRA understands that the future of the club is dependent on the investment in the development of 356 student accommodation bed spaces. However, it should be noted that not only will these be largely vacant during the vacations, but if unfilled by students in term-time, no doubt the developers will advertise these for the AirBnB market, as other student accommodation blocks have done.

FoBRA expects the affordable housing viability argument to be fully appraised and alternative mixes of housing types tested.

Bath Preservation Trust: Objection

Bath Preservation Trust fully supports the principle of redevelopment in this location that will provide a mix of uses and retains Bath City Football club on its historic site. Appropriate redevelopment has a huge potential to bring public benefit and regenerate and integrate the site with the local area and enhance this part of Twerton. If well-designed this development has potential to create a better place for people to live, work and play in the heart of Twerton. However, we feel that much more could be done to

reduce the impact of the student accommodation element of this scheme and enhance the overall quality of Twerton and reinforce its sense of place. In summary, the Bath Preservation Trust regrets that they are unable to support the proposal in its current form for the following reasons:

There is too much student accommodation and an under provision of affordable housing. This scheme includes a large amount of student housing and the Trust urges the Council to rigorously test the case made in the viability assessment which is the justification for the amount student accommodation. The applicant should be required to show irrefutable evidence that other uses and types of residential use have been considered and tested and why such uses, together with less student accommodation does not meet the required viability level. There has been an under provision of affordable housing - 15 units (30%) would be required as a minimum rather than 12 as proposed.

Impact on the character of the conservation area and setting of listed buildings. Whilst they recognise that there are some lower than average buildings on the High Street that might benefit from being raised to 2-3 storeys, buildings at 6-7 storeys remain out of keeping with the domestic traditional village townscape which is 2-3 storeys in character. Buildings of the height and bulk proposed would have a discordant relationship with the surrounding townscape character. The proposed heights and massing would be over dominant in the local townscape and would harm local townscape views. Development of this height and massing would also have an overbearing impact on the setting of Grade II listed Rose Cottage.

Third Parties/Neighbours: 822 comments of Support. The main points made were:

Many described the club's existing facilities as dilapidated, run-down, not fit for purpose and needing investment. The proposed redevelopment was considered to provide the club with updated, state-of-the-art facilities that will be of greater benefit to the football club's operations. It was also suggested that the proposals will allow Twerton Park to become a hub of sporting activity, not just at elite level, but at the grassroots and community level too. It was felt that the new facilities, including the gym and all-weather 3G pitch, would increase levels of access to sport and in turn leading to healthier outcomes in the community for both residents and visitors.

Many referred to the football club's 80 year history in Twerton and highlighted the community work already undertaken by the club in supporting charity and young groups, alongside other community initiatives. It was argued that the proposed redevelopment would not only enable the club to continue this work, but allow it to enhance its offer to the community.

Many of the comments suggest that the redevelopment is necessary to ensure the survival of the club (by clearing its debts) and to put it on a sustainable long-term footing. There was concern that the club will have to leave if the redevelopment is not allowed and that this would have a negative impact upon the community.

A large number considered that Twerton, in particular the High Street, was in desperate need of investment and regeneration. They felt that the redevelopment proposals would provide significant regeneration benefits and would help to attract additional investment

into the area. It was suggested that the additional residents, including students, would help the shops on the High Street become more economically viable and provide a boost to local trade and businesses which, in turn, would help to create more jobs.

It was also felt that the proposals would attract a greater number of people to the area for community, leisure and shopping purposes, increasing the vibrancy and vitality of the area. The increased footfall was also argued to make the place feel safer.

Some felt that the redevelopment proposals would help to raise the profile of both Twerton and Bath. It was felt that a rejection of the application would lead to the slow decline of Twerton.

A few comments indicated that proposals represented private investment in Twerton and that it was a 'once in a lifetime opportunity' because it was unlikely public funding on the same scale would be available.

Some considered that there was a need for more purpose built student accommodation and that its provision would help to alleviate the pressure on the creation of student houses of multiple occupation (HMOs) across the city.

One comment considered that the redevelopment proposals provided a much improved disabled access to the ground via the proposed lift from the car park to the stands.

A few comments were made how the club has made a positive effort to engage with the community, setting up a community working group and listening to the concerns of local residents.

Some expressed concern about the impact of the additional student population upon local bus services. However, others were more sanguine and considered that the First Bus is likely to respond to increased demand with an increase in services.

Several comments were positive about the inclusion of affordable housing and the co-living elements of the proposal. However, some others would have preferred to see more affordable housing provision.

Some were concerned about the amount of student accommodation proposed. However, other felt the student accommodation would be well managed and would not have a significant impact.

There were many positive comments about the appearance of the proposals, with many saying it 'looks great'. Some felt it would improve the appearance of the football club and help to modernise the High Street. The public realm improvements were also welcomed. However, some expressed concern about the height of the proposals.

There was some concern about the impacts of the proposal upon parking with some expressing concern that there is insufficient parking provision. However, others felt that this was not a significant issue and that parking associated with the student accommodation could be properly controlled. The provision of a level parking area compared to the existing sloped parking area was also considered a benefit.

Several comments stated that the proposals promote sustainable transport through the use of public transport. Another comment suggested that the proposals lower the need to travel thereby reducing the carbon emissions associated with travel to and from the site.

A couple of comments wanted to see more cycle parking included as part of the proposals.

Third Parties/Neighbours: 59 comments and a petition with 15 signatures of objection. The main issues raised were

Many of the comments were concerned about the proposals for student accommodation (although some expressed support for the redevelopment in principle). There was concern that the proposals represented a massive increase in student numbers in an area where there is already several blocks of student accommodation (Twerton Mill, Waterside Court, Charlton Court, Jews Lane) and HMOs. It was suggested that this would lead to an unacceptable density of students which would disrupt and harm the existing community.

It was suggested that an Equalities Impact Assessment was needed as the area has a high level of deprivation with a number of vulnerable residents. It would need to assess the impact upon the elderly and disabled people, who would be affected by the parking and noise issues, and young mothers/single parents relying upon local, part-time work, who would have to compete with a large pool of students.

It was considered that the student accommodation, community hub, pub, gym and 3G pitch elements of the proposal would generate additional noise for greater periods during the day/week and that elderly residents would be worse affected. The use of the floodlighting every day until 10pm would also be nuisance.

Many felt that the site did not include enough affordable housing and that more should be provided in place of the proposed student accommodation. Many were concerned about the potential lost council tax to support local services as a result.

It was suggested that the local infrastructure could not cope with the number of additional students/residents. The proposals would worsen existing problems with access to GP/Health care services and would lead to pressure and overcrowding on the bus services. This would be a particular issue for older or disabled people with mobility issues who rely on public transport. There was also a concern about an increase in rubbish and litter.

A majority of the comments were concerned that the proposals lack sufficient parking provision and that this would exacerbate existing issues with on-street parking to the detriment of local residents. Elderly, disabled and other vulnerable residents would be worst affected. Many suggest that the 'no-car' policies of student accommodation are not effective and not enforceable. It was also asserted that the Curo car park at the Maltings on the Lower Bristol Road has been sold and cannot be used for overspill parking. There was also concern that visitors to the occupiers of the student accommodation would bring cars. The proposals are argued to be contrary to policy ST7 of the Placemaking Plan.

There was a lot of concern about the height of the proposed development, in particular the student accommodation block. It was suggested that the buildings were too tall and therefore out of keeping with the 2/3 storey buildings in the surrounding area. It was considered to result in a loss of light to the High Street and adjoining residential properties and to have an overbearing impact upon the village. Several suggested that it would be harmful to the World Heritage Site and the Conservation Area and contrary to the Bath Buildings Heights Strategy. There was also some suggestion that it would also block views within and out of the Conservation Area. It was also considered that the proposals would harm the setting of Rose Cottage (Grade II) and other listed buildings along the High Street.

Many were also concerned about the design and appearance of the proposed development, in particular the student accommodation. Some described the materials as out of keeping with the surrounding areas, others called the proposals 'monolithic', 'bland', 'impersonal' and 'ugly'. Many suggested that the proposals were overdeveloped and 'crammed' leaving little space for soft landscaping or screening. It was felt that the proposals would change the village nature of the current High Street and Twerton would lose its identity.

There were criticisms of the proposed public realm with the car park between the grandstand and student accommodation described as 'dank' and 'unpleasant'. There were also concerns about the proposed access to the site not being safe and that the shared surface approach would not put pedestrians first and would lead to conflicts with traffic.

Some significant concerns were raised about the living conditions of the proposed student accommodation with many pointing out that the outlook from a number of the bedrooms would be over a shaded car park with limited natural daylight and close to vehicle movements and a noisy stadium. Similarly, the outlook over the student accommodation courtyard was considered poor, lacking natural light and being shared with a car park. It was suggested that it would be unethical for the viability/enabling arguments to outweigh these concerns.

There was a suggestion that the daylight assessment submitted by the applicant should have applied the latest European Standards, against which a number of the student bedrooms would have failed to receive sufficient light to pass.

There was concern about the potential for overlooking of the existing apartments above the High Street arising from the proximity of the student accommodation.

Some of the comments suggested that the proposals will increase traffic (both cars and buses) and that this will lead to more damage to the roads, increased congestion and increased air and noise pollution. There was concern that the new crossing on Dominion Road would add to existing traffic problems.

Many felt that the community facilities on offer were already provided within the community and pointed to examples of existing community venues, gyms, pubs and playing pitches. It was felt that the proposed facilities might compete with existing community facilities resulting in their decline and loss. It was also suggested that the proposed facilities will be too expensive for locals to use.

Some felt that the proposals would do little to solve Twerton's existing problems (anti-social behaviour, crime, deprivation, etc.). It was suggested that the High Street is only run down because of the failure of the existing landlord to properly maintain and invest in it. It was also considered that the local shops will be adversely affected when students leave for the summer. Some were sceptical about the likely success of the proposed retail units.

Many were opposed to the loss of the grass pitch and its replacement with an artificial 3G pitch. There were concerns relating to microplastics, plastic waste, health concerns, longevity, carbon footprint, contamination and ecological loss all associated with the proposed artificial pitch. Some felt that there was insufficient evidence to demonstrate that they were safe. Some comments were concerned that the installation of a 3G pitch would limit the progression of the football club and tarnish the image of the Conference South.

There was a suggestion that surface water run-off was a problem in this area and also that a full drainage strategy would be required to prevent contaminated run-off from the 3G pitch. It was also suggested that the additional development would put a strain on the water resources of the area.

It was suggested that the changes to the High Street would reduce the width of the road and increase the potential for congestion. Another suggested that West of England Combined Authority (WECA) funding was already secured for High Street improvements regardless of whether the development happens.

There were some concerns about the people in the existing apartments above the High Street who would be re-housed during the development. There were concerns about the disruption this would cause and there was scepticism about whether they would be allowed to return.

Several were sceptical about whether or not the proposals would help the football club stay afloat in the long-term and doubted that the proposals would put it on a sustainable financial footing. It was also suggested that the reduction in the size of the car park would reduce their revenues. There was concern that the current proposals could set a precedent for future development if the football club were to move off site.

A few comments suggested that the club's community consultation was poor and that in promoting its application there was an implied threat that if unsuccessful something worse may be built on the site.

Several comments suggested that there was no need or demand for additional student accommodation or retail floorspace.

There were concerns over the loss of the trees on the site and concern about a lack of detail relating to the proposed mitigation landscaping works in Innox Park.

Someone suggested that there should be an alternative strategy for the regeneration of Twerton encompassing a more sensitive design and a 10 year action plan working across all relevant council services. It was suggested that the current proposals are piecemeal and speculative and that there should be a freeze on development until it can be considered as part of a wider initiative.

There was general concern that the proposals was not a good use of the allocation and was contrary to a number of policies within the Core Strategy, the Placemaking Plan and the Houses in Multiple Occupation SPD.

Some questioned why there was not Environmental Impact Assessment with the application.

Third Parties/Neighbours: 11 general comments. The main issues were:

Some general support for the principle of the redevelopment was expressed, particularly around the economic benefits of the regeneration, the provision of new facilities and the design of elements of the parade, shop fronts and grandstand.

However, concerns were also raised about the amount of student accommodation proposed and the impact it may have on the community, particularly given the transient nature of the student population. It was suggested that it will put a strain on local services (including buses) and parking. There was a query raised over how parking restrictions on students will be enforced.

It was suggested that the proposals would not provide a good enough standard of living.

There were also comments about the height of the proposed student accommodation (up to 7 storeys) being too tall. It was considered to be out of keeping and would dwarf the surrounding area, both physically and psychologically. It was stated to be contrary to the Bath Building Heights Strategy and would leave to loss of light and overlooking for surrounding residents.

There was also concern about the environmental impact of the proposed 3G pitch which is said to raise concerns about microplastics, health concerns and plastic waste. It was also considered to be contrary to the Council's declaration of a 'Climate Emergency'.

There was concern that the use of the 3G pitch for other activities (other than match day football) would result in noise and disturbance for local residents alongside additional light pollution.

A query was raised over what measures would be in place to deal with nesting seagulls.

Adequate wheelchair accessibility for all parts of the site, alongside adequate minibus parking, was considered a high priority.

There were health concerns about the use of 5G telecommunications mast (Officer note: this does not form part of the current planning application)

## **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

#### 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
- D9 Advertisements and & Outdoor Street Furniture
- D10 Public Realm
- HE1 Historic Environment
- NE2 Conserving and Enhancing the Landscape and Landscape Character
- NE2A Landscape Setting of Settlements
- NE3 Sites, Species and Habitats
- NE6 Trees and Woodland Conservation
- NE1 Development and Green Infrastructure
- 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  
LCR7B Broadband  
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

#### 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 POLICY

National Planning Policy Framework (February 2019), 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**

The main issues to consider are:

1. Principle of development
2. Housing mix
3. Co-living accommodation
4. Design
5. Public Realm and Landscaping
6. World Heritage Site
7. Conservation Area
8. Listed Buildings
9. Archaeology
10. Residential amenity
11. Highways
12. Parking
13. Walking and cycling
14. Public transport
15. Car club
16. Trees and woodland
17. Parks and green spaces
18. Ecology
19. Flood risk and drainage
20. Contaminated land
21. Sustainable construction
22. 3G artificial pitch
23. Viability/enabling case
24. Affordable housing
25. Planning obligations
26. Public benefits
27. Bath City Football Club financial position
28. Other matters
29. Planning balance
30. Conclusion

### **1. Principle of development**

Policy SB14 sets out the following requirements for development within the allocated site:

1. Any change within Twerton Park should seek to enhance the facility and Twerton High Street as a local centre, where possible, by enhancing local retail or commercial leisure provision. There is also significant scope for the associated provision of residential uses.

2. Undertake a detailed historic environment assessment, and where necessary evaluation, in order to identify and implement appropriate mitigation.

The policy is unspecific about the types of development which would be acceptable on this site, but specifies that any development should enhance the football club facility and the High Street. Similarly, it identifies significant scope for residential uses, but does not specify any particular category of residential use.

Policy B1 sets out the spatial vision for Bath as a whole. This includes, inter alia, making provision for 7,020 new homes, the protection and enhancement of the vitality and viability of local centres and enabling the provision of new off-campus student accommodation (subject to policy B5).

Policy B5 seeks the development of 2,000 study bedrooms and 45,000sqm of academic space at the Claverton campus site allocation, but also states that proposals for off-campus student accommodation will be refused within the Central Area, the Enterprise Zone and on MoD land. The site does not fall within the Central Area, the Enterprise Zone or MoD land.

Policy LCR6 permits replacement sports and recreation facilities within settlements where they would complement the existing pattern of recreational facilities and be accessible by sustainable transport modes.

Similarly, policy LCR2 permits new and replacement community facilities within settlements where they are well related to those settlements.

Twerton High Street is identified as a local centre within the hierarchy of shopping centres set out in policy CP12. The policy states that such centres should be maintained and enhanced and that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged.

In light of the policy context above, it is clear that a mixed use redevelopment comprising replacement facilities for the football club, replacement shops on the High Street, new community facilities, new residential dwellings and student accommodation is acceptable in principle on this site.

## **2. Housing Mix**

Policy CP10 requires that new housing development must provide a variety of housing types and sizes to accommodate a range of different households, including families, single people and low income households. It also states that proposals should provide a mix of tenure and housing types, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location.

The proposed development would provide the following residential accommodation:

- o 12 affordable apartments (8no. studios, 2no. 1bed, 2no. 2beds)
- o 6 open market apartments (2no. 1bed, 4no. 2bed)
- o 33 co-living studio apartments
- o 356 student bedrooms (arranged as cluster flats - 66% en-suite, 34% non-ensuite)

Some concerns have been raised by local residents and the planning policy team about the potential overconcentration of student accommodation resulting from the proposals.

The proposed site is located within an area of high concentration of Houses in Multiple Occupation (HMO Stage 1 Test areas under the HMO SPD) and close to a number of existing purpose built student accommodation blocks (e.g. Twerton Mill). Given this the introduction of an additional 356 student bedrooms in this location may have a negative impact upon achieving the objective of creating mixed and inclusive communities.

However, policy CP10 is not specific about what comprises a suitable housing mix in this area and it is clear that the proposed development seeks to deliver other types of residential accommodation primarily aimed as single people and low income households. It is therefore considered that the residential mix proposed is not contrary to policy CP10 of the Core Strategy.

### **3. Co-living accommodation**

The proposal includes the provision of 33 'co-living' apartments. Co-living is a relatively new concept which involves a form of shared housing usually aimed at single or young people. There is no official definition, but it generally involves non self-contained units with shared communal facilities and they are usually managed in a way to facilitate a shared living environment.

This application proposes the provision of 33 studio apartments which it describes as co-living (*sui generis*). However, the drawings show that the proposed studios within the block are essentially self-contained. Furthermore, the application provides a list of shared areas available for the co-living occupiers, but only a single shared kitchen/dining area on the first floor (26sqm) is dedicated for the 33 co-living occupants. The other spaces such as the communal space/play room (220sqm) are shared with the 356 students bedrooms.

It is reasonable for the 33 occupants of the co-living accommodation to expect their own communal space where they can come together as a shared living community, separate to the rest of the student accommodation. This is particularly the case given that potential occupiers are likely to be leading different lifestyles (e.g. young professionals, key workers, etc.) with different expectations to those of students. There is also concern about the safety and welfare of students who, as a result of the proposals, may be expected to share some spaces with those outside of the student community.

Furthermore, given the above assessment the proposed 'co-living' apartments are considered to fall within C3 use class rather than being classified as *sui generis*. This is an important distinction because C3 accommodation is subject to the provision of affordable housing under policy CP9. This is discussed in more detail in the affordable housing section below.

### **4. Design**

#### *Scale, form and massing (including roofscape)*

The proposed replacement grandstand is larger, both in terms of height and continuous length than the two existing spectator stands. However, some justification for this

increased scale can be found in the comments of the Design Review Panel, who assessed the scheme at pre-application stage.

"Twerton Park now is readily visible, and the comparison is with that and not zero impact. Also, a city of the size of Bath can reasonably be expected to have some large buildings forming events in the landscape, *particularly when they are civic or have a public function* (Abbey, railway station, bus station, shopping centre, theatre, rugby stadium, *football stadium*)."

(Design Review Panel Letter, 24 July 2018)

Twerton Park has a clear public/civic function having been a football club within the community since 1932 and hosting many different events in the area. The height, scale and massing of the proposed replacement grandstand is therefore not objectionable, despite its prominence.

However, the student and co-living block comprises primarily residential accommodation which does not serve an obvious civic or public function and so does not benefit from the same justification.

The height, scale, massing of the student block is a significant concern with the scheme. The 6/7 storey building height remains out of keeping with this suburban location which is pre-dominantly 2/3 storey in character. The length of the block, continuous roofline and extensive areas of flat roof exacerbate this concern as they will appear visually unrelieved and over-dominant in views, particularly from the North and street level. The double height mansard on the student block is not considered to be an effective roof form and fails to break down the massing like a single storey roof would.

Furthermore, as demonstrated by the accurate visual representation from the east of the High Street, the 6/7 storey elements to the rear would loom over the lower part of the development fronting the High Street creating a dominant, incoherent and overbearing feature. As a result, the scheme fails to integrate with and detracts from the existing, established built form.

It is argued within the application that the student block helps to screen and articulate the appearance and massing of the grandstand which is situated further up the slope. However, given the justification for the prominence of the grandstand (arising from its civic/public function), this is entirely unnecessary and simply results in a new building which is too large for its context and whose prominence is not justified by a civic/public function.

Similar concerns, although of a lower order to those held about the student block, are held in respect of the height and scale of the High Street frontage. The 5 storey block at the west end appears too high in this context. Furthermore, both Historic England and the Conservation Officer have raised concerns about the approach to the design along the High Street. They consider the site to have a more village or domestic context rather than industrial. There are concerns about the assertive gable roof forms, which are not features of the surrounding area, and when combined with the metallic cladding create a neo-industrial character which considered to be out of place.

This is in contrast to the comments of the design review panel who considered the High Street frontage design to be "well considered", with the potential to deliver straightforward, contemporary architecture at an acceptable scale that will improve on the buildings being replaced. However, it is noted that the design review panel comments were based upon less information than is now available with the application.

Whilst the comments of the panel are noted, Twerton High Street is certainly more domestic than industrial in scale and it has a traditional village settlement character as described in the Draft Twerton, Character Appraisal, Bath Conservation Area Appraisal (2018). The industrial character of Twerton is more prevalent to the north side of the railway.

In terms of roofscape, it is considered that the proposed development contains too many different roof forms in an attempt to articulate the mass of the built forms. However, due to the deep floor plan and excessive scale of the buildings, this is largely unsuccessful and results in the roofscape appearing disjointed and incoherent whilst still not articulating the massing effectively. The proposal includes a mix of single mansard roof, double height mansard roof, flat roof, gable roofs and top storey setbacks. Plant enclosures are also visible across different parts of the roof and further detract from the appearance of the roofscape.

The affordable block is of a more acceptable scale (2/3 storey) and relates reasonably well to the western edge of the site and the residential areas beyond that are access via Dominion Road. Furthermore, the position of the affordable block means that it is seen as an extension of the grandstand and so therefore benefits from the justification of scale, height and massing provided by its civic/public function.

#### *Siting and Layout*

The positioning of the proposed grandstand east-west is in broadly the same location as the two existing spectator stands which it replaces. There is no objection to its siting on this basis.

Turning to the proposed student accommodation, the creation of a block with defined public and private spaces is good practice in principle. However, an analysis of Twerton's existing urban grain indicates a more linear grain of development with a lower suburban/village density, distinct from the city centre. The proposed block therefore sits uncomfortably within the existing urban grain.

The scheme proposes a continuous and unbroken, densely developed block which, together with its height and roof form, exacerbates its monolithic and anomalous overbearing qualities.

#### *Appearance (Including materials and detailing)*

The site is within the Bath World Heritage Site and the Bath Conservation Area and forms part of the main frontage of a local centre. It is therefore vital that the chosen materials are drawn from Bath and Twerton's distinctive pallet. The existing historic buildings in the area, as would be expected, are constructed in locally sourced natural limestone including Bath limestone and lias.

The current proposed materials for the student accommodation and High Street block are not acceptable. The use of forticrete cast masonry and render for the main elevations is inappropriate and is not sufficiently high quality for a development of this prominence. The use of polished flint for the ground floor level does not appear to take any reference from the surrounding area and would be out of keeping with the rest of the area.

The new grandstand represents a large civic building with a public function (a football ground) and, as such, has some scope to depart from the local vernacular in terms of materials. There is also recognition that football grounds often require a more utilitarian approach to materials. There is therefore no objection raised to contemporary materials being employed for the new grandstand building.

The proposed facades across the student accommodation and High Street block are flat and repetitive. The resultant facades therefore appear monotonous adding to the overall monolithic and unattractive design.

The replacement shop fronts along the High Street are welcome. However, only limited details have been provided. It is unclear whether the approach will be for modern, contemporary shop fronts or more traditional designs with fascia signage. Further details can be secured by condition including a requirement for unified approach to shop front design and advertisements which would help to ensure a satisfactory appearance along the High Street.

#### *Design conclusion*

Whilst there is no objection to the design of the new grandstand, the overall design of the proposals is considered to be poor. The scale, height and massing of the proposed student accommodation building is excessive and will be visually intrusive, over-dominant and out of keeping with the surrounding area. The monolithic, unbroken block form of the student accommodation is out of keeping with the existing urban grain. Furthermore, the proposed roof forms are poorly articulated and contain unattractive roof plant leading to a disjointed and incoherent roofscape.

In addition, the bland and repetitive facades and poor quality materials means that the proposed student accommodation building will be even more out of keeping with the locality. The proposals are therefore considered to be contrary to policies D1, D2, D3, D4, D5 and D6 of the Placemaking Plan and policy CP6 of the Core Strategy.

#### **5. Public realm and landscaping**

The site is dominated by built form and less attention appears to have been given to the spaces between buildings. Soft landscaping is restricted to small areas of left over space and, as a result, appears rather disparate and disjointed. Small areas of soft landscaping are hard to establish, hard to maintain and add only limited value. Small areas of soft landscaping, such as the patch alongside the eastern boundary, are likely to be undervalued and attract litter.

The development does not appear to create any obvious public spaces where pedestrians would be encouraged to dwell outside of the football club or the student block. The submitted information talks about the Dominion Road approach as forming a new public space (Twerton Square), but the drawings and CGIs show this as a transitory space with no street furniture. The sloped element of this approach is adjacent to a loading bay and

the entrance to the student block exerts itself over the stepped approach such that it might be unclear whether this is a public or private space. The shared space between the grandstand and the student accommodation is primarily a car park and does not contain any street furniture which would encourage pedestrians to dwell. Both spaces involve conflict between pedestrians and vehicles competing for the same space and therefore undermining their asserted function as public spaces.

The eastern approach to the grandstand remains undervalued by the development. Whilst the widening of the existing alleyway and attempts at landscaping are welcomed, it is still essentially treated as a back route by virtue of the building design. The east elevation of the student block only contains the service doors for the plant rooms and the bin store. There is no active uses positioned along the length of this route and as a result it will feel uninviting and lack natural surveillance and activity.

The 4 proposed oak trees located adjacent to the affordable block are too close to the proposed building. Even with fastigate forms, the arboricultural report acknowledges that these would need regular cylindrical pruning - not only resulting in trees which appear manicured and which do not provide sufficient mitigation, but also adding to maintenance costs.

The two trees anchoring the 'space' between the student accommodation and Dominion Road are also located in relatively small planting areas which limit the opportunities to growing an appropriate specimen to their full extent.

There is some concern about the entrance to the affordable block which is located at the rear of the building in a relatively secluded location with no natural surveillance at ground floor level. The doorway is recessed with storage cabinets immediately adjacent (the purpose of these cabinets is unknown) which would increase opportunities for crime and anti-social behaviour. The doorway is also not visible from the street, making the building itself less legible. Furthermore, there is no segregated pedestrian access so residents will have to walk along the tarmac road to access the building.

The north elevation of the community centre/affordable housing block contains a green wall which provides an attractive and prominent feature. However, the provision of a green wall is not considered to be a suitable substitute for the provision of adequate landscaping throughout the rest of the scheme.

The most positive areas of public realm arise from the proposed works to the High Street which would include widening of the pavement, rationalising the on-street parking and the inclusion of cycle stands and a couple of street trees. It is also proposed to put in a Copenhagen style crossing point at the junction of the High Street with Dominion Road. Combined with the replacement shop frontages, this has the potential to lift the appearance of this part of the High Street and provide a more pleasant environment for pedestrians. There is no in principle objection to these works from the Highways Officer. However, as these works fall outside the ownership of the applicants and they would need to be secured via a planning condition or s106 agreement.

#### *Public Realm and Landscaping Conclusion*

With the exception of the public realm works to the High Street frontage, the public realm and landscaping of the rest of the scheme is considered to be poor. The public realm is

disparate and disjointed, dominated by parking and lacks any meaningful soft landscaping. There is particular concern about areas lacking natural surveillance and activity and a poor quality entrance to the affordable block. The proposal is therefore contrary to policy D10 of the Placemaking Plan.

## **6. World Heritage Site**

The key consideration in respect of the impact of the proposals upon the World Heritage Site is whether the proposed development would have an adverse impact on the appreciation of Georgian town planning, architecture and the green setting of the city in a hollow in the hills.

The Landscape Officer broadly agrees with the conclusion of the submitted Landscape and Visual Impact Assessment (LVIA) that the site is not directly related to, and therefore the development would not impact upon, the city's Georgian town planning or architecture. They also agreed that while the green setting of the city is a consideration, the proposed development does not have a significant impact on this key attribute because of its low lying location at the base of the Twerton Farm hillside.

### *World Heritage Site Conclusion*

The proposals will have no adverse impact upon the outstanding universal value (OUV) of the World Heritage Site. This view is supported by Historic England who also consider there to be no harm to the OUV of the World Heritage Site.

## **7. Conservation Area**

The draft Twerton Character Appraisal (2018) describes the built form of Twerton High Street as having a small-town urban character with continuous frontages of two and three storey. Residential development is also described as being mostly of two-storeyed houses interspersed with occasional blocks of flats of three storeys.

Twerton Park football ground and its associated car park are both identified as negative buildings and townscape features within the character appraisal.

Twerton Park football ground is described as architecturally and visually intrusive, although socially significant for the community and a landmark. However, there is acknowledgement that a football stadium building of this type is usually expected to be utilitarian in terms of style and materials. The car park and boundaries to the rear of High Street shops are described as in poor condition and generally unattractive.

The removal of the existing spectator stands and their replacement with a contemporary grandstand structure is considered to be an improvement in architectural terms. Despite its recessive colours, the proposed grandstand will remain visually intrusive due to its increase height and elongated form. However, as discussed above, its landmark status and civic/public function provides a justification for this intrusion. The overall effect of the new grandstand is therefore considered to be neutral towards the conservation area.

Although it would result in the removal of the negative car park feature, the 6/7 storey elements of the student accommodation would create a dominant, incoherent and overbearing feature which would fail to integrate with and would detract from the character and appearance of the conservation area. The siting and layout would also conflict with

the existing urban grain and the monolithic and unattractive design would fail to respond positively to the character and appearance of the conservation area. Furthermore, the proposed materials would lack sufficient quality for a development of this prominence and would be out of keeping with the area.

Whilst the existing car park is tucked away behind the High Street, the proposed student block and associated development would be highly visually intrusive and therefore have a much more pronounced negative effect upon the character and appearance of the conservation area.

In addition to the above, the club propose to utilise the proposed 3G pitch all year round and during the week. This means that the existing floodlighting, which is not currently controlled by any planning conditions, would be switched on more frequently than is currently the case. The draft Twerton Character Appraisal identifies these floodlights as having a significant impact upon the character area, particularly as the hillside to the south of the site is described as a 'pool of darkness' which is visible from many points outside of the character area. However, some of this impact could be alleviated through the use of planning conditions controlling the timings of the floodlighting.

#### *Conservation Area Conclusion*

There is 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. Here it is considered that the above matters combine to result in significant harm to the conservation area. Although this would be classified as 'less than substantial' in the language of the NPPF definitions, this is a serious harm which in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 must be afforded considerable importance and weight.

### **8. Listed Buildings**

The Heritage Statement acknowledges that Rose Cottage (Grade II) is considered to be the most important listed building in the context of 'setting', given its close proximity to the site and the fact that it is located directly opposite and faces onto the junction with Dominion Road, which serves as the main vehicular and pedestrian access point into the football ground.

Rose Cottage (42 and 43 High Street) is grade II listed and is situated directly opposite and faces onto the junction with Dominion Road, which serves as the main vehicular and pedestrian access point into the football ground. This detached 2 storey villa was built in the early to mid C19 and is the nearest listed building to the application site. The external materials are Limestone ashlar, with slate roofs. The building has an L-shaped plan, with an attached pavilion that encloses a small courtyard to rear of building. It is currently in use as a community hub.

#### *Listed Building Conclusion*

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Here it is considered the scale and massing of the proposed development is such that it would appear as a dominant, incoherent and overbearing feature within the setting of Rose Cottage. Its dominating and oppressive appearance would detract from the setting of the listed building and harm its significance. The level of harm is considered to be moderate which is classified as 'less than substantial' in the language of the NPPF.

In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, this harm must be afforded considerable importance and weight.

## **9. Archaeology**

The Heritage Statement submitted to support the application identifies the potential for archaeological remains on the site and identifies that a programme of archaeological mitigation would be required to ensure proper recording of any archaeology present. The statement concludes that the previous development of the site is likely to have removed any significant archaeology, but that some deposits may still be present. These may relate to medieval and earlier activity on and around the site.

The Council's Archaeologist agrees with the findings of the Heritage Statement and recommends that conditions should be used to secure a Written Schemes of Investigation and subsequent publication of the results of the investigations. The initial investigation should be trial trench evaluation and based on the results of this further mitigation may be required.

### *Archaeology Conclusion*

Subject to appropriate conditions, the proposals will not result in any harm to archaeology and accord with policy HE1.

## **10. Residential Amenity**

Policy D6 states that new development must provide appropriate levels of amenity for existing and proposed occupiers in relation to privacy, natural light, outlook noise odour, traffic and other disturbance. It also requires the provision of adequate and usable private or communal amenity space and defensible space.

### *Student accommodation*

Concerns are raised about the quality of the living conditions for those occupying the proposed student accommodation.

The student accommodation is arranged into cluster flats (typically 6 bedrooms per flat) with the typical size of the bedroom areas between 9.1sqm (non-ensuite room) and 12.4sqm (en-suite room). Each cluster flat is also provided with a kitchen/living area. With the exception of a few corner flats, all of the cluster flats are single aspect with each bedroom being served by a single window.

Three cluster flats (comprising 18 bedrooms) are located on the lower ground floor of the block within the north facing courtyard elevation. The outlook from the windows of two of

these flats is directly over the parking courtyard serving the residential apartments above the High Street. The other flat looks out directly over the outdoor amenity area serving the student accommodation. This amenity space is relatively small and enclosed on all four sides with a 7 storey building to the south, a 6 storey building to the west and east and a 4 storey building to the north. The shadow studies submitted with the application indicate that this area will be almost constantly in shade for most of the year. All of this amounts to a poor level of outlook for the potential occupiers of these student rooms.

A further 3 cluster flats (comprising 18 bedrooms) are located on the upper ground floor on the south elevation of the student accommodation facing directly towards the new grandstand and its car park. There is an ineffective amount of defensible space provided by a narrow landscaping strip adjacent to these bedrooms. The shadow studies submitted with the application indicate that, with the exception of the height of summer, this area will also be almost constantly in shade for most of the year. This all amounts to a poor level of outlook for these potential occupiers.

Other clusters flats on the upper floors on both the north courtyard elevation and south elevation of the student block will suffer from a similarly poor outlook, although the severity of this impact will reduce with each storey.

The proximity of the above mentioned student bedrooms to car parking areas means that not only will there be a poor outlook, but there will also be noise and disturbance experienced as a result of vehicle movements. Headlights will also potential shine directly into student bedrooms during dark times causing further disruption.

The car park serving the football ground is illuminated with 6-metre lighting columns located adjacent to the south elevation of the student accommodation. The lighting strategy document submitted indicates that light spill adjacent to the student bedrooms would be in excess of 20 lux with the potential to have a disruptive impact upon their amenity. However, the strategy does indicate that the luminaires can be set-dimmed to fine tune the light levels and there are other measures that could be taken to limit light spill. It is therefore considered that this matter could be controlled by condition.

Concerns have also been flagged about the amount of natural light received by a number of these rooms. An internal daylight assessment has been submitted with the application and assesses the average daylight factor for the student flats on the lower and upper ground floors against British Standard 8206-2 and the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. It is noted that BS 8206-2 has now been withdrawn and replaced by BS EN 17037:2018. The assessment shows that, against the now withdrawn standards, all of the reviewed student bedrooms meet the minimum requirement for daylighting. No assessment against the latest standards has been provided.

In terms of amenity space for the 356 bedrooms of student accommodation, there is an internal communal area (214sqm) on the upper ground floor, a roof terrace on the top floor (approx. 180sqm) and an outdoor courtyard area (approx. 380sqm). The communal area and outdoor courtyard space are also to be shared with the occupiers of the 33 co-living flats. The amount of outdoor amenity space provided is low for potential number of occupiers of the development.

Furthermore, the quality of these outdoor spaces is considered to be poor. The outdoor courtyard space would be nearly constantly in shade (as demonstrated by the shadow studies), would be shared with a residential car park and would be enclosed on all sides by tall buildings. There would be no segregation or boundary treatment between the car parking and the courtyard amenity space and there is concern about potential conflicts arising between users of the car park and users of the amenity space. In addition, the appearance of the car park and the vehicle movements associated with it will detract from the attractiveness of the amenity space.

The roof terrace is located at one end of the building, at the end of a long corridor and is not easily accessible for the majority of the occupiers of the development. Both the roof terrace and courtyard space would struggle to provide any meaningful soft landscaping or greenery which may otherwise improve the attractiveness of these areas.

#### *Student accommodation Amenity Conclusion*

It is considered that a significant number of the student bedrooms, although meeting minimum light standards (now withdrawn), have a very poor outlook and will suffer noise and disturbance due to their proximity to car parks. Furthermore, inadequate outdoor amenity space is provided for the occupiers of the student accommodation in terms of quantity and quality. This is not alleviated by any meaningful soft landscaping or greenery and is not offset by larger room sizes. This could therefore end up being a very oppressive environment to live in.

It is therefore considered that the student accommodation is not provided with an appropriate level of amenity contrary to policy D6.

#### *Co-living accommodation*

The 33 co-living dwellings consist of studio apartments measuring between 20 - 28sqm which is significantly below the nationally described space standards which sets the minimum studio size at 37sqm. The layout of the apartments is therefore very tight and contains only limited storage/living space. However, within the co-living model it is generally accepted that small room sizes are offset by access to generous indoor and outdoor communal facilities for amenity. However in this case the only communal area for the exclusive use of the co-living occupiers is limited to a shared kitchen/dining area (26sqm). Its small size is considered inadequate to provide a suitable co-living experience.

All other communal spaces are shared with the 356 occupiers of the proposed student accommodation. Whilst design can be utilised to encourage social interaction, this should not be at the expense of providing adequate private amenity space for different sets of occupiers. The application states that the co-living element is targeted at young professionals, key workers and post-grad students. These occupiers will likely have different lifestyles and expectations to those occupying the student accommodation element of the scheme. They may not appreciate being forced to share their primary communal/amenity area with a much larger cohort of people with different and potentially conflicting lifestyles.

Furthermore, as discussed above, the outdoor amenity (which is also shared with the students) is poor quality and will not provide an adequate level of amenity.

Whilst the majority of the co-living apartments have reasonable privacy, outlook and light, this does not make up for the small room sizes and lack of suitable communal and amenity space for the potential occupiers.

#### *Co-living Amenity Conclusion*

The co-living apartments are not provided with an appropriate level of amenity contrary to policy D6.

#### *Affordable Housing*

The proposed affordable housing is located adjacent to Dominion Road on the western edge of the site and is connected to the community hub and gym which forms part of the proposed grandstand structure.

The studio apartments vary from 31 - 42sqm, the one bed apartments vary from 55 - 65sqm and the two bed apartments are 74sqm. Each of the 12 apartments is considered to have an adequate level of privacy, outlook and light. No private or communal outdoor amenity space is provided to serve the proposed affordable apartments. However, these apartments are larger than co-living and student accommodation and so won't feel as oppressive with the lack of outdoor amenity space.

#### *Affordable Housing Amenity Conclusion*

The proposed affordable housing will be provided with an adequate level of amenity and comply with policy D6.

#### *New Apartments*

The 6 new open-market apartments proposed above the existing flats on the High Street vary in size from 55 - 67sqm. Each apartment will be dual aspect and will receive a reasonable level of light and outlook. Windows serving bedrooms on the southern elevation have a separation distance of circa 15m from the windows on the north courtyard elevation of the student accommodation. This is a relatively tight separation distance, but given the relatively small size of these windows it is not considered to result in significant harm to the privacy of potential occupiers.

#### *New Apartments Amenity conclusion*

The proposed residential apartments are considered to be provided with adequate levels of amenity and comply with policy D6.

#### *Existing residential dwellings*

The existing apartments above the High Street are dual aspect and it is considered that they would retain a reasonable level of outlook and light. The separation distance of circa 15m means that there is some potential for overlooking from the 7 storeys of windows on the north courtyard elevation of the student accommodation. However, these windows would have angled screens to off-set direct views and prevent significantly harmful overlooking.

Some concerns have been raised about the existing courtyard parking area which was considered to attract anti-social behaviour and litter due to its secluded location with limited natural surveillance. The proposals will have the advantage of introducing a significant number of new occupiers and natural surveillance over this area.

Concerns have been raised about potential loss of light to properties on the north side of the High Street, due to the size of the proposed redevelopment. The shadow studies submitted with the application demonstrate that, whilst there will be some shade cast over these properties during the winter, they will still receive an adequate level of direct sunlight.

There is a terrace of 4 bungalows to the west of the site (9 - 12 Quebec) which are situated opposite the proposed block of affordable housing. These bungalows are set back from the street and would be over 16m from the west elevation of the affordable housing block. This separation is considered to be sufficient to prevent the 2/3 storey height of the block opposite from appearing overbearing or oppressive.

The west elevation of the affordable block contains multiple windows serving a variety of the flats within. However, the separation distance, which also crosses the public street, is considered reasonable. Furthermore, due to the split level design of the block, these windows are elevated at first floor level and will not offer direct views into the properties in Quebec. The proposals will therefore not result in any unacceptable or significantly harmful overlooking from occurring.

There are a number of residential terrace properties which are situated to the east of the football ground in Landseer and Highland Road. The east end of the proposed grandstand would be both closer and larger than the existing spectator stand. However, the grandstand remains set back from the eastern boundary of the site and this separation distance prevents the grandstand from appearing too overbearing or resulting in any significant loss of light to these adjoining properties. Similarly, the proposed student accommodation block is set back from the eastern boundary and, although a very large building, this separation prevents it from having a significantly detrimental impact upon the amenity of the adjoining properties to the east.

#### *Existing Residential Amenity Conclusion*

The proposed development does not result in any significant harm to the amenities of existing occupiers adjoining the site in accordance with policy D6.

#### *Noise and disturbance*

Concerns have been raised about the potential noise and disturbance resulting from the new football club facilities and the student accommodation.

In terms of the football club, the ground's capacity will not increase as a result of the proposals and therefore the impact in terms of noise and disturbance on match days will be similar to the existing situation. However, there may be some increase in use of the ground during non-match days arising from the use of the new community facilities and the artificial 3G pitch.

The additional use of the pitch and community facilities during the week would not be particularly disruptive given the ground already acts as something of a hub for various activities and is located adjacent to the local centre. However, there are a number of residential properties nearby and the use of these facilities late into the night across non-match days could become a nuisance and harm the reasonable expectations of local residents.

The club current operates without any planning restrictions over its opening hours or controls over activities or use of floodlighting. It would therefore be necessary to apply conditions to restrict the hours of use for the 3G pitch and the floodlighting.

The proposals include a new sports bar/pub which replaces the existing bar on the site. Such premises are inherently noisy and are likely to provide amplified music or some form of amplified entertainment. Therefore it is essential that these proposed building is constructed appropriately to contain entertainment noise and should ensure that excessive noise does not affect current residential properties in the vicinity and/or the proposed residential properties. This could be secured by condition.

Concerns were also raised about noise and possible anti-social behaviour arising from the student accommodation. The application proposes that the student accommodation would have a site specific student management plan. This would cover matters including:

- o Specific traffic management regimes to alleviate any potential transport issues during the start and end of the academic terms.
- o Students would not be allowed to bring a car with them as part of their lease agreement.
- o Students would receive a discounted travel pass with their welcome pack.
- o Students would not be allowed to hold parties, play loud music after a specific time at night or have overnight guests as part of their lease.
- o All doors and access points on the scheme would be secure.
- o The student apartments would have CCTV in all communal areas, stairwells and doorways.
- o The student accommodation would have a warden on site 24-hours a day, seven days a week

#### *Noise and Disturbance Conclusion*

A student management plan can be secured by a condition and would help to alleviate any perceived or actual concerns about noise, disturbance or anti-social behaviour arising from the student accommodation.

## **11. Highways**

A transport assessment has been submitted with the application and reviewed by the Highways Officer.

#### *Trip generation - Football Club*

The application does not seek an increase in total ground capacity, beyond the current limit of 5000. Whilst it might be anticipated that improved facilities could attract more spectators on match days, any increase would be within the limits of current consents.

The stand will incorporate some ancillary uses such as club offices, changing rooms, toilets, function rooms/suites, a gym to replace that which is currently provided within the function room, and a 3G pitch will be installed. Clarification about use of the replacement gym indicates it will not be available for use during matches and so will not increase traffic movement at peak times on match days. Peak use of the 3G pitch by clubs, local teams and the community, is likely to be between 17:00 - 18:00 on weekdays. The transport

assessment for all other elements of the football club (sports bar, function suites and community spaces) is considered appropriate and raises no highways objection.

#### *Trip generation - Retail units*

Although the existing retail units on the High Street frontage will be rebuilt the quantum of retail floorspace provided will be the same as the current premises and thus will not be expected to increase traffic movement to the site.

#### *Trip generation - Affordable Housing*

The forecast trip generation for the affordable housing is reasonable and, because only 12 units are proposed, the additional traffic generated will be modest.

#### *Student accommodation and co-living studio apartments*

The student accommodation is designed to be car free. As such, trips generated are predicted to be via foot, cycle and public transport. The forecast trip generation for the peak hours is appropriate and there is no highways objection on this basis.

#### *Trip distribution and assignment*

Trip distribution and assignment has been carried out based on the observed trips on Dominion Road to and from the High Street.

The proposed development is forecast to result in a negligible increase in vehicle trips during the weekday AM peak hour, but there would be an increase of around 72 two-way vehicle trips during the PM peak hour. This is predominantly generated by the additional 60 two-way trips associated with the 3G pitch. The assessment appears robust and is acceptable.

#### *Junction capacity*

Junction capacity assessments have been undertaken for the staggered junction of High Street / Dominion Road and Clyde Garden for appropriate test scenarios and, given the robust nature of the capacity assessment, it has been demonstrated that ample spare capacity is available, and the junction will operate satisfactorily if the application is granted consent.

## **12. Parking**

Policy ST7 of the Placemaking Plan sets out parking standards for new development. An assessment of the parking needs of each element of the proposal against ST7 is provided below.

#### *Parking - Football Club*

The parking facilities at the club are private, although currently unfenced and ungated. Parking surveys were undertaken for the Twerton Park car park and the land to the rear of the High.

The proposed development includes the provision of 48 standard spaces, including 3 specifically reserved for disabled users. This is a significant reduction in the current combined capacity of the Twerton Park/Rear of High Street car park facility where, 159 cars, 1 coach and 2 mini-buses were recorded during the game on the surveyed match

day. The date of that survey is not given and there is no indication whether match attendance on that day was above or below average.

No specific parking standards apply to football clubs, but the Transport Assessment offers evidence that 48 spaces should be enough for the clubs' needs at all times, other than match days. This is accepted.

The situation on match days is different. As mentioned, on the surveyed match day, 159 cars, 1 coach and 2 mini-buses were recorded on site. In addition, the parking survey noted 31 vehicles parked in Dominion Road and 47 on High Street during the same game, although there is no indication of how many of these belonged to residents and how many to supporters. Evidence also refers to parking in other local streets and there is ample local knowledge to confirm that match day parking by supporters occurs in many more streets than were surveyed. Consequently, the actual match day parking demand from supporters is not known or quantified. However, there is some evidence that, on the surveyed day, some on street capacity was available.

What is clear is that, whatever the actual demand, it exceeds the existing capacity of the Twerton Park/Rear of High Street car park. Not only that, but it far exceeds the 48 spaces proposed at the club in the application or the total of 88, if the proposal to use the Curo car park at The Maltings is also considered. That would leave a shortfall for 81 cars and 2 minibuses when compared to the number on site on the day of the survey.

Whilst noting the potential use of the Curo site, it is highly likely that many supporters would first seek an on-street space nearer to the ground with consequent impact on traffic movement and nuisance to residents. Furthermore, a private agreement to provide parking on third party land cannot be expected to subsist in perpetuity. The concern would be that the third party could withdraw from the arrangement at some future date.

The Club accept that a pre-occupation condition requiring submission of a Car Park Management Strategy is reasonable and appropriate. This would alleviate some of the disruption associated with the parking demand, but would not be able to significantly resolve the impacts of off-site parking.

It is considered that the proposed reduction in parking on site would lead to higher demand for on street parking within the local area on match days leading to congestion and an unacceptable impact on highway safety in nearby streets. This would be contrary policy ST7. This needs to be balanced against the fact that the impact will only be felt during match days during the football season and so will be limited in number. Nonetheless this is an important consideration.

#### *On street Parking*

The proposed alterations and public realm works will impact upon existing parking on Dominion Road and the High Street.

The changes to Dominion Road would include the removal of the two parking bays immediately south of the High Street. Whilst the changes are welcome from a highway safety point of view, the consequent loss of 4 on-street spaces is noted.

The work to the High Street includes alterations to parking and loading arrangements. The area will need loading bays to facilitate delivery and collection of goods and to control and regularise parking in the immediate vicinity of the site and the access roads to it. Reserving some space for delivery and loading would reduce further the available on-street parking, although by a small number, and will require formal TRO procedures and their implementation under the terms of a Highways Agreement. Whilst the applicant is willing to fund the formal process and to implement the works there can be no absolute guarantee that the necessary Orders could be implemented.

The proposals would therefore reduce the supply of on-street parking which would further exacerbate the highways harms arising on match days. However, it is recognised that it is a relatively modest loss of spaces and must be balanced against the improvements to the public realm on the High Street.

### *Student Parking*

Current parking standards defined in the Placemaking Plan accept zero provision for purpose-built student accommodation. This application does not make clear whether any parking will be allocated for its' operational use or whether any allocated parking will be available for disabled students. These are required by the current standards.

The Student Accommodation Travel Plan (April 2019) sets out a long-term strategy to support and encourage resident students to use sustainable transport modes and help maintain the car-free strategy. The applicant proposes to appoint a Travel Plan Coordinator to implement the measures in the plan and for full details to be provided to the Council at the earliest opportunity. The Student Accommodation Travel Plan should include a start and end of term management plan and, if consent is granted, its' submission and approval should be subject to a pre-occupation condition.

The application states that residents of the student accommodation would have a clause in their leases that would not allow them to bring a car when living at Twerton Park. A three-strike system would operate, whereby any resident who was found to have a car on three occasions would have their lease terminated. Concerns have been flagged by local residents who consider this approach is not enforceable. Subject to careful consideration of the detail of any planning condition or s106 agreement, this approach can be enforceable and will, in any event, act as a deterrent from students bringing their own vehicles into the area.

### *Affordable apartments and Co-living units*

The applicants propose that affordable apartments and co-living units will also be car-free and that no on-site provision will be made for residents' vehicles. They offer survey evidence of some available on-street parking capacity in nearby streets and propose that demand be assessed relative to existing average car ownership levels in Twerton which are stated as 0.79 vehicles per dwelling.

The parking standards set out in policy ST7 indicate that the requirement for residential dwellings is one space per one bed dwelling and two spaces per two bed dwelling. There are no standards for co-living, so a notional 0.2 spaces per unit has been applied due to the similarity to student accommodation.

The total parking requirement against the parking standards is 31 spaces. Using the applicant's methodology of 0.79 vehicles per unit gives a parking requirement of 21 spaces. Even if the co-living parking requirement was entirely discounted, the requirement would still be for between 14 and 24 spaces. This gives an indication of the likely increase in on-street parking demand in surrounding streets if on-site provision is not made for these dwelling.

#### *Parking Conclusion*

The proposal is considered not to provide an appropriate level of parking in accordance with the parking standards and would result in an increase in on-street parking in the vicinity of the site which would adversely affect highways safety and residential amenity. The proposal is therefore contrary to policy ST7 of the Placemaking Plan.

### **13. Walking and cycling**

Given the car free nature of the student accommodation, walking and cycling are likely to form a significant proportion of journeys to and from the site.

The applicant has undertaken a standard assessment of four routes and guidance recommends that an acceptable walking route should achieve a score of 70% or higher. Mill Lane, and High Street between Mill Lane and Lower Bristol Road, both scored below standard due to their narrow footways, particularly beneath the railway bridges. These are features of the historic fabric of the streets and, it is considered that improving them would be beyond the scope of what might be reasonable to expect as highway mitigation, in this case.

The development proposes 218 secure, covered cycle parking spaces are provided within the main building, of which 158 will be for use by people living or working in the student accommodation and co-living units. The football club will have 12 Sheffield stands, providing cycle parking for 24 bicycles within the club grounds. Provision of the cycle parking facilities described comply with standards and would need to be secured via a pre-occupation condition.

### **14. Public Transport**

The transport assessment recognises the importance of bus travel and notes concerns expressed by objectors that there is little spare capacity on some current University services. The services are operated commercially with frequencies and capacities being adjusted by the operators depending on demand. In this area the operators reviewed their University services in August 2019, and it is understood that there is now far less concern about overcrowding than prior to the review.

### **15. Car Club**

It is noted that the operator of the proposed student accommodation has committed to the provision of a car club vehicle which will be available for use by occupiers of the development and the wider community. Provision of a car club vehicle would need to be secured via a pre-occupation condition or a S106 obligation.

## **16. Trees and woodland**

There are individual and small groups of trees located along the western side of the car park bordering Dominion Road, together with trees behind the west terrace of the ground. All the trees on and adjacent to the site are protected by the Bath Conservation Area designation.

The proposals involve the loss of all trees on the site and some pruning works to an offsite group identified as G8. A total of 18 trees would be removed to facilitate the proposed development.

Policy NE.6 requires that compensatory provision is provided when there is an unavoidable impact on trees. In accordance with fixed number tree replacement system, set out in the Planning Obligations SPD, a total of 31 trees would be required as compensatory planting.

The proposals limit the available space in which to plant replacement trees on-site. The soft landscaping proposals indicate that a total of 10 on-site replacements will be provided. However, the Council's arboriculturalist considers that the majority of these are poorly placed and are not provided with sufficient space to allow for adequate compensation.

The application suggests that contributions will be made towards off-site tree planting to provide compensation. The Planning Obligations SPD sets out a mechanism and formula for calculating the amount of contribution required. A sum of £15,440.88 is required to provide 21 replacement trees in open ground. This can be secured via a s106 agreement.

## **17. Parks and Green Spaces**

This quantum of development would result in a net occupancy of 473 persons who would create demand for the following quantities of green space typology:

Parks & Recreation Ground 6,149sqm

Play Space (Children and Youth) 94sqm (adjusted to remove student accommodation)

Amenity Green Space 1,419sqm

Natural Green Space 6,149sqm

Allotments 1,419m<sup>2</sup> (352sqm if excluding students)

The Council's Green Space Strategy 2015 evidences a deficit of Park and Recreation Ground in the Twerton Ward of -3.25ha. There is a sufficient supply of Amenity Green Space +1.82ha and Natural green space +185ha and a deficit of allotments -1.13ha. Either on-site or off-site new provision is therefore required, or financial contributions in order that the Council can provide and maintain such provision.

There is no indication within the application that either on site or off site provision will be delivered as part of the development. The applicant argues that the provision of the 3G pitch should be counted towards their green space provision. However, the pitch will not be freely open to the public, but will be hired out to clubs and individuals wishing to use it.

The development will generate a demand for greenspace due to the increase in the resident population. In view of the impracticality of providing on-site greenspace and the

deficit of Park and Recreation Ground within Twerton, a s106 greenspace enhancement project contribution will be necessary to make the development comply with Policy LCR6 and be acceptable in planning terms.

The only project within vicinity of the site which could help to address this deficit is the enhancement of Pennyquick Open Space to the status of a Park and Recreation Ground (it is currently classified as an amenity green space). There are a number of improvements necessary to enhance this space. The project would include groundworks to improve the playing surface area for football pitches, event space, access improvement and landscaping. The expected cost of these works is approximately £100,000 which would need to be secured via a s106 agreement.

The comments of the Parks Team also refer to a project at Innox Park and attribute a cost of £20,000 to this. However, this project has now been completed and therefore this contribution is no longer required.

## **18. Ecology**

### *Habitat and species*

An ecological survey and assessment has been submitted with the application. This identifies that the site has limited potential to support protected and notable species, including breeding birds and roosting/commuting/foraging bats.

The proposed development would result in the loss of multiple existing buildings on the site, some of which have a low potential to support roosting bats, and will also result in the loss of the trees along the western boundary of the site. The ecological assessment identifies precautionary measures including undertaking demolition/clearance works outside of bird nesting season and pre-demolition building checks undertaken by a qualified ecologist.

In terms of ecological enhancements, the application proposes to incorporate ten bat boxes into the proposed buildings. The Council's ecologist agrees with the assessment and the identified ecological measures which would need to be secured by condition.

### *Lighting*

A lighting strategy has been submitted with the application. The Council's ecologist has raised concerns about the intensity and brightness of the proposed lighting scheme which includes 6m and 4m columns and other lamps including floodlighting. Some areas within the scheme appear too brightly and excessively lit, especially when compared with the much less intensive street lighting on the adjacent streets. There is concern that the brightness of the lighting as currently specified would jeopardise the use of some of the propose wildlife features, such as bird/bat boxes.

Revisions to the lighting details could reasonably be secured by condition. There is no objection on these grounds.

## **19. Flood Risk and Drainage**

The site is within flood zone 1 and is therefore considered to be at a low risk of flooding. With the exception of the pitch and some of the trees, the site is currently covered in

hardstanding and the discharge of surface water from the site is largely uncontrolled. The proposals will result in an increase in the impermeable area of the site (largely due to the artificial 3G pitch), but also includes a drainage strategy for the controlled attenuation and discharge of surface water.

There are limited existing surface water sewers immediately local to the site. The existing site run-off is thought to either discharge into the existing foul water sewer or to highways drainage via road gullies

The proposals include underground attenuation tanks that will limit the surface water discharge to 17 l/s which is equivalent to the discharge rate from a greenfield site in a 1 in 100 year event.

This will discharge to a new dedicated surface water sewer which will be laid in the High Street and connected to the existing sewer at the junction of the High Street and Shophouse Road. This approach has been agreed with Wessex Water.

Foul water drainage from the development will be separated from the surface water drainage to help alleviate the impact upon the existing combined sewer.

The outline drainage strategy has been reviewed by the Flood Risk and Drainage Team who are satisfied that it is acceptable, subject to the detailed design and calculations being completed. This could be secured by condition.

## **20. Contaminated Land**

Part of the site is identified as a site of potential concern in respect of contaminated land. A ground investigation and geoenvironmental report has therefore been submitted with the application.

The historical mapping, shows that a garage was present on the northern part of the site during the 1960's - 1980's. This use is highlighted in the report, but it is not clear whether the author is clear that the garage is within the site area itself. The garage and its historical use are not highlighted specifically as a potential source of contamination. The garage site has not been investigated at this stage, nor have there been any soil or groundwater sampling and analysis for speciated petroleum hydrocarbons.

Taking account of the sensitive nature of the development (i.e. mixed use including residential accommodation), the previously developed nature of the site (including a garage use) and the findings and recommendations of the preliminary site investigation and risk assessment, the Contaminated Land Officer has confirmed that there is no objection to the proposal, subject to conditions securing further investigation works, a remediation scheme and a verification report.

## **21. Sustainability**

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. The Sustainable Construction Checklist SPD requires at least a 19% reduction in anticipated energy use in new development and policy SCR1

requires major developments to provide at least 10% of this reduction through on-site renewable energy generation.

A sustainable construction checklist has been submitted with the application. This has been used to assess each building within the proposed development individually as well as aggregating carbon reductions and renewables contributions across all the buildings to produce a site total. This demonstrates that each building meets the 19% reduction requirement with at least a 10% contribution from on-site renewables.

The site as a total provides a 22.2% reduction in carbon emissions from the anticipated energy use in the buildings. Some of the measures proposed to achieve these reductions include:

- o Solar PV panels to be located on the roof of the development
- o Air source heat pump to delivery 100% of the hot water requirements for the student accommodation and co-living apartments
- o Fabric performance which goes above and beyond the Part L minimum standards, e.g. some triple glazing, walls, windows, roofs and exposed floors between 6% - 55% better U-values than Part L
- o Mechanical Ventilation with Heat Recovery (MVHR)
- o Energy efficient fittings and fixtures, e.g. LED lighting throughout
- o Smart meters

In terms of waste reduction, a site waste management plan has been submitted to ensure that construction and demolition waste from the development is minimised to reduce its overall environmental impact. The report indicates that up to 90% of demolition waste could be reclaimed or recycled and that construction waste could be reduced by 38% through design measures.

In terms of future adaptability, the application includes consideration that with minor alteration of non-structural internal walls, the student accommodation could be re-organised into residential apartments. This could include a mixture of 1, 2 and 3 bedroom apartments. However, the concerns expressed in the residential amenity section of this report, would likely also apply if the building were to be converted in this way.

Policy SCR5 requires all dwellings to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day in accordance with policy SCR5. This policy also requires that a scheme of rainwater harvesting (e.g. water butts) is provided for all new residential developments.

The submitted sustainable construction checklist confirms that the development will meet these requirements through the following measures:

- o Water efficient fixtures and fittings, e.g. low flush toilets and taps
- o Water system design to reduce leakages and losses across the site
- o Rainwater collection systems on the roof to be used to maintain the amenity area and the proposed green wall.

The sustainable construction checklist also considers how to mitigate the effects of potential overheating and includes, inter alia, the following measures:

- o Careful distribution of pipework through the building
- o A ventilation strategy which allows for openable windows
- o Careful consideration of glazing ratios on external walls
- o Use of venetian blinds within student rooms

In terms of district heating, the site is not within an identified Priority Area as defined by the Placemaking Plan, but is within district heating opportunity area. However, there are currently no existing systems in or around the site and therefore no suitable infrastructure that can be connected to.

### *Sustainability Conclusions*

The proposed development is considered to incorporate sufficient sustainability measures to comply with policies CP2, SCR1 and SCR5 and is considered to be a positive response to the Council's declaration of a Climate Emergency.

## **22. 3G Artificial Pitch**

Concerns have been raised by third parties about the proposed 3G artificial pitch. The concerns include the potential impact on human health and the impact of microplastics and run-off contamination.

In terms of health, the position of Sport England is that 3G pitches are considered to be safe, year-round playing surfaces. They have monitored numerous independent scientific studies on this issue, which have reported a very low/negligible level of concern for human health as a result of 3G pitches and rubber crumb. They refer to the European Chemical Agency's recently published findings, following an extensive EU-wide study, which found no reason to advise people against playing sport on 3G pitches with rubber crumb.

Another concern was about the impact of microplastics and rubber granules spilling into water sources. There are a number of best practice measures which can be taken to reduce the potential for run-off. These include:

- o Installation of decontamination areas with brushes, compressed air and collection facilities;
- o Installing ground-up barriers around the perimeter of the pitch area;
- o Adding filters to drains
- o Fitting a brush-off zone at the exit to collect loose granules as users leave
- o Regular grooming and drag matting/brushing to prevent excess loss of infill from the margins of the pitch
- o Installing shower filters
- o Granule collection bins

It is considered that such measures could be secured through a condition securing an operational statement for the use of the 3G pitch.

When considering the above issues, it is vital to balance these perceived harms against the clear benefits of a 3G artificial pitch which include increased usage and access to sport and health facilities.

Some concerns were raised about the impact of installing a 3G pitch upon the Bath City Football Club's progression and promotion opportunities. The proposed pitch would meet the appropriate FIFA performance standards and would be consistent with the Club's aspiration of promotion to the National League (NLS Step 1).

### **23. Affordable Housing**

Policy CP9 requires that all proposals for residential development of 10 or more dwellings should provide 30% on-site affordable housing. There is a total of 51 dwellings (C3 use) proposed as part of the redevelopment, comprises the 12 affordable dwellings, 33 co-living units and 6 new apartments. The 30% affordable housing requirement is therefore equivalent to the provision of 15 units of affordable housing.

The application currently proposes 12 affordable dwellings which represents 23% of the total number of proposed dwellings. There is therefore a shortfall of 3 affordable dwellings.

The Planning Obligations SPD sets out how a commuted sum can be provided in lieu of on-site provision of affordable housing. A commuted sum of £181,608.90 would be required in lieu of the on-site deficit and would need to be secured via a s106 agreement.

### **24. Viability/Enabling Case**

The application states that the proposals are underpinned by an enabling development case. It is argued that the quantum of student accommodation and associated residential and commercial development that is proposed is required in order to generate sufficient funds to clear Bath City Football Club's debts and to pay for the replacement and enhanced facilities.

To support this assertion, a viability/enabling appraisal has been submitted with the application. This has been reviewed by Council appointed independent viability experts who have assessed the costs and revenues of the various elements of the scheme to test the club's enabling case.

The conclusion of the independent assessment is that the development generates no viability surplus for planning contributions or to enable a reduction in the amount of development massing and density.

This conclusion is provided with a significant caveat. Due to the unusual nature of the football club as a business, no value has been attributed to the new football club facilities as part of the viability assessment. Were a value to be attributed to the new football club facilities then the scheme would likely produce an increased viability surplus that could be used to secure additional planning contributions or to potentially reduce the quantum and density of development proposed. However, it is recognised that football clubs are unusual businesses which are rarely profit making and therefore this position can be accepted, albeit not being in strict accordance with national guidance on viability assessments.

### **25. Planning Obligations**

As discussed in the sections above, there are a number of planning obligations, including financial contributions, which would need to be secured via a s106 agreement. However, the conclusions of the viability assessment indicate that the development does not generate sufficient viability surplus to provide additional planning contributions.

In spite of this conclusion, the applicant has agreed to provide the following planning obligations and contributions:

- o On-site provision of 12 units of affordable housing;
- o Highways works to High Street and Dominion Road;
- o Tree replacement contribution (£15,440.88);
- o Target Recruitment and Training in Construction (£11,550 + 28 work placements)

The applicant has not agreed to provide the following obligations and contributions:

- o Greenspace Enhancement Project (£100,000)
- o Commuted sum for 3 units of affordable housing (£181,608.90)

It is considered that, in light of the conclusions of the viability assessment, there is no objection to the failure to provide the greenspace enhancement contribution and affordable housing commuted sum due to the possibility that they could render the scheme unviable.

## **26. Public Benefits**

### *New facilities*

The proposals will provide brand new facilities for the football club and the community. The new grandstand will significantly improve the player and fan experience when using the club. Similarly, the new gym, sports bar and community centre will provide up-to-date facilities which will be accessible to the local community and will help to increase the sense of activity and vitality associated with the local centre and the area more generally. The installation of an all-weather pitch will greatly increase its use. A grass pitch has to be reserved for the first team, but an artificial one can be used by many other teams and groups for training and matches.

The new facilities will also have significant public health benefits by improving access to sport and physical activity. The application includes a statement of intent which outlines some of the work the club currently undertakes to promote sport and healthy activities amongst the community. The statement indicates that the new facilities will allow more local youth teams, charities, community groups and local residents to make use of the improved facilities. The Public Health team fully support these aspects of the proposals.

The statement of intent contains a number of matters which would not be practically enforceable by the council and therefore it would be inappropriate to secure this by way of a planning condition. The weight that can be attributed to the submitted statement of intent is therefore limited.

### *Economic benefits*

The scheme will provide a number of economic benefits and has the support of the Council's Economic Development Team. They indicate that historically Bath City Football

Club have been supportive to local business through the provision of short term space and working with a team within the council to develop pop up shop space within the existing retail space. The proposals will generate additional jobs associated with the replacement shop units, replacement grandstand, replacement sports bar, new gym and new community centre. Additional jobs will also be created through the management of the student accommodation and co-living apartments.

Inevitably, there will also be additional GVA generated through the increase in additional fixtures and visitor spend within the locality. During the construction phase there will also be on and off site jobs created over the build period.

#### Student accommodation

The provision of 356 bedrooms of accommodation would provide specialist housing for students. The use of purpose built student accommodation to achieve this aim has the potential to relieve the pressure for further housing stock within Bath being converted to HMO accommodation. However, there is little evidence that building new purpose built student accommodation will release existing HMO accommodation back to family housing stock.

It should be noted there is no currently identified target for student accommodation within the current Core Strategy, except for the strategy to develop about 2,000 study bedrooms at the Claverton Campus as expressed in policy B5

#### Affordable Housing

The proposal would provide 12 affordable dwellings which would contribute towards meeting the affordable housing need in the district. The objectively assessed need for affordable housing over the plan period is 3,290 as identified in the Core Strategy. The last annual monitoring report indicates that the Council is currently meeting its housing delivery targets and that there have been 1,040 housing completions during the 2018/2019 financial year of which 278 of these were classed as affordable housing. The provision of 12 affordable units is therefore relatively small when seen within this context. Notwithstanding this, the provision of 12 affordable units is a clear benefit of the scheme which weighs in favour of the development.

#### Other Housing

The proposals also include the provision of 6 new open market apartments above the High Street and the refurbishment of the existing 12 apartments. The objectively assessed need for housing in Bath over the plan period to 2029 is 7,020 as identified in the Core Strategy including 1,150 through small scale intensification distributed throughout the existing urban area. Against these targets the proposals provides a modest number of new dwellings, significantly lower than could potentially be accommodate on this allocated site. However, whilst small, the proposals do make a contribution towards meeting the housing need in the Core Strategy.

Notwithstanding the concerns about the amenity and failures in design of the co-living block, these proposals will provide 33 small units of accommodation which will also contribute towards meeting the housing target in the Core Strategy.

#### High Street and public realm

The proposed redevelopment of the existing parade of High Street shops and their replacement with modern and refurbished shop units alongside the proposed enhancements to the adjacent public realm should help to revitalise this part of Twerton High Street. The other parts of the proposals, including the new football club facilities and the proposed residential uses, should also help to drive additional footfall through the area and generate more activity for the High Street businesses.

In addition, the Council has secured funding from the West of England Combined Authority's 'Love Our High Streets' programme to undertake improvements focusing on High Street vitality at different neighbourhood scales, including Twerton High Street. The amount of funding and extent of works to be undertaken within Twerton High Street has not yet been determined. However, it is clear that the application proposals to improve the public realm of the High Street would complement and multiply the benefits of any works which are secured through the 'Love Our High Street' programme.

#### Regeneration of Twerton

Another benefit of the scheme is the investment in and regeneration of this part of Twerton. Whilst it is clear that Twerton has a strong identity and sense of community, it also has significant areas of deprivation. Two areas within Twerton (lower level super output areas) are within the 20% most deprived in England. The Public Health Team have also identified clear health inequalities in these areas compared to the rest of Bath. Furthermore, it is clear from the number of empty shops on the High Street that this local centre is struggling.

The proposed development represents a significant private investment into the area with the aim of delivering (alongside clear commercial objectives) significant regeneration benefits. These benefits would comprise those various benefits described above (economic, public health, increased activity, footfall, etc.), but when considered cumulatively would add up to more than just the sum of these various parts. The investment and benefits to be delivered by the development could inspire greater confidence in the area and, in turn, attract further investment and regeneration. The proposals may reinvigorate the local centre and help it attract more businesses and services to the area to the benefit of local residents. Whilst there is no guarantee that this would happen, what is clear is that without significant investment in the High Street and the proposed football club facilities, the opportunities for regeneration are much more challenging.

The 'Love Our High Streets' programme may provide some improvement to the vitality of High Street, but this will clearly be of a lower impact if not undertaken in conjunction with the proposed development.

Whilst this is clearly a significant benefit of the scheme, it is vital not to underestimate the importance of good design and place making in contributing towards the regeneration of an area. The proposed scheme does not represent good design or place making and has many areas of poor public realm which will detract from, rather than contribute towards, the regenerative benefits of the scheme.

## **27. Bath City Football Club financial position**

The application includes information about the financial position of Bath City Football Club. The football club is struggling financially and has made annual losses over recent financial years (£137,000 for 2017/2018) and has debts totalling over £1million. The principal concept driving the application is to provide the football club with a sustainable financial footing, allowing it to generate revenues beyond that of gate receipts, since these alone cannot maintain the club or allow it to invest, and to clear its debts.

The joint venture between Greenacre Capital and Bath City Football Club would see the club receive a payment of £1.55million to clear its debts and all costs for the development, including the new facilities for the football club, borne by Greenacre Capital.

The application also includes a business case submitted by the football club. This concludes that the new facilities will enable the club to become profit generating through income derived from the proposed facilities.

The business case has not been independently tested and it is noted that the finances of football clubs are often subject to the pressures of trying to succeed in increasingly competitive football leagues. There is therefore no guarantee that the club will become financially sustainable in the long term. However, what is clear is that the proposed new facilities will be a significant improvement on the existing facilities owned and operated by the club and will offer improved opportunities for revenue generation.

There is some legitimate concern that, should the football club's financial position not improve, they may be forced to sell the site (as their primary asset) and move to an alternative location outside of Twerton. The club has been based at Twerton Park since 1932 and is socially significant for the community. Its relocation would therefore be a significant loss for Twerton. If approved, planning conditions securing the delivery of the new club facilities would be required.

## **28. Other Matters**

### *Environmental Impact Assessment*

A screening opinion under the Environmental Impact Assessment Regulations 2017 was sought prior to the submission of the application under reference 19/00846/SCREEN. It was concluded that the proposed development is not EIA development and does not require the submission of an Environmental Statement.

### *Community Infrastructure Levy*

The proposed development for new dwellings is liable for CIL which is charged at £200 per sqm of student accommodation, £100 per sqm of residential accommodation. The proposed development will therefore generate an estimated CIL liability of £2,450,000.

### *Public Sector Equality Duty*

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. A separate equalities impact assessment has been undertaken which identifies a number of issues.

The new football club facilities would help promote equality amongst a number of protected groups. The new grandstand would have improved accessibility for the elderly, disabled or those with other mobility issues. It will also include improved toilet facilities

including an accessible WC. It will also have a positive impact across different age groups through improved access to sports, both in terms of taking part in sport and viewing it.

In addition, several of the student bedrooms are adaptable to be able to accommodate disabled occupiers and the club car park includes three parking spaces identified for disabled/accessible parking.

There is some concern the increase in student population arising from the development would increase competition in the area of part-time jobs and that this may have a disproportionate impact upon parents (particularly single parents) who have a greater reliance on part time jobs. There is limited evidence in this area. However, these concerns would be alleviated somewhat by the job creation and regeneration benefits of the scheme.

It is possible that existing disabled residents may face difficulties in finding parking close to their homes if there is additional on-street parking as a result of the development. However, this potential impact can be alleviated as disabled residents would be able to apply for a Blue Badge and advisory disabled bay.

Elderly, disabled and otherwise vulnerable residents are reliant on public transport and there is concern that bus services will be put under pressure with so many additional student residents. However, as discussed in the public transport section of this report, the services are operated commercially with frequencies and capacities being adjusted by the operators depending on demand.

The proposals would likely introduce a large population of young people into the area and there are concerns that this may result in an increase in anti-social behaviour or community cohesion. However, the scheme does include 24hr on-site management of the student block and this would be secured by condition.

The proposals also involve the occupants of the 12 existing apartments above 106 - 110 High Street being temporarily re-housed whilst the development is undertaken. No information about where or for how long residents would be re-located has been provided. This will likely cause some distress and inconvenience for these occupiers. It is possible that elderly, disabled or otherwise vulnerable occupiers may have made adaptations to their existing homes. However, they will then subsequently benefit from the refurbishment of their homes once the development is complete.

Overall it is concluded that the contemplated benefits of the development outweighs the negative equalities identified.

## **29. Planning Balance**

### *Heritage and Public Benefits*

The proposed development results in harm to the Bath Conservation Area. This harm has been identified as 'less than substantial', but should nevertheless be afforded considerable importance and weight.

Harm is also identified to the setting of Rose Cottage (Grade II). Again, this harm is identified as moderate and considered to be 'less than substantial', but should nevertheless be afforded considerable importance and weight.

Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The requirement to conduct this balancing exercise is also reflected within the wording of the Placemaking Plan policy HE1.

Paragraph 193 of the NPPF states that great weight should be given to the conservation of heritage assets. The courts have also interpreted sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to require that considerable importance and weight be given to the conservation of a heritage asset when carrying out this balancing exercise.

Applying that approach, it is considered that the public benefits of this proposal do outweigh the moderate harm to the setting of the listed building (Rose Cottage) and in this regard comply with policy HE1 and paragraphs 193 and 196 of the NPPF.

However, it is considered that the public benefits, individually or cumulatively, do not outweigh the harm that has been identified to the conservation area. It is therefore considered that the proposals are contrary to paragraphs 193 and 196 of the NPPF, policy HE1 of the Placemaking Plan and policy CP6 of the Core Strategy so far as the Conservation Area is concerned.

#### *Overall Balance*

The proposed development conflicts with a number of policies of the development plan and the following harms have been identified:

##### . Poor design

Excessive scale, height and massing - visually intrusive, over-dominant and out of keeping;

Disjointed and incoherent roofscape - poorly articulated with unattractive roof plant;

Monolithic, unbroken block form - out of keeping with existing urban grain;

Poor quality materials - out of keeping with the locality and unduly prominent;

Bland repetitive facades lacking interest and detailing;

Disparate and disjointed public realm, dominated by parking and lacking meaningful soft landscaping;

Poor eastern approach - elevation dominated by service doors and a lack of active uses;

Poor entrance to affordable block - no segregated pedestrian access and lack of natural surveillance

Contrary to policies D1, D2, D3, D4, D5, D6 and D10 of the Placemaking Plan

Contrary to policy CP6 of the Core Strategy

Contrary to National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide

##### . Harm to the Conservation area

Excessive scale, height and massing - visually intrusive, over-dominant and out of keeping;  
Monolithic, unbroken block form out of keeping with existing urban grain;  
Poor quality materials - out of keeping with the locality and unduly prominent;  
Bland repetitive facades lacking interest and detailing;  
Less than substantial harm not outweighed by public benefits

Contrary to policy HE1 of the Placemaking Plan  
Contrary to policy CP6 of the Core Strategy  
Contrary to National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide

. Harm to residential amenity  
Poor quality outlook for significant number of student bedrooms;  
Proximity of windows to car parks resulting in noise and disturbance;  
Insufficient quantity and quality of outdoor amenity spaces;  
Small room sizes for student and co-living;  
Lack of communal areas for exclusive use of co-living occupiers;  
Oppressive living environment for student and co-living occupiers

Contrary to policy D6 of the Placemaking Plan  
Contrary to National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide

. Lack of parking  
Insufficient on-site parking provision for match days;  
Insufficient on-site parking provision for student/co-living/dwellings;  
Increase in on-street parking - adverse effect upon congestion, highways safety and residential amenity

Contrary to policy ST7 of the Placemaking Plan  
Contrary to the National Planning Policy Framework

Against these harms, the following considerations in favour of the application have been identified:

. Housing, co-living and student accommodation  
Contribution towards meeting housing targets  
Reduced pressured on existing housing stock to convert to HMO

Accords with aims of policies DW1 and B1 of the Core Strategy

. Affordable housing  
Modest contribution towards affordable housing targets  
Below policy level of affordable housing justified by viability appraisal

Accords with policy CP9 of the Core Strategy

. New facilities

Provision of new grandstand facilities, 3G pitch, gym, community centre and sports bar  
Improved visitor experience  
Increased access to sports and healthy activities

Accords with the aims of policies LCR2 and LCR6 of the Placemaking Plan

. High Street

New and refurbished shop units  
Increased activity and footfall  
Improved public realm along High Street  
Complements the 'Love Our High Street' programme

Accords with the aims of policy CP12 of the Core Strategy

. Economic benefits

Job creation and support for local businesses  
Additional GVA through increased visitor spend  
Local employment opportunities during construction  
Opportunities for local suppliers during construction

. Regeneration benefits

Significant private investment into Twerton  
May inspire greater confidence in the area and attract further investment

. Bath City Football Club

Allows the club to clear its debts and generate new sources of income  
Assists in securing the future of the football club in Twerton, although not guaranteed

. Community Infrastructure Levy

Approximately £2.45million

. Viability/Enabling Case

No additional viability surplus for additional planning contributions  
Scheme viability precludes reduction in quantum of development

### **30. Conclusion**

The proposal provides an opportunity for investment in and regeneration of the Twerton High Street and the surrounding area. It has the potential to secure the future of the football club in Twerton whilst providing multiple benefits to the community. However, there are multiple and serious conflicts with the development plan, particularly in respect of its design and its impact upon the Bath Conservation Area and the residential amenity of its potential occupiers.

It fails to respect the context or character of the area, is overdeveloped and provides poor quality residential environments for its potential occupiers. The scale, height and massing indicate a development which will clearly be discordant and visually incongruous, significantly harming the character and appearance of this part of the Conservation Area.

The poor quality of some of the residential environments created is unacceptable and its parking provision would exacerbate parking issues in the surrounding area to the detriment of highways safety and the amenity of local residents.

The enabling/viability report suggests that the quantum of development proposed is required to deliver the benefits of the scheme. However, this is not an overriding consideration and the failures of the scheme do not simply relate to the quantum of development. The enabling/viability report is also not without a significant caveat that no value is attributed to the new football club facilities.

The implications for the future of the club in Twerton are material, but due to the nature of football club's operating in a highly competitive environment, the new development does not guarantee continued success in the long term.

It is therefore concluded that the benefits of the scheme, individually or cumulatively, do not outweigh the conflicts with the development plan and the other harms identified. It is therefore recommended that the application is refused.

## **RECOMMENDATION**

REFUSE

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

### **1 Poor Design**

The proposed development, due to its height, massing, scale, roofscape, form, layout, materials, detailing, landscaping and public realm, represents poor design which would be visually intrusive, unduly prominent and out of keeping with the local character and context. The proposed development is therefore considered contrary to the development plan, in particular policies D1, D2, D3, D4, D5, D6 and D10 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

### **2 Harm to Conservation Area**

The proposed development, due to its scale, height, massing, form, materials and detailing, would cause significant and serious harm to the Bath Conservation Area and is not outweighed by the public benefits of the proposed development. The proposed development is therefore contrary to the development plan, in particular policy HE1 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

### **3 Harm to Residential Amenity**

The proposed development, due to the poor outlook, quantity and quality of amenity spaces, room sizes and layouts, would create a poor quality and oppressive living environment for the future occupiers of the student and co-living accommodation. The proposed development is therefore contrary to the development plan, in particular policy D6 of the Bath and North East Somerset Placemaking Plan, and is contrary to the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide.

#### **4 Lack of Parking**

The proposed development, due to a failure to provide an appropriate level of on-site parking, would result in an increase in on-street parking in the vicinity of the site which would adversely affect highways safety and residential amenity. The proposed development is therefore contrary to the development plan, in particular policy ST7 of the Bath and North East Somerset Placemaking Plan, and is contrary to the National Planning Policy Framework.

#### **PLANS LIST:**

32495-STL-XX-XX-DR-A-XXXX-09001 LOCATION PLAN  
32495-STL-XX-XX-DR-A-XXXX-09003 PROPOSED SITE PLAN  
32495-STL-XX-XX-DR-A-XXXX-09004 DEMOLITION PLAN  
32495-STL-XX-ZZ-DR-A-XXXX-02014 DETAIL ELEVATION (1)  
32495-STL-XX-ZZ-DR-A-XXXX-02015 DETAIL ELEVATION (2)  
32495-STL-XX-ZZ-DR-A-XXXX-02012 PROPOSED ELEVATIONS (8)  
32495-STL-XX-ZZ-DR-A-XXXX-02011 PROPOSED ELEVATIONS (6)  
32495-STL-XX-ZZ-DR-A-XXXX-02010 PROPOSED ELEVATIONS (5)  
32495-STL-XX-ZZ-DR-A-XXXX-02009 PROPOSED ELEVATIONS (4)  
32495-STL-XX-ZZ-DR-A-XXXX-02008 PROPOSED ELEVATIONS (3)  
32495-STL-XX-ZZ-DR-A-XXXX-02005 PROPOSED ELEVATIONS (2)  
32495-STL-XX-ZZ-DR-A-XXXX-02004 PROPOSED ELEVATIONS (1)  
32495-STL-XX-ZZ-DR-A-XXXX-02003 LOWER GROUND FLOOR HIGH STREET LEVEL  
32495-STL-XX-ZZ-DR-A-XXXX-02003 UPPER GROUND FLOOR STUDENT  
ACCOMMODATION ENTERANCE LEVEL  
32495-STL-XX-03-DR-A-XXXX-01004 SECOND FLOOR AFFORDABLE HOUSING  
ENTRANCE AND PITCH LEVEL  
32495-STL-XX-04-DR-A-XXXX-01005 THIRD FLOOR  
32495-STL-XX-05-DR-A-XXXX-01006 FOURTH FLOOR GRANDSTAND UPPER LEVEL  
32495-STL-XX-06-DR-A-XXXX-01007 FIFTH FLOOR  
32495-STL-XX-07-DR-A-XXXX-01008 ROOF PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09030 PL01 LANDSCAPE MASTERPLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09001 PL01 LANDSCAPE GENERAL ARRANGEMENT  
PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09160 PL01 HARD LANDSCAPE WORKS PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09140 PL01 SOFT LANDSCAPE WORKS PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09407 PL01 RETAINING WALL  
32495-STL-XX-XX-DR-L-ZZZZ-09406 PL01 PAVING DETAILS  
32495-STL-XX-XX-DR-L-ZZZZ-09405 PL01 GREEN WALL DETAILS  
32495-STL-XX-XX-DR-L-ZZZZ-09404 PL01 FURNITURE DETAILS  
32495-STL-XX-XX-DR-L-ZZZZ-09403 PL01 STEP DETAILS  
32495-STL-XX-XX-DR-L-ZZZZ-09402 PL01 SOIL DEPTH PROFILES  
32495-STL-XX-XX-DR-L-ZZZZ-09401 PL01 TYPICAL TREE PIT DETAIL IN SOFT  
32495-STL-XX-XX-DR-L-ZZZZ-09301 PL01 LANDSCAPE SITE SECTIONS  
32495-STL-XX-XX-DR-L-ZZZZ-09180 PL01 BOUNDARY TREATMENT/KERB AND  
EDGING PLAN  
32495-STL-XX-XX-DR-L-ZZZZ-09101 PL01 TREE PROTECTION, REMOVAL AND  
RETENTION PLAN

SP001 PL01 LANDSCAPE MATERIAL SHEET FOR PAVING, FURNITURE AND FEATURES

SP001 PL01 LANDSCAPE MATERIAL SHEET FOR SOFT LANDSCAPE

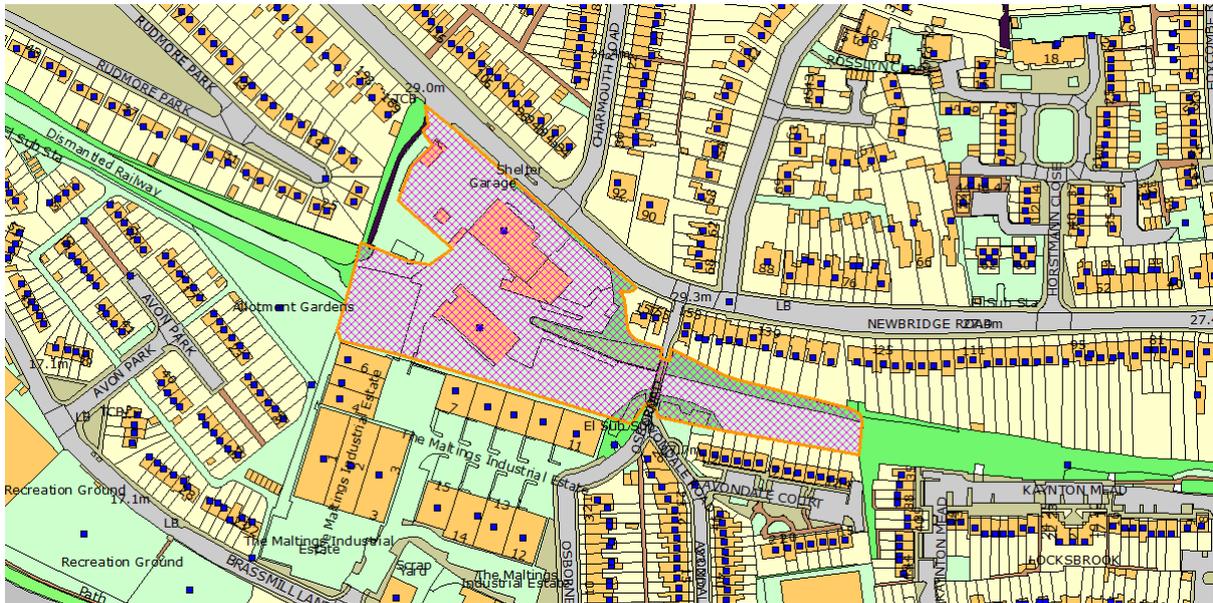
#### DECISION TAKING STATEMENT

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority identified concerns with the scheme at the pre-application stage and sought to work positively and proactively to overcome the concerns raised. Despite detailed advice and suggestions being made, no amendments to address the concerns were forthcoming. The Local Planning Authority has carefully considered all the information submitted, but for the reasons indicated above, the application is considered unacceptable and is recommended for refusal.

#### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

**Item No:** 02  
**Application No:** 19/01854/OUT  
**Site Location:** Hartwells Of Bath Newbridge Road Newbridge Bath BA1 2PP



**Ward:** Newbridge      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Michelle O'Doherty      Councillor Mark Roper

**Application Type:** Outline Application

**Proposal:** Outline application with all matters reserved except for access and layout comprising the demolition of the existing buildings on the site; construction of replacement buildings ranging in height from 3 to 5 storeys providing a mixed use development comprising up to 104 residential units (Class C3 Use), up to 186 student bedrooms (Sui Generis Use), and a commercial retail unit (flexible A1/A3 Use); formation of new vehicular access from Newbridge Road, construction of new access ramp, and provision of vehicle parking spaces; provision of new shared bicycle and pedestrian sustainable transport route through the site and formation of new access and linkages on the eastern and western boundary; provision of hard and soft landscaping scheme across entire site.

**Constraints:** Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Contaminated Land, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,

**Applicant:** Oakhill Group  
**Expiry Date:** 30th August 2019  
**Case Officer:** Chris Gomm

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

**REPORT**  
**REASON FOR REPORTING TO COMMITTEE**

This application is the subject of a viability assessment in respect of affordable housing (and other planning obligations). It is therefore necessary (pursuant to Section 1A Paragraph 6 of the Scheme of Delegation) for the application to come before the Planning Committee for its consideration and determination.

## BACKGROUND

This application seeks outline planning permission for the mixed-use redevelopment of the former Hartwell's car dealership on Newbridge Road in Bath. Permission is only sought at this stage for the means of access to the site and layout of the development; the scheme's appearance, scale and landscaping are reserved for approval at a later date. The proposed scheme is predominantly residential and comprises 104 residential units plus 186 student bedrooms; a small 148sqm (GIA) commercial unit (A1 retail or A3 cafe/restaurant) is also proposed.

## THE SITE

The site is positioned in a transitional location between residential uses to the north (on Newbridge Road and beyond) and industrial/commercial uses to immediate south. Residential properties, typically of the Victorian and Edwardian era, are located to the north, east and west of the site in Newbridge Road; also to the west are residential properties in Rudmore Park. To the immediate south of the site is 'The Maltings' a modern industrial estate comprising a number of industrial units. Also to the south are further residential properties in Avondale Road, Avondale Court and Osbourne Road. To the immediate west of the application site (and beneath part of it) is a concrete batching plant operated by Hanson Aggregates.

The site is a former quarry and as a result there is a significant differential in ground levels between the site's Newbridge Road frontage and the rest of the site (circa 6.7metres). The route of a former railway line runs through the application site from east to west, and the eastern part of the site is within a shallow cutting; as a result Osbourne Road passes over this part of the site on a railway bridge.

The application site straddles the Bath Conservation Area boundary; the eastern extremity of the site is within the Conservation Area but the majority of the site is outside. All of the site is within the City of Bath UNESCO World Heritage Site. The site is identified in the Council's records as being a 'Site of Potential Concern' in respect of land contamination.

In policy terms the site is allocated for redevelopment in the adopted Placemaking Plan (Policy SB15); this is explored in detail below. A safeguarded sustainable transport routes passes through the site following the alignment of the former railway line (Policy ST2). The site is on the Council's Brownfield Land Register.

## RELEVANT PLANNING HISTORY

- o 17/03535/SCREEN: EIA Screening Opinion request (formal query as to whether an Environmental Statement is required to accompany a planning application) in respect of a mixed-use development comprising 99 residential units, 177 student bedrooms, retail unit and an A3 unit. EIA NOT REQUIRED: August 2017

- o 14/03977/OUT: Outline planning application for erection of three blocks of student accommodation comprising 194 student bedrooms in studio/cluster flats and 70 bedrooms in a terrace of 14 two storey HMOs with access from Newbridge Road, shared foot/cycleway, associated car parking, cycle parking, amenity space and landscaping following demolition of existing buildings. WITHDRAWN: November 2014
- o 14/02229/SCREEN: EIA Screening Opinion request for a terrace of 14 two storey HMOs (70 bedrooms) and two blocks of student accommodation (194 bedrooms) plus the erection of up to 9 two storey HMOs (45 bedrooms) and two blocks of student accommodation (123 bedrooms) EIA NOT REQUIRED: May 2014
- o 10/03384/CAAD: Certificate of Appropriate Alternative Development for potential future residential development October 2010. POSITIVE CERTIFICATE ISSUED

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

B&NES Ecology: OBJECTION

- o Bat inspection and emergence survey have now been submitted; these have surveyed trees previously been identified as having bat roost potential;
- o No bat roosts have been identified and the findings of the reports are welcomed.
- o There remains a risk of future use of the trees by wildlife including protected species and mitigation in relation to this can be secured by condition;
- o The layout does not provide sufficient connective Green Infrastructure (GI), especially in view of the presence of a main badger sett within the site and considerable badger activity in the vicinity;
- o A connective, unobstructed, vegetated route should be provided; A continuous planted / vegetated and more substantial buffer zone alongside the proposed cycleway would be appropriate to provide for some of the necessary connective GI;
- o There is insufficient provision for slow-worms and other reptiles;
- o It is difficult to have confidence in the current assessment of habitat suitability for reptile given the high local population;
- o Reptile survey is therefore likely to be required and will be expected as part of a reptile mitigation strategy - details of this can be secured by condition;

B&NES Highways: No objection

The applicant has provided information relating to the access rights across the Industrial Estate. Given that access across the Estate is critical to the success of the scheme, the planning authority need to be content that this connection can be secured as part of an appropriate legal agreement and that this route would be maintained for this purpose for perpetuity. In addition the following will be necessary:

- o Improvements to the Sustainable Transport Route need to be delivered and secured as part of a Section 106 agreement;
- o The site access will need to be amended and implemented before any occupation and the scheme agreed with the highway authority;
- o Alterations to the footway on Newbridge Road will be undertaken and this needs to incorporate the appropriate resurfacing;
- o Improvements to the bus stop on Newbridge Road will need to be secured;

- o It is recommended that a financial contribution is sought that could be used to introduce a Residents Parking Zone in the local area if required;
- o There will be a need to secure a Site Management Plan for the site, and this would need to include measures to ensure that parking is effectively managed and that servicing of the site could be secured;
- o A Construction Management Plan would be required before any work commence on site;
- o A Travel Plan for the scheme would be required.

Avon & Somerset Police: Comments

- o The proposed development offers too much permeability that criminals could take advantage of. This can be reduced by limiting access to the development from the southern perimeter;
- o Other entrance points along this perimeter could also be covered by access control with fences/gates to the same height;
- o We also recommend that the car parks and pedestrian pathways have lighting to BS 5489-1:2013;
- o Bollards are not an appropriate choice for lighting for safety and security purposes because they do not project sufficient light at the right height to aid facial recognition and reduce the fear of crime;
- o There are concerns regarding the security and safety of car park 4. It is at a lower level screened off by dense foliage and rear garden fencing. This severely limits any natural surveillance from those homes to this location which could potentially deter criminal activity.

Ward Member Cllr O'Doherty: OBJECTION

I am concerned about the over-development of the site, and I am also worried that the access into the site is both inadequate and dangerous due to the number of people who will be living on the site.

I feel that the design of the buildings is incongruous, and there is already an issue in this area with parking. While the developers have stated that they will not allow students living on the site to bring cars with them as part of the tenancy agreement, I don't see how they can enforce this if cars are legally parked on public roads.

Ward Member Cllr Roper: OBJECTION

The site specific planning policy SB15 for the site in the Core Strategy and Placemaking plan states that it should be considered for:

Residential developments of around 80-100 dwellings, which could include a variety of specialist older persons housing types but not student accommodation, where this would prejudice the achievement of Policy DW.1 and B1 in respect of boosting the supply of standard market and affordable housing

The proposed development clearly includes a substantial element of student housing and therefore goes against this clear policy aim.

PBSA in Bath is not being matched by developments on campus - which is clearly the intention of planning officers going forward - see the arguments to refuse the Bath Cricket Club PBSA development.

The Draft Local Plan Options Document published last autumn recognised the issues caused by too many PBSA in urban areas - specifically parking problems. It is not sufficient for the developers to claim that students will not be permitted to bring their cars with an S106 agreement as these are not in practicable terms legally enforceable. The student cars parked along the Lower Bristol Road outside the Twerton Mill development during term time are proof of this. There are huge parking issues in the surrounding roads due to the employment areas on Locksbrook Road and Brassmill Lane and the fact that many - indeed most - of the houses in the vicinity do not have off street parking.

Extremely concerned at the volume of vehicles entering and leaving the site via the new proposed entrance which is opposite Charmouth Road (a main entrance to a school) and next door to Rosslyn Road and Osbourne Road entrances onto Newbridge Road. I know from 30 years of working in the area that this is a complex and busy set of junctions as it is - and the prospect of another entrance in the area - in effect four roads joining Newbridge Road in about 200 metres - will be dangerous without some form of traffic calming measures.

Over density of the site. It is unreasonable to propose a development which may end up with over 400 people living on a site of this size. It is especially unreasonable of the developers to include no extra facilities apart from what they are currently calling a coffee shop.

Loss of employment land. Although the Hartwells site is outside the core economic zone it will be another example of Bath losing key economic development space - along with all the space lost along the A4. The space remaining in Bath to build non-office based industrial units is declining at an alarming rate.

Historic England: No comment. The views of your specialist conservation and archaeological advisers should be sought.

B&NES Planning Policy: Not acceptable in its current form

Placemaking Plan SB15 requires residential development of around 80-100 dwellings. The proposal includes 104 residential units. The Policy B5 states that student accommodation is not acceptable where this would prejudice the achievement of the objectives in the Core Strategy including boosting the supply of housing. The proposed site is outside the Policy B5 areas therefore as long as it meets the policy requirement for housing, the provision of student accommodation is considered acceptable in principle, subject to other planning considerations such as density, design, height and mass;

The scheme proposes an affordable housing contribution of 10%, delivered as rented accommodation with a discount to local market rent levels of 20% which is contrary to Policy CP9 requires a 40% affordable housing contribution. In accordance with the Planning Obligations SPD it has to be subject to independent testing of the submitted viability appraisal.

The proposed housing-led mixed use including student accommodation is considered acceptable in principle, subject to other planning considerations such as density, design, height and mass. However the level of affordable housing contribution is subject to the independent assessment of the submitted viability appraisal.

**B&NES Arboricultural Officer: OBJECTION**

- o The retention of T22, T24 -T27 is realistic given the proximity of the new building;
- o The proposed layout provides insufficient space beside the two blocks along Newbridge Road for meaningful tree planting;
- o The site currently forms an obstruction in green infrastructure along the former railway line.
- o The landscape plan suggests that planting 5 trees into unusable pieces of land is adequate. Tree planting along the length of the cycle route should be incorporated;
- o The 'overflow car park ' shown along the eastern section of the cycle route compromises the green infrastructure along this section.

**B&NES Environmental Monitoring: Comments**

The development is close to the Air Quality Management Area and as such electric vehicle charging points are recommended.

Environment Agency: No objection subject to conditions dealing with contaminated land

Natural England: No significant concerns

B&NES Contaminated Land Officer: No objection subject to conditions

B&NES Environmental Health: No objection subject to conditions

B&NES Parks & Green Spaces: No objection subject to other consultee comments

B&NES Economic Development: No objection subject to a Targeted Recruitment & Training Plan.

Avon Fire & Rescue: Fire Hydrants required

B&NES Drainage & Flooding Team: No objection subject to Wessex Water approval of discharge, and subject to conditions

**B&NES Housing Team: OBJECTION**

- o B&NES policy CP9 requires a 40% affordable housing contribution;
- o The standard approach is that to meet the highest housing needs of the City, a tenure split of 75% Social Rent & 25% Shared Ownership dwellings is required;
- o The applicant has submitted a viability proposing an affordable housing contribution of just 10%, delivered as market rented accommodation with a discount to local market rent levels of just 20%;
- o Housing Services are unable to comment further until the Planning Authority has carried out its independent testing of the submitted viability;

- o The Applicant must note that whatever level of affordable housing contribution is agreed and whatever tenure is arrived at; the affordable dwellings must meet the design requirements as per the current B&NES Supplementary Planning Guidance.

B&NES Landscape Officer: Not acceptable in current form

- o Concur with the conclusions drawn in the submitted Landscape and Visual Impact Assessment that:

- o The increased scale and height of proposed development would be mitigated by the replacement of a local detractor, with a positive scheme designed to visually integrate with its context;

- o Though the proposed development would be visible as an increase in scale and mass the building design and proposed materials would provide a good level of visual integration;

- o The proposed development would be barely perceptible in more distant views and there would be no material effect on the character of panoramic views across the city.

- o However the arrangement of residential and overflow parking is sub-optimal and that this and the other issues outlined below need to be satisfactorily addressed prior to the determination of the application.

B&NES Archaeology: No objection

The area of the proposed development was completely quarried out in the 19th century which would have removed any below ground archaeological deposits on site.

B&NES Public Rights of Way Team: No objection

B&NES Education Team: No objection

The proposed development is not calculated to have any negative impact on the provision of sufficient early years, primary and secondary school places and therefore there is no objection from Education.

Petroleum Enforcement Authority: COMMENT

- o The records for the site show 3 x petrol and 1 x diesel underground storage tanks which were filled in 2005 using Resin Generated (RG22) foam;

- o The submitted Geo Environmental Site Assessment Report acknowledges the existence of the 4 underground storage tanks which are believed to remain in situ in the ground;

- o Other infrastructure may once have existed at the former petrol filling station site that we are not aware of;

- o If there is any doubt over the historical petroleum storage facilities, the Planning Officer should liaise with the Petroleum Enforcement Authority at Bath & North East Somerset Council and/or if necessary seek guidance from Bath & North East Somerset Council Environmental Health Pollution Control Team about the historical storage of petroleum spirit at the site;

- o It is the Petroleum Officer's opinion that all redundant underground storage tanks and any remaining petrol storage infrastructure should be removed from the ground by a competent contractor used to dealing with redundant petroleum infrastructure, should planning permission for the works be granted.

### **Third Party Representations (summarised)**

Bath Preservation Trust: OBJECTION

- o The scheme still includes a large amount of student housing;
- o Policy SB15 requires that there be no student housing on this site "where this would prejudice the achievement of Policy DW.1 and B1 of the Placemaking Plan."
- o The application does not include any evidence that this would not prejudice the achievement of the aims of policies DW.1;
- o The emerging West of England Joint Spatial and Bath Local Plans<sup>1</sup> both require that an additional 300 homes are found in Bath, through windfall sites and intensification of existing allocated sites, such as Hartwells
- o Any additional capacity achieved through intensification of development on this site should therefore be devoted to helping Bath reach this new target and should not be used for student housing;
- o It is important to note that this site is not the full SB15 site so it could be argued that the amount of housing on the application should be lower than maximum of 100 specified by Policy SB15;
- o The Newbridge Road is a key route into the World Heritage Site from the west; there is a pleasant progression along this route;
- o The Trust agrees with the general conclusions of LVIA, as shown on the Visually Verified Montages (VVMs), that the impact of the proposal on long distance and medium distance views from the surrounding viewpoints looking into the city would not significantly harm the universal Value or setting of the WHS;
- o However, as shown by VVMs 7 and 8/9, there would be a significantly adverse effect on the WHS;
- o The views obtained across the site from Newbridge Road towards the Twerton slopes and ridges beyond are an important feature of the site and they make a contribution to the spacious character of the area;
- o The Trust is concerned that these views would be substantially lost, due to the solid layout of the frontage blocks. The view through the narrow gap between the frontage blocks would be blocked by the student blocks beyond;
- o The Trust does not therefore agree that the proposed layout is justified because it will replace a detractor;
- o The Trust notes that a freestanding frame along the frontage is proposed - if this is part of the "layout" then the Trust objects to this alien object in the street scene;
- o The deep plan blocks and poor quality frontage treatment along the Newbridge Road would be completely at odds with the residential character of the area;
- o The layout would therefore be contrary to the aims PMP Policy SB15.2 and the text in para 203 of SB15, which require that the site has "an active frontage";
- o A finger of the site extends under the road bridge along the former railway line to the east and this is within the Conservation Area;
- o It should be seen as part of the future linear cycle route/public park and the Trust seriously questions the use of this area as an overflow carpark;

- o There is a row of trees along the site frontage which although slightly formal in their planting, creates a soft element to the frontage. The loss of one, possibly two trees on the frontage would harm the character of the area;
- o The deep plan blocks would be seen at an angle and would be an alien feature within the setting of the Conservation Area and would detract from the pleasant and consistent linear terraced character of the street scene within the Conservation Area
- o Policy SB15 requires that the development should be sympathetic to the context of the Victorian terraced housing. The massing and deep plan of the blocks serves will increase the impact of the height of the blocks on the street scene;
- o The screening device over the entrance to the car-park is also an anomaly in the street scene;
- o The Trust urges that reconsideration be given to a layout with an active frontage (i.e. front gardens and front doors) along the Newbridge Road, to integrate the frontage with the residential character of the street;
- o The application is not clear about whether the pedestrian route into the site from the Newbridge Road would be publicly accessible at all times;
- o There is a poor relationship with the proposed new cycle route/public park, whose edge along the southern boundary of the site, would be dominated by car parking;
- o The applicants state they have a permanent right of way but currently the Maltings Estate is gated and is locked at night;
- o The access through the Maltings should not be approved until the Council is completely satisfied that this will be a permanent, safe and practical route to the site for 24/7;
- o Has the Council given up on the possibility that the route might be used for other types of sustainable transport;
- o The applicants have bent the route southwards in order to build the student blocks. Is a 3.5m wide route with a sharp bend, enough for other forms of sustainable transport?

WSP Indigo Planning on Behalf of Standard Life (owners of Maltings Industrial Estate) (a number of letters have been received):

- o The approach that the Agent has detailed, with regard to the servicing arrangements for the proposed development, is impracticable and unrealistic;
- o The proposal could have a detrimental impact on the operations of the Maltings Industrial Estate;
- o The servicing strategy should be comprehensively reviewed before any planning decision is made;
- o Information is required in respect of how the management team will ensure that information is provided to delivery companies and how it will be complied with by delivery companies;
- o Details should therefore be provided setting out how the servicing access will be made available at all times, how access across the Maltings Industrial Estate would be secured, and how delivery drivers would know how and where to access the site from.

Transition Bath: Comment

Unfortunately the Energy Statement of this application is very poorly written and it is impossible to tell whether it is compliant with B&NES SCR1 and CP2 standards. In addition the Sustainable Construction Checklist has not been completed. The developer

should resubmit their Energy Statement and Sustainable Construction Checklist in readable form so that Transition Bath can comment

Avondale Road and Osborne Road Residents Association: OBJECTION

- o Over development;
- o The proposed density is not in keeping with the local area;
- o Threat to the local community;
- o The area comprises a mixture of families, couples and single, by contrast the development is a mixture of student accommodation and small flats;
- o Highway concerns;
- o The lower carpark access point is illpositioned on a bed with limited visibility and on a pavement;
- o There is the potential for greatly increased local traffic problems;
- o It is already difficult to park;
- o There is no permit parking scheme operating in this area;
- o The development will exacerbate parking problems locally;
- o The only access to the cycle path will be through the private development

Bath & North East Somerset Allotments Association: OBJECTION

- o There is clearly a strong unmet demand in this area for allotment even before any new demands are added;
- o The applicant offers a sum of £25k in lieu of allotment provision;
- o There is concern that the allotment provision required to mitigate this development will fail to materialise;
- o At the very minimum the applicant should be required to identify a deliverable allotment site either on or off the site, before outline permission is granted;
- o The long finger of railway land extending to the east would be ideally suited to the provision of allotments;
- o The shared pedestrian/cycle route should be part of the green space vision for this development- yet we have nothing. Just a narrow cycle route with parked cars and a service yard on either side of it;
- o The amenity and safety of the allotments is borne in mind when the construction plan is submitted, should planning permission be granted;
- o Given that the Council has designated climate emergency as a Cabinet portfolio, surely it is now time to recognise that Green Spaces, in particular allotments and local food growing, are a seriously important part of the tackling climate change agenda, for many reasons;
- o This application should not be approved until the provision of the full range of Green Spaces, including the specified amount of allotment land, needed to make this proposal policy compliant, are shown to be deliverable.

Federation of Bath Residents Associations (FoBRA): OBJECTION

- o FoBRA shares highway concerns;
- o Concerns regarding an affordable housing contribution of only 10% (the policy requires 40%). The developers are non-compliant;
- o The submitted Statement of Community Involvement is misleading and significantly understates the evidence of concern by objectors;

- o FoBRA questions the need for the provision of yet more purpose built student accommodation in Bath;
- o The universities are endeavouring to build more student accommodation on campus - which is also sought by B&NES policy
- o The proposed development is aesthetically displeasing;
- o The scheme's height, mass and scale are out of character with the area.

278 correspondence have been received in relation to this planning application of which 274 are objections and 4 are comments; no letters of support have been received. The objections are summarised as follows:

- o Student accommodation is not needed;
- o There is no need for more off-campus student housing in Bath;
- o Policy SB15 excludes student accommodation on this site;
- o Serious road safety issues;
- o Safety implications for children walking to the nearby school;
- o There is a huge parking problem and this development will make it worse;
- o Students will bring their cars whatever restrictions are in place;
- o The restrictions will be unenforceable;
- o On-site parking is inadequate;
- o Surrounding roads are already at capacity (in terms of on-street parking);
- o The highway impact has not been properly assessed/modelled
- o The development will add to traffic volumes;
- o No provision for electric vehicle charging;
- o The alignment of the cycleway is not acceptable;
- o The development is too large for the site;
- o Overdevelopment
- o The lower part of the site should be allocated for continued industrial use;
- o Monolithic style is out of keeping with the area;
- o The buildings are too high and are out of context;
- o Detrimental to local character;
- o The proposed bronze cladding is incongruous;
- o Inadequate green space;
- o There should be substantial good quality ecological planting;
- o This is a quiet family area, student housing will negatively affect the ambience;
- o Domestic neighbourhoods are being surrendered in favour of transient population;
- o The housing mix does not reflect the needs of the community;
- o Extra air pollution;
- o Increased noise and disturbance;
- o Litter and drunken antics will be raised to intolerable levels;
- o Inadequate affordable housing;
- o Affordable housing for young people is needed instead;
- o Alternatively secure housing for the elderly should be provided;
- o Employment uses should be provided on this site;
- o The coffee shop is not needed - there are amenities in Chelsea Road;
- o Remarkable that affordable housing on a large site in an affluent area is not viable;
- o Impact on house values;
- o Loss of light;
- o Impact on views;
- o There has not been proper consultation with the community;

- o Loss of privacy due to overlooking;
- o Local infrastructure is inadequate;
- o Harm to heritage assets;
- o Issues with accessing the site through the Maltings Industrial Estate;
- o Use the site to rehouse the homeless;
- o We need affordable homes for RUH staff;

Comments summarised as follows:

- o The view from my house will be obscured by the new development;
- o The view from the vicinity of my house was not included in the LVIA;
- o There will be a significant negative effect on the view of the rural landscape in Bath for many residences;
- o Adverse impact on the safety of school children and caregivers who are walking/cycling to and from Newbridge Primary every day;
- o Lack of information about the construction programme;
- o Will there be an opportunity for school children and local residents to visit the site during construction to understand progress and to learn about the different skills employed?
- o Fully support the introduction of a cycleway along the disused railway line through the site and this will be a great addition to the already-excellent cycling route.
- o A large group of students will not mix well with residential properties which are predominantly families (given the proximity of the primary school);
- o We have had bad experiences of students living on Lyme Road;
- o Affordable housing for small families would be beneficial and in keeping with the area;
- o There is a shortage of family and private housing in Bath;
- o It should be social housing for the people of Bath;
- o I think students will be a positive contribution to local community;
- o It is also on an easy bus route to Bath Spa;
- o Other accommodation should be targeted at retired people;
- o Resident parking permits need to be set up in this area as already we are getting hospital staff parking here and it won't get better;
- o They are trying to maximise profit and cram as many dwellings in as possible;

## **POLICIES/LEGISLATION**

The Council's Development Plan comprises:

1. Bath & North East Somerset Core Strategy (July 2014)
2. Bath & North East Somerset Placemaking Plan (July 2017)
3. West of England Joint Waste Core Strategy (2011)
4. Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2;NR2;V3 &V8) only
5. Neighbourhood Plans (none in Bath)

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:

Policy DW1: District Wide Spatial Strategy

Policy B1: Bath Spatial Strategy  
Policy B4: The World Heritage Site and its Setting  
Policy CP2: Sustainable Construction  
Policy CP3: Renewable Energy  
Policy CP5: Flood Risk Management  
Policy CP6: Environmental Quality  
Policy CP7: Green Infrastructure  
Policy CP9: Affordable Housing  
Policy CP10: Housing Mix  
Policy CP12: Centres and Retailing  
Policy CP13: Infrastructure Provision

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:

Policy SCR1: On-site renewable energy requirement  
Policy SCR5: Water efficiency  
Policy SU1: Sustainable drainage policy  
Policy D1: General urban design principles  
Policy D2: Local character and distinctiveness  
Policy D3: Urban fabric  
Policy D4: Streets and spaces  
Policy D5: Building design  
Policy D6: Amenity  
Policy D10: Public realm  
Policy NE5: Ecological network  
Policy NE6: Trees and woodland conservation  
Policy NE1: Development and Green Infrastructure  
Policy PCS1: Pollution and nuisance  
Policy PCS3: Air quality  
Policy PCS4: Hazardous substances  
Policy PCS5: Contamination  
Policy PCS8: Bath Hot Springs  
Policy H1: Housing  
Policy H7: Housing accessibility  
Policy LCR9: Increasing the provision of local food growing  
Policy ST2: Sustainable transport routes  
Policy BD1: Bath Design Policy  
Policy SB15: Hartwells Garage  
Policy D8: Lighting  
Policy HE1: Historic environment  
Policy NE2A: Landscape setting of settlements  
Policy NE3: Sites species and habitats  
Policy PCS2: Noise and vibration  
Policy CR4: Dispersed local shops  
Policy ST7: Transport requirements for managing development

Supplementary Planning Documents and Other Relevant Planning Documents

- o Bath City-Wide Character Appraisal SPD (August 2015)
- o City of Bath World Heritage Site Setting SPD (August 2015)
- o Planning Obligations SPD (April 2015)
- o Sustainable Construction Checklist SPD (November 2018)
- o Bath Building Heights Strategy (September 2010)

## 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 in respect of this application are considered to be:

1. The principle of redeveloping the site and the development mix;
2. Design, form and impact on the World Heritage Site and Conservation Area;
3. Highway impact;
4. Impact on ecological interests;
5. Arboricultural matters;
6. Residential amenity;
7. Affordable housing;
8. Land contamination;
9. Public open space/allotments
10. Technical policy requirements

#### 1. Principle of Redevelopment and the Proposed Development Mix

The application site, together with the adjoining concrete batching plant, is identified for redevelopment in the council's adopted development plan. The site is required to contribute towards the objective of delivering the 7,000 additional dwellings required in the city during the plan period. There is no policy requirement to provide replacement employment or employment generating uses on this site and as such the loss of employment at the existing dealership site is accepted (the dealership is already closed and has been for sometime).

Policy SB15 of the Placemaking Plan allocates the site (i.e. the application site plus the adjoining concrete batching plant) for residential development of around 80-100 dwellings. The policy is clear that this figure could include a variety of specialist older persons housing but only where this would not prejudice the achievement of Policy DW.1 and Policy B1 in respect of boosting the supply of standard market and affordable housing. Policy SB15 is also clear that the 80-100 figure cannot include student accommodation.

The application, as stated, seeks permission for 104 dwellings as well as 186 student bedrooms. The provision of 104 dwellings is clearly compliant with Policy SB15 as this meets the requirement that 'around' 80-100 dwellings be provided. The provision of 186 student bedrooms is also in accordance with Policy SB15 because this element of the

scheme will not displace the 80-100 units required by the policy; the 186 student bedrooms are in addition to the 104 dwellings. Policy SB15 requires the provision of around 80-100 non-student units but it does not preclude additional forms of residential development, including student accommodation, above and beyond that figure once that requirement has been met.

In addition to residential accommodation the proposed scheme also includes a small (148sqm) commercial unit (A1 retail or A3 cafe/restaurant). In broad terms planning policy generally aims to steer new retail uses to locations within established town or other centres. Placemaking Policy CR1 however does not resist small-scale retail/cafe uses (of less than 280sqm gross floor space) in out-of-centre locations within the urban area of Bath if aimed at local needs shopping. This is echoed by Policy CP4 (Dispersed Local Shopping) which supports small-scale local needs shopping within the existing urban area of Bath. The proposed commercial unit measures just 148sqm in floor space, well below the 280sqm threshold set out in both Policy CR1 and CP4. The unit's very small size is such that it is highly unlikely to accommodate anything other than a use serving a localised need.

In summary, the principle of redevelopment is supported and the proposed development mix itself is policy compliant. The non-student residential units (104) accord in principle with the Policy SB15 requirement that around 80-100 dwellings be provided on this allocated site. Furthermore the provision of 186 student bedrooms does not conflict with Policy SB15, as this element of the scheme will not erode or undermine the aforementioned key policy requirement that around 80-100 non-student dwellings be provided. Policy SB15 does not preclude the provision of student accommodation on this site where part of a wider development mix which includes 80-100 non-student dwellings. The provision of a small local-needs commercial unit as part of the development mix accords with provisions of Policy CR1 and CP4 and is acceptable in principle.

## **2. Design, Form and Impact on the World Heritage Site and Conservation Area**

Policy CP6 is the Core Strategy's overarching policy dealing with environmental quality; this seeks to secure, amongst other things, high quality inclusive design. Policies D1-D5 set out the Council's detailed urban design policies; these policies collectively seek to secure high quality design which is appropriate to its context. In particular Policy D2 supports development which contributes positively to and does not harm local character and distinctiveness; development is expected to positively respond to site context and improve areas of poor design. Furthermore Policy D2 requires design to respond appropriately to urban morphology, including amongst other things block and plot patterns; mix of uses, building heights, massing and scale, and local vernacular. In respect of density, Policy D2 is clear that the density of new schemes must be compatible with the character of the area but equally the policy encourages higher densities in accessible locations with good local facilities, on order to make an efficient use of land.

Within Bath, Policy BD1 (the Bath Design Policy) is clear that submissions must explain how the Bath design values have informed the proposed design approach including its aesthetics, building form, use, materials and detailing. It must also be explained how the height and scale of the proposal has respected, responded and positively contributed to the character of Bath, including Bath's heritage, its values and views. In addition Policy BD1 requires proposals to explain how proposals maintain the significance, integrity and

authenticity of the World Heritage Site and preserve or enhance the character or appearance of the conservation area.

Policy HE1 of the Placemaking Plan seeks to safeguard the district's heritage assets which in the case of this application includes the Bath conservation area and Bath WHS. Development must preserve or enhance those elements which contribute to the special character and appearance of the conservation area. Any harm must be justified and weighed against the public benefits of the proposal and great weight must be given to the preservation of the heritage asset in question. Alongside Policy HE1, Policy CP6 also seeks to protect, conserve and enhance the historic environment and recognises that any harm to a heritage asset must be weighed against any public benefit.

The proposed development takes the form of five main buildings; two fronting Newbridge Road (broadly in the same location as the existing Hartwells showroom building); one fronting the rooftop car park (which is to be retained) and two further buildings to the rear. A new vehicular access is proposed to Newbridge Road in the north-eastern corner of the site; this will provide access to the large car park to the rear of the site including part of the former railway line. A secondary vehicular access is also proposed to/from the Maltings industrial estate to the south providing access for service vehicles and to a small nine-space car park.

#### Layout

The proposed layout is considered to be an appropriate response to the site's existing form and context. Policy SB15 states that the Upper Bristol street frontage (which is in fact Newbridge Road) should be defined by an active frontage with the articulation of facades and roofing aiding the integration of the buildings with the surrounding context. The provision of two key buildings (Block A and B) fronting Newbridge Road is a welcome approach which follows that encouraged by Policy SB15. Unfortunately the car park at the northern end of the site's street frontage is to remain (the building beneath it is not in the applicant's ownership or control) but the proposed layout attempts to enclose this space (with Block A and E) as well as provide some active frontage here; this is considered largely successful given the constraints. To the rear of the site, away from any road frontage and adjoining the site's industrial neighbours, the scheme proposes two further buildings (Block C and D); this is a reasonable and logical approach to developing the southern more discrete part of the site. In amongst the buildings are pedestrian routes and hard and soft landscaping aiding connectivity and the 'public' realm.

The proposed layout incorporates the proposed cycle path which runs through the site roughly following its southern boundary. The positioning and route of this pathway is considered appropriate and one which minimises conflict with the other users of the site (its technical merits are dealt with in the highway section below). Finally, the remainder of the site i.e its eastern extremity beyond the railway bridge will be left largely undeveloped with no buildings in this area only a small car park and habitat retention. This is considered a sensible approach, and one which is supported, given the close proximity of residential neighbours here. In conclusion the proposed layout of the site is considered acceptable and appropriate to its context.

The police have raised a number of concerns regarding the potential for criminal activity in particular that resulting from the somewhat isolated car park and the pedestrian

permeability into the site. Whilst these concerns are noted a balance must be struck with other planning considerations including the need to properly access the site and the need to make the most efficient use of it; the layout is acceptable in this respect. The other detailed matters raised by the police relate primarily to security matters (for example lighting/secure gates etc.); these matters are best dealt with at the reserved matters stage when the full details of the proposal are known.

Policy SB15 highlights that if the development of the site is to be phased (i.e. if it comes forward in two or more stages) the design of the first phase must not prejudice the achievement of good design on subsequent phases. The current application seeks permission to redevelop the garage site only; the adjoining concrete batching facility may or may not be developed as a subsequent phase. The proposed layout does not compromise the redevelopment of the adjoining site nor undermine the ability of a good design coming forward. The rooftop car park above the Hansen will remain largely as existing and scope remains for the redevelopment of the yard to the rear albeit taking into account the current proposals.

### Quantum and Capacity

As stated, this is an outline application with all matters reserved with the exception of the scheme's layout and the means of access. The appearance and scale of the development are therefore matters for detailed assessment at a later stage; however as permission is sought at this stage for the quantum of the proposed uses (i.e. the number of units in each use) the Council must be satisfied that the site has the capacity to accommodate that proposed quantum in a satisfactory and policy compliant manner. This inevitably involves a high level assessment of scale and massing alongside the assessment of the proposed layout set out above - illustrative plans have been provided by the applicant to aid this process.

The illustrative plans show the buildings fronting Newbridge Road (Blocks A and B) as three storeys in height when measured from street level (five storeys when measured from the lower ground to the rear). The ridge height of these buildings is shown as being lower than that of the residential properties on Newbridge Road opposite the site. The block facing the car park (Block E) is five storeys. The two student accommodation buildings to the rear (Blocks C and D) are five storeys in height albeit with some lower elements. These buildings are shown on the illustrative drawings as being lower than those proposed to front Newbridge Road and as such somewhat lower again than existing properties on Newbridge Road opposite the site. The student accommodation blocks are taller however than the commercial buildings to the immediate south of the site on the Maltings Industrial Estate.

A Landscape & Visual Impact Assessment (LVIA) has been undertaken and submitted by the applicants; this considers the wider landscape and visual impact of the illustrative scheme. The submitted LVIA has in turn been scrutinised by the Council's own landscape team.

The submitted LVIA concludes that when seen in close views the proposed scheme will be of a greater scale and height than the existing building but this impact will be mitigated by the replacement of unattractive building (what is referred to as a 'local detractor') with a scheme which is designed to visually integrate with its context. In medium range views

the LVIA concludes that whilst there would be a visible increase in scale and massing as a consequence of the development, there would be a good level of visual integration. The LVIA goes on to conclude that the proposed, illustrative development would be barely perceptible in more distant views with no material effect on the character of views across the city. The Council's own landscape team endorse these conclusions albeit whilst highlighting that there is scope for improvement in terms of how the development is experienced from the proposed cycle route.

In conclusion, the proposed scheme's layout together with the associated illustrative elevations (which show the scheme's potential scale and massing) satisfactorily demonstrates that a development is achievable here which successfully responds to the site's immediate surroundings as well as having an acceptable impact from more distant surroundings. The submission demonstrates that the site is able to accommodate 104 dwellings and 186 student bedrooms (and one cafe) as well as associated infrastructure in a manner which will have an acceptable impact in terms of the development's layout, impact on the conservation area and impact on the wider UNESCO World Heritage Site and which will not prejudice delivery of the remaining site allocation.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. The submitted details demonstrate that the proposed development, subject to the further reserved matters submission, will preserve the character and appearance (and setting) of the City of Bath Conservation Area and will not undermine nor conflict with the Outstanding Universal Values (OUV) of the World Heritage Site. For the reasons set out above the application complies with Core Strategy Policy CP6 and policies D1-D5, BD1 and HE1 of the Placemaking Plan in so far as they are relevant to the matters under consideration in the assessment of this outline application.

Core Strategy Policy CP10 deals with the mix/nature of housing provided on residential developments. The policy aims to ensure that developments incorporate a variety of housing types and sizes so that a range of different households are provided for. The scheme proposes 104 dwellings (excluding the student accommodation) which comprise:

- o 24 x one-bed one-person flats;
- o 40 x one-bed two-person flats;
- o 5 x two-bed three-person flats;
- o 35 x two-bedroom four-person flats.

It is evident that the development includes a wide range of accommodation types and sizes. It is acknowledged that all of the proposed homes are apartments rather than conventional houses but there is a significant quantum of conventional housing in the locality and it not considered necessary nor reasonable to insist that conventional housing be provided as part of the mix. The application complies with CS Policy CP10.

### **3. Highway Impact**

Policy ST7 of the Placemaking Plan seeks to ensure that, amongst other things, highway safety is not prejudiced; that there is safe and convenient access for pedestrians and

cyclists; that the vehicular accesses are suitable; that the development does not introduce traffic of excessive volumes, size or weight on to an unsuitable road system (or environmentally sensitive area) and that improvements to the transport system (or other mitigation) is provided to make the development acceptable - without harm to the historic or natural environment.

The proposed layout, as stated, involves three vehicular accesses to the site; two accesses from Newbridge Road and another to the rear from The Maltings industrial estate. The northernmost access to Newbridge Road is in a similar location to the existing forecourt access; this will provide access to the 37-space car park deck which sits above the concrete batching plant. A second vehicular access is proposed at the eastern end of the Newbridge Road frontage; this will descend into the site passing beneath Block B and will provide access to a 51-space car park and 16-space car park to the rear. A further vehicular access is proposed to the rear of the site from the Maltings industrial estate; this will provide access to a small 9-space car park as well as access for service and delivery vehicles. No highway safety concerns have been raised by the Council's Highway Team to the proposed access arrangements.

As mentioned access to the site for service vehicles is intended to be via the aforementioned southern access to the Maltings industrial estate. The Maltings industrial estate is third party land and it has been demonstrated that the appropriate rights of access are in place. The estate is secured by a locked gate however and therefore to ensure that access to the development is always available, the S.106 Agreement will need to secure the submission (and subsequent adherence to) a plan for the management of this off-site arrangement. Subject to robust, enforceable provisions being set out in the S.106 Agreement to secure unrestricted access through the Maltings industrial estate the Highways Team has no objection to this arrangement.

### Parking and Associated Issues

Policy ST7 states that proposals should incorporate an appropriate level of on-site parking (both vehicles and bicycles) in accordance with the Council's adopted standards and that there should be no increase in on-street parking in the vicinity which would affect highway safety or residential amenity. Policy ST7 is clear that there is scope to deviate from the Council's parking standards where specific circumstances are demonstrated, such as the application of the Council's accessibility assessment. It is also a requirement of Policy ST7 that electric vehicle charging points be provided where practicable.

All of the proposed on-site car parking is intended for the residential apartments; no student car parking is proposed. The proposed level of residents parking accords with the Council's adopted parking standards and a Parking Management Plan can ensure that the spaces are appropriately allocated; this can be secured by condition. It is noted that some of the car parking is situated some distance from the residential apartments (such as the 16 spaces along the former railway line) which is not ideal in terms of accessibility however this parking will nonetheless meet the needs of the development and operate in a satisfactory manner.

Substantial cycle parking is proposed at lower ground floor level comprising 72 spaces for student use and 208 spaces for the residential use (2 spaces per dwelling); this level of provision accords with the Council's standards and meets with the approval of the

Highway Team. In addition 24 spaces are proposed for visitors by means of Sheffield stands.

Notwithstanding the lack of on-site student car parking, there remains a risk that student occupants will own cars and park them in the surrounding streets. It is critical therefore that any planning permission includes effective measures to prevent student occupants from bringing cars to Bath so that the development does not result in knock-on unacceptable/distruptive car parking locally - which would be in conflict with Policy ST7. In the event that permission is granted, the S.106 Agreement can ensure that it is a condition of any tenancy that occupants do not bring a car into the city (except on change over days etc.) This approach has been implemented in relation to other purpose-built student accommodation in the city and has generally been successful. The Highways Team has also suggested that a financial contribution be secured to finance the introduction of a Residents Parking Zone in the local area if required. Given that it is not known whether this measure is actually required or necessary to make the development acceptable in planning terms, such an obligation fails the statutory tests for planning obligations set out in the Community Infrastructure Levy Regulations (Regulation 122) and therefore is not recommended.

#### Public Transport

Following initial concerns being raised by the Council's Highway Team in respect of bus capacity, it has subsequently been confirmed by the First Bus Bath Operations Manager that there are no significant capacity issues relating to the bus services routed past the application site. Improvements to the bus stop on Newbridge Road (the provision of a shelter and waiting area) will need to be secured (by S.106 Agreement) should permission be granted (as will a widened footway).

#### Sustainable Transport Route

The proposed layout, which as stated is not illustrative, shows a dedicated 3.5m wide segregated cycle and pedestrian pathway running through the site from east to west and connecting with the safeguarded route either side. Policy ST2 of the Placemaking Plan states that development which prejudices the use of the former railway land for sustainable transport purposes will not be permitted. Placemaking Plan Policy SB15 goes on to state that the design response [in respect of the site's redevelopment] must, amongst other things, recognise the importance of the disused railway line as a protected sustainable transport route. The Council's highway team has reviewed the proposed pedestrian/cycle path and are content with its alignment and detail in so far as it passes through the development site.

It is crucial that future residents are given sustainable transport options, and indeed encouraged to use alternatives to the private car. For this reason, and given the significant scale of the development, it is necessary for the development to deliver the cycle path, not only through the site itself, but onward to Station Road and Brassmill Lane to the east and west respectively. The Council's highway team has calculated that the cost of providing these onward connections to be in the region of £260k; it is recommended that that this sum is secured by S.106 Agreement in the event that permission is granted and that the Council itself upon receipt of this sum take the project forward and deliver the off-site cycle path connections.

## Short Term Holiday Lets

There is a growing trend for purpose-built student accommodation to be let for holiday purposes outside of university term times. In many locations there is no planning reason to resist the use of student accommodation for short-term letting but in this suburban location it would be likely to have unacceptable localised car parking issues contrary to Policy ST7. As stated no on-site car parking is proposed to serve the student accommodation, and the site is some distances from public transport hubs. It is recommended that the S.106 Agreement incorporates measures to prevent short-term letting.

Subject to the planning obligations and conditions described above the application complies with Policy ST2 and ST7 of the Placemaking Plan.

## 4. Impact on Ecological Interests

The application site is largely developed and includes a number of substantial buildings such the main dealership building, yards and various workshop buildings to the rear; until recently these buildings were in active use. The eastern part of the application site however (i.e. the former railway line east of the Osbourne Road bridge) is devoid of buildings and is largely overgrown with scrub and mature vegetation; there is clear ecological potential here.

Placemaking Plan Policy NE3 states that development that would adversely affect protected species and/or their habitats will not be permitted, and nor will development that would adversely affect internationally important sites (except in exceptional circumstances). It is also relevant that Placemaking Plan Policy NE5 is clear that development is expected to demonstrate what contribution will be made to ecological networks through for example habitat creation; protection, enhancement, restoration and/or management. Policy SB15 states that the design response must recognise the importance of the disused railway as a connective habitat; this is echoed more generally by Policy CP6 which states that development will enhance connections between sites and valued habitats as well as improve the quality and size of existing sites and valued habitats and create new such sites and reduce pressure on wildlife through environmental improvements.

An Ecological Appraisal of the site (Windrush Ecology, April 2019) has been submitted with the application. This has concluded that the buildings and hard standing within the site (including the gravelled parking areas) are of negligible interest for wildlife. Unsurprisingly it has also been concluded that the woodland habitat along the former railway line and mature trees at the periphery of the site are considered to be important at a site level. The mature oak tree in the south-west corner of the site is considered to be of ecological value because of its age and potential to support birds, bats and invertebrates. The mature ash and sycamore trees are important components of the small woodland areas within the site and represent some of the oldest ecological resources

Badgers are present along the disused railway line and within adjacent properties, with a badger sett located to the northern embankment of the site. The sett is considered to be a main sett with at least two active entrances (observed in 2018), with four and six active entrances in 2014 and 2013 respectively.

The Council's ecologist acknowledges that the submitted surveys have not identified any bat roosts in the trees and that those findings are accepted. It is recommended however that in the event that permission is granted conditions be imposed to ensure precautionary working methods and potentially update inspections.

Concern has been raised by the Council's ecologist in respect of reptiles, in particular slow worms. The habitat at the eastern end of the site has been identified as being highly suitable for reptiles. The Council's ecologist is content for this matter to be dealt with by means of a Reptile Mitigation Strategy which could include further survey results; this can be secured by condition.

Particular concern has been raised by the ecologist in respect of the lack of connective green infrastructure (i.e. habitat corridors etc.), especially given that there is a main badger sett on site as well as considerable badger activity locally. It has been highlighted that connective green infrastructure would reduce potential conflict between residents and wildlife and that a continuous planted/vegetated buffer zone alongside the cycle path would be one solution.

Whilst the concerns of the ecologist regarding connective green infrastructure are noted it must be appreciated that this is a previously developed site covered in existing commercial buildings and hardstanding, and which until recently was in active use. There is no connective green infrastructure on site currently and the proposed development will not therefore lead to any loss or harm in this respect. The existing larger areas of vegetation within the site, for example the wooded slopes of the former railway line, will largely be unaffected by the proposals. The incorporation of further connective green infrastructure within the scheme would certainly represent an ecological enhancement but it is not considered to be essential for the development to be acceptable in planning terms. The creation of a more substantial buffer zone of planting alongside the cycle path would be a disproportionate response and one which would ultimately sterilise a significant proportion of the site unnecessarily. There are also serious questions as to the extent of planting actually achievable here given the presence of a 15m wide sewer easement beneath the cycle path alignment.

For the reasons set out above, in respect of ecological matters, the application is considered to be in accordance with Policy NE3, NE5 and SB15 of the Placemaking Plan as well as Policy CP6 of the Core Strategy, subject to the planning conditions referenced above and detailed below.

## **5. Arboricultural Matters**

The landscaping of the development is a reserved matter and as such does not form part of this current application; the nature of the proposed planting, including the detail of any replacement/compensatory tree planting, cannot therefore be considered at this stage. The site's proposed layout is not a reserved matter however and so its impact on the site's existing trees and vegetation must be scrutinised now.

The site includes an attractive row of semi-mature whitebeams (six in total) along part of the site's Newbridge Road frontage. These trees are not the subject of a Tree Preservation Order (TPO) and nor are they within the conservation area, as such they

benefit from no formal protection. Also on the Newbridge Road frontage is a group of trees which includes sycamore, hawthorn and ash; these trees are benefit from no formal protection. Elsewhere mature and semi-mature trees are present on the site's periphery as well as along the margins of the former railway cutting (within the site). In this area the trees are significant in number and benefit (where eligible) from the protection provided by being within the Bath conservation area.

Placemaking Plan Policy NE6 seeks to manage trees and woodland on development sites. This policy states that development will only be permitted if it seeks to avoid adverse impacts on trees of value; if it includes appropriate tree retention and planting and; if there is no impact on ancient trees or ancient woodland. If an adverse impact on trees is unavoidable (to allow for an appropriate development) the policy is clear that compensatory provision will be required, in accordance with the provisions of the 'Planning Obligations' SPD.

An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted with the planning application. These confirm that two trees, one tree group and two trees from a further tree group are proposed for removal in order to facilitate the development, in addition one further dead Ash tree is proposed for removal for arboricultural reasons. The proposed tree removals include one of the aforementioned trees on the Newbridge Road frontage as well as the adjacent group of sycamore, hawthorn and ash.

The Council's Arboricultural Officer has raised an objection to the scheme. The proposal involves the retention of all but one of the whitebeams on the Newbridge Road frontage but the Arboricultural Officer is concerned that the retention of these trees is unrealistic given the proximity of the proposed new buildings. There is evidently a difference in professional opinion between the Council's arboricultural expert and the developer's expert (Tree Research Ltd). The developer's expert has stated that only a minor percentage of the root protection areas (RPAs) to the south conflict with the footprint of the proposed building and that this encroachment is tolerable for the trees provided any roots encountered are pruned in accordance with the provided arboricultural method statement. Ultimately it is not known whether these trees will survive in the long-term or not and therefore the application must deal with both scenarios.

As stated these trees are not within the conservation area and nor are they the subject of Tree Preservation Orders; they therefore benefit from no formal protection. In respect of policy protection Policy NE6 does not require the retention of all trees, rather development is required to 'seek to avoid' any adverse impact with compensation required where harm is unavoidable. Even if the worse-case scenario occurs and the trees are lost, it is not considered that the proposal is contrary to policy; it is considered that the development does seek to avoid adverse impacts on trees as required by Policy NE6. The setting back of the Newbridge frontage would be undesirable from a design perspective and across the development as a whole tree removal is limited. It is recommended therefore that in the event that the trees fail within a reasonable time period, on-site compensatory tree planting be secured by condition.

The proposed layout shows that the group of sycamore, hawthorn and ash adjacent to Newbridge Road will be felled and cleared to facilitate the formation of the new vehicle

access serving the lower car park. The Council's Arboricultural Officer has raised no objection to the removal of these trees.

T23 (one of the Newbridge Road whitebeams) is to be felled to facilitate the construction of the new bus shelter; whilst this is unfortunate the benefits of providing enhanced public transport facilities outweighs the harm caused by the loss of the tree, significant so. No concerns have been raised by the Council's Arboricultural Officer in respect of any of the other tree removals.

The Arboricultural Officer's remaining concerns relate to detailed landscaping matters (positioning of new trees etc.) and the principle of providing an overflow car park within the former railway cutting. The detail of the landscaping proposals will be the subject of a subsequent reserved matters submission and therefore concerns regarding the positioning of individual tree planting must be deferred until that stage. Concerns regarding the loss of green infrastructure within the railway cutting area are noted but this site is allocated for redevelopment and the quantum of retained green infrastructure is considered to be sufficient. The application accords with Placemaking Policy NE6.

## **6. Impact on Residential Amenity**

Placemaking Plan Policy D6 (amenity) states that development proposals must provide for appropriate levels of amenity; in particular existing and proposed development must achieve appropriate levels of privacy, outlook and natural light. The policy goes on to prescribe that development must not cause significant harm to the amenities of existing and proposed occupiers by reason of loss of light, noise, odour, overlooking, traffic or other disturbance and that there must be adequate amenity space (private or communal). Policy PCS2 (noise and vibration) states that development will only be permitted where it does not cause unacceptable increases in noise/vibration that would have a significant adverse impact on health, quality of life, natural/built environment or general amenity. The Policy also prescribes that noise sensitive developments should avoid locations wherever possible where occupants would be subject to unacceptable levels of noise and vibration from an existing noise source.

Two-storey semi-detached properties are situated close by to the west of the site in Rudmore Park as well as slightly more distant in Avon Park. Residential properties are also situated either side of the development on Newbridge Road as well as directly opposite the site. There are also residential properties to the south in Osbourne Road, Avondale Court and Avondale Road.

The appearance of the proposed buildings is a reserved matter (and therefore is ultimately unknown at this stage) but it can be reasonably assumed that there will be upper floor windows in all of the elevations of the proposed buildings. Blocks A, C and E are likely to have windows directly facing Rudmore Park and Avon Park. Be that as it may the existing dwellings in Rudmore Park are a minimum of 40 metres from the closest proposed block and the dwellings in Avon Park are further still at approximately 80m at their closest. The existing properties in both Rudmore Park and Avon Park are considered to be too distant for the proposed development to cause unacceptable levels of overlooking, or any other unacceptable adverse impact on amenity such as overshadowing or noise impact. It should also be noted that there is also substantial intervening vegetation along the relevant boundary which provides significant screening.

The proposed blocks which will form the frontage of the development to Newbridge Road will be situated approximately 30m from the houses situated opposite. This is sufficient to ensure that unacceptable impacts on amenity do not result and is typical of separation distances found in a street environment. The closest property alongside the development on Newbridge Road (to the north-west of the site) is in excess of 50m distant; this is considered too distant to be adversely affected.

The closest residential properties to the proposed buildings are those situated to east of the site on Newbridge Road; the closest is in the region of 20m from Block B. Whilst Block B will be situated in relative close proximity to neighbouring residential properties, the relationship here is considered acceptable. 20m is sufficient distant to minimise adverse impacts on amenity and the intervening area is to be occupied by landscape and planting. The main access road to the lower car parks will pass through this area and this will inevitably generate some traffic noise, it is not considered however this will be unacceptably disturbing given the site's context alongside a main through road.

As mentioned, a concrete batching plant sits adjacent to and partially beneath the application site. The proximity of the plant to the proposed development is less than ideal but it must be noted that the plant is already situated in a partially residential area and is not known to be problematic in terms of residential amenity issues. It is not considered that the relationship between the concrete batching plant and the proposed development will give rise to any significant amenity issues, including noise or vibration. The outline proposal provides an appropriate level of amenity and will not cause significant harm to the amenities of existing and proposed occupiers; accordingly the proposals comply with Policy D6 in respect of residential amenity matters.

## **7. Affordable Housing**

The application site is located in a part of the district identified by CS Policy CP9 as requiring 40% affordable housing. The application proposes a total of 104 dwellings (excluding student beds); this equates to a total affordable housing requirement of 42 affordable dwellings here.

CS Policy CP9 states that the viability of schemes should be taken into account when considering affordable housing obligations. The NPPF (at Para. 57) states that, "it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force".

A viability appraisal (CBRE) has been submitted by the applicant and this seeks to demonstrate that only a 10% affordable housing contribution is financially viable (this assumes tenure is affordable rent (AR) and that the units are let at 80% of the market rate). The submitted viability appraisal claims that a negative residual land value would be generated for a 40% affordable housing scheme - which would clearly be unviable. It goes on to claim that reducing the contribution to 10% affordable housing, alongside the applicant's decision to take a lower profit margin, increases the profit margin to a level that is viable.

The developer's conclusions regarding financial viability matters cannot be taken at face value; the council has therefore appointed independent viability experts, Cushman & Wakefield (C&W), to scrutinise the submitted appraisal. C&W are in largely in agreement with much of the applicant's calculations and assumptions; it has long been agreed that a policy compliant level of affordable housing (i.e. 40%) is not financially viable. C&W's independent analysis has gone further and has sought to establish the level of level of affordable housing contribution that is viable. Following protracted discussions between the parties it has now been agreed that 12.5% affordable housing is all that this development can viably contribute; this equates to 13 affordable rent units. This level of contribution is clearly very disappointing but given that Policy CP9 enables financial viability matters to be taken into account, and such matters have been assessed by independent experts appointed by the Council, the application is not contrary to policy and is thus acceptable. It is recommended however that should the committee resolve to grant permission a 'claw-back' mechanism be included in the S.106 Agreement to ensure that any subsequent improvement in the financial viability of the development results in an increased affordable housing contribution.

## **8. Land Contamination**

The application site is a former quarry which was once bisected by the railway line. The site has been in use as a car dealership for some time and there are known to be three underground petrol storage tanks as well as one underground diesel tank beneath the site (these were filled in 2005). It is possible that there is further redundant fuel/other infrastructure beneath the site. There is a clear potential for the site to be contaminated and indeed the site is identified in the Council's records as being a 'Site of Potential Concern' in this respect.

Policy PCS1 (pollution and nuisance) prescribes that development will only be permitted provided that there is no unacceptable risk (to the development) from existing or potential pollution sources or no unacceptable risks of pollution arising from the development. Policy PCS5 (contamination) states that development will only be permitted on land known or suspected to be strongly contaminated provided that there is no significant harm or risk of significant harm to health or the environment; appropriate remediation measures are in place and harm can be suitably mitigated.

A Geo-Environmental Site Assessment Report has been submitted with the application. The Council's Contaminated Land Officer has been consulted and she is satisfied that the submitted report provides a preliminary land quality assessment of the site. It has been highlighted however that the submission has a number of limitations and therefore more detailed investigations will be required, particularly in relation to the former fuel station. The Contaminated Land Officer is content for these further investigations to be dealt with by condition should permission be granted, it is not necessary for this matter to be resolved prior to determination. Subject to such conditions the application complies with Policy PCS1 and PCS5 of the Placemaking Plan.

## **9. Public Open Space and Allotments**

In Newbridge Ward there is a deficit of allotments (-1.60ha), Amenity Green Space (-0.07ha), Park & Recreation Ground (-4.18ha) and Youth Play Space (-0.13ha). There is

however a sufficient quantity of natural green space in the area to meet the demand for this typology from future residents.

The application site is directly adjacent to Avon Allotment Site. The development of 104 residential dwellings and 186 student bedrooms is expected to be populated by 425 residents (186 students and 239 other residents), these residents create a demand for greenspace as follows;

- o Parks & Green Space 5525m<sup>2</sup>,
- o Amenity Green Space 1275m<sup>2</sup>
- o Youth Play 128m<sup>2</sup>
- o Allotments 1275m<sup>2</sup>

It is impractical for this development to provide sufficient quantities of these greenspace typologies on-site. Importantly it is recognised that the development can provide wider green infrastructure benefits through the delivery of the sustainable transport route. The route will provide improved access to existing green space typologies on the river corridor and beyond and has the potential to be a recreational facility that can contribute to meeting the requirements of policy LCR6.

With regard to allotments (Policy LCR9), the development will create a demand for allotments due to an increased population. In the absence of on-site allotment provision (which is not considered necessary) the applicant's proposal for a financial contribution of £25,000 towards the off-site provision and improvement of allotments is accepted; this can be secured by S.106 Agreement.

## **10. Technical Requirements**

Policy H7 (Housing Accessibility) requires 19% of market housing on a development such as this to have enhanced accessibility standards. 104 units of market housing are proposed so in practice this means that 21 of the proposed residential units must be of an enhanced standard of accessibility and will be required to meet technical standard 4(2) of Part M of the Building Regulations. The submission confirms that 19% of the development will indeed meet the Part M4(2) of the Building Regulations. The details can be agreed at the reserved matters stage and a condition is recommended, in the event that permission is granted, to ensure that that subsequent reserved matters submission includes the necessary information.

Policy CR2 (Sustainable Construction) requires an overall 19% reduction in regulated CO<sub>2</sub> emissions from the development. 10% of this reduction must be from renewable energy sources (as required by Policy SCR1 - see below) and the remaining 9% may be from other means (such as better insulation for example). Policy SCR1 (On-site Renewable Energy Requirement) requires development to demonstrate a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. This 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions.

An Energy Statement and Sustainable Construction Checklist have been submitted with the application; this states that a 'fabric first' approach will be followed in order to reduce

the development's energy demand. A full electric strategy is proposed. Air Source Heat Pumps will generate the site's domestic hot water and heat requirement and electric panel radiators will heat the student accommodation. There will be no on-site gas combustion. It is stated that energy use will be in line with national and local policy and that the site's carbon emissions will be reduced by at least 10% due to renewable energy generation with an overall carbon reduction of 22% (compared to the Building Regulations Part L baseline); this is compliant with Policy CP2 and SCR1. The submission sets out an overarching strategy and as such lacks precise detail on how these objectives will be achieved, given the outline nature of the application however this is understandable. Conditions will be necessary, in the event that permission is granted, to ensure that the detailed plans submitted at the reserved matters stage comply with the objectives set out in Policy CP2 and SCR1 and detail exactly how these requirements will be met.

Policy SCR5 (Water Efficiency) requires all dwellings to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. Furthermore rainwater harvesting or another means of capturing rainwater is required if it is technically feasible. This matter does not go to the heart of the development's nature nor form and as such compliance can be ensured by means of a compliance condition.

### **Summary, Planning Balance and Conclusion**

The application site is allocated for redevelopment by Policy SB15 of the Council's Placemaking Plan; it is therefore adopted Council policy that the current use cease, the existing buildings be demolished and the site be redeveloped for residential purposes. Policy SB15 explicitly allocates the site (and the adjoining concrete batching yard) for around 80-100 dwellings which could include older persons housing "but not student accommodation". The policy is clear therefore that the allocated 80-100 dwellings cannot include any student accommodation but it does not go as far as precluding student accommodation outside of that 80-100 unit requirement. Accordingly the proposed development mix (104 dwellings and 186 student beds) is considered policy compliant and thus acceptable. The small single commercial unit is acceptable as part of the overall mix and is of little significance in policy terms.

The application is submitted in outline with only the means of access and the site's layout being considered by committee at this stage. The proposed layout, which shows five main buildings (two fronting Newbridge Road, one fronting the car park, and two to the rear), is considered an appropriate design response to the site's nature and context. The proposed layout, supported by illustrative elevation drawings, shows that the quantum of development proposed can be accommodated on the site in a policy compliant manner (in so far as those policies can be tested at this outline stage).

The submission demonstrates that, subject to conditions, a scheme that has an acceptable townscape/landscape impact, an acceptable impact on the character and appearance of the area (including on the conservation area and world heritage site) and an acceptable impact on residential amenity as well as on ecological interests is indeed achievable here. Furthermore it is concluded that the impact of the proposed development on the local highway network will be acceptable, subject to conditions/planning obligations. The three proposed vehicular accesses (two to Newbridge Road and another to the south through the Maltings industrial estate) will be of an acceptable standard in highway safety terms subject to management arrangements being

approved and secured in respect of the access through the Maltings. The level of car and cycle parking proposed is appropriate and student car parking can be controlled by means of a legal agreement.

A critical issue is the matter of affordable housing; the application site is situated in a part of Bath where Policy CP9 requires a 40% affordable housing contribution; crucially the policy (and NPPF) allows financial viability to be taken into account when considering such matters. The Council's independent advisors agree that a 40% contribution is not financially viable; following much discussion there is now agreement between the Council and the applicant that it is viable for 12.5% contribution to be made; on this basis the application is policy compliant.

The application, for the reasons set out above, complies with development plan policy. S.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations indicating that despite its compliance with the development plan the application ought to be refused; accordingly it is recommended that outline planning permission be granted (subject to the conditions and planning obligations listed below).

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

0 subject to the prior completion of a S.106 Agreement to secure:

1. 12.5% of the development to be provided as affordable housing (affordable rent at 60% of market values);
2. A review/claw-back mechanism to secure increased affordable housing should viability improve;
3. A financial contribution of £260K to fund the completion of the sustainable transport route eastward to Station Road and westward to Brassmill Lane;
4. Completion of off-site highway works (widening of the footway and bus stop improvements);
5. The restriction of student occupants operating private cars and bringing them to/in the vicinity of the site;
6. The submission, council approval and subsequent adherence to a Management Plan in respect of vehicle movements and access;
7. A financial contribution of £25k to fund the off-site provision and/or improvement of allotments;
8. The submission of a Targeted Recruitment & Training plan including a financial contribution to fund training/recruitment objectives;
9. The provision of fire hydrants on the development and a financial contribution towards their maintenance for 5 years;
10. A restriction on short-term lets;

and subject to the following conditions:

### **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 appearance, scale 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 (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

### **4 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.

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

No occupation of the development shall commence until the vehicular accesses have 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.

### **6 Parking (Compliance)**

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

Reason: 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.

### **7 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 Placemaking Plan.

### **8 Site Management Plan (Pre-occupation)**

Prior to first occupation of the development a Site Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Site Management Plan.

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.

### **9 Arboricultural Method Statement (Pre-Commencement)**

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The submitted method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. 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 Arboricultural Method Statement (Compliance)**

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

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

### **11 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.

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

No development shall commence 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:

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

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

No development shall commence 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 section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

#### **14 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 section 11 of the National Planning Policy Framework.

#### **15 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 section 11 of the National Planning Policy Framework.

#### **16 Sound Insulation of residential dwellings (post construction, 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 35dB LAeq,16hr and 30dB LAeq,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 45dB LAmax.

Reason: To protect future residents from unreasonable adverse impact from existing noise

#### **17 Noise and odour survey of commercial unit (pre-occupation)**

Prior to first occupation of the commercial unit hereby approved an acoustic survey as well as an odour survey shall be submitted to and approved in writing by the local planning authority; this shall include details of mitigation if necessary. The survey shall include details of any extraction and ventilation system if proposed. The development shall be undertaken in accordance with the details so approved.

Reason: To protect future residents from unreasonable adverse impact from existing noise and odour in accordance with Policy D6 of the Bath & North East Somerset Placemaking Plan.

#### **18 Sustainable Drainage Strategy (to accompany reserved matters submission)**

The details submitted pursuant to Condition 3 of this permission (i.e. the reserved matters) shall include a detailed Sustainable Drainage Strategy which follows the principles set out in the West of England Sustainable Drainage Developer Guide (March 2015). The development shall subsequently be undertaken in accordance with the approved details.

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.

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

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, which shall include a programme of implementation, have been submitted to and approved in writing by the local planning authority. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

#### **20 Renewable Energy - (Pre-Occupation)**

The development shall achieve an overall reduction in carbon emissions of at least 19% as compared to the Building Regulations Part L baseline; at least 10% of the overall reduction shall be by means of on site renewable energy generation and the remaining 9% by other means (for example energy efficient construction).

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 for approval to the local planning authority together with the further documentation listed below:

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

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).

### **21 Sustainable Construction Details - Overheating (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, along with supporting documents, to the local planning authority:

- o Table 5.1
- o Table 5.2
- o Table 5.4 (if using active cooling)

Reason: To monitor the extent to which the approved development complies with Policy CP2 of the Core Strategy (sustainable construction) in respect of overheating.

### **22 Reptile Mitigation Strategy (to accompany reserved matters submission)**

The details submitted pursuant to Condition 3 of this permission (i.e. the reserved matters) shall include a Reptile Mitigation Strategy, which shall be informed by additional survey work if necessary. The development shall be undertaken in accordance with the approved Reptile Mitigation Strategy.

Reason: To ensure that reptiles are adequately protected in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

### **23 Implementation of Wildlife 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, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in

accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

#### **24 Replacement Tree Details (In the event of tree losses on Newbridge Road)**

The existing white beam trees positioned along the site's Newbridge Road frontage shall be retained as an integral part of the development hereby approved (with the exception of those shown for removal in the approved plans/documents). In the event that any of these trees die or suffer poor health warranting their removal, within the first 10 years following first occupation of the development details of comprehensive on-site replacement tree planting shall be submitted to and approved by the local planning authority prior to the removal of any of said trees. The replacement planting approved shall be undertaken within the first planting season following the aforementioned approval of details.

Reason: To ensure that trees felled as a result of this development are satisfactorily replaced.

#### **25 Housing Accessibility (Compliance)**

The details submitted pursuant to Condition 3 of this permission (i.e. the reserved matters) shall demonstrate that 21 dwellings are designed such that they comply with Part M 4(2) of the Building Regulations. Those dwellings shall subsequently be constructed and completed in accordance with the details so approved.

Reason: To ensure than a proportion of the dwellings hereby approved are accessible in accordance with Policy H7 of the Placemaking Plan.

#### **26 Water Efficiency (Compliance)**

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

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

#### **27 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:**

This decision has been taken on the basis of the following plans/drawings:

- o Site Location Plan: Drawing No. 0100 P3
- o Proposed Site Plan: Drawing No 0110 P4

The following plans are illustrative only (i.e. permission is not granted)

- o Proposed Floor Plan -001: Drawing No. 0202 P2
- o Proposed Floor Plan -002 (Lower Ground Floor): Drawing No. 0201 P2
- o Proposed Floor Plan 000 (Newbridge Road): Drawing No. 0203 P2

- o Proposed Floor Plan 001: Drawing No. 0204 P2
- o Proposed Floor Plan 002: Drawing No. 0205 P2
- o Proposed Floor Plan 003 (Roof Plan): Drawing No. 0206 P2
- o Landscape General Arrangement Plan: Drawing No NPA 11063 301 Rev P01
- o Illustrative Elevations: Drawing No. 0300 P3
- o Site Sections Sheet 1: Drawing No. 0400 P3
- o Site Sections Sheet 2: Drawing No. 0401 P3
- o Proposed Illustrative Sections Through Cycle Path: Drawing No. 0410 Rev P3

## **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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)

## **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.

## **Demolition Notice**

Please note that notice of demolition works must be given to the Local Planning Authority under s.80 and 81 of the Building Act 1984 at least six weeks before demolition work commences.

## **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.

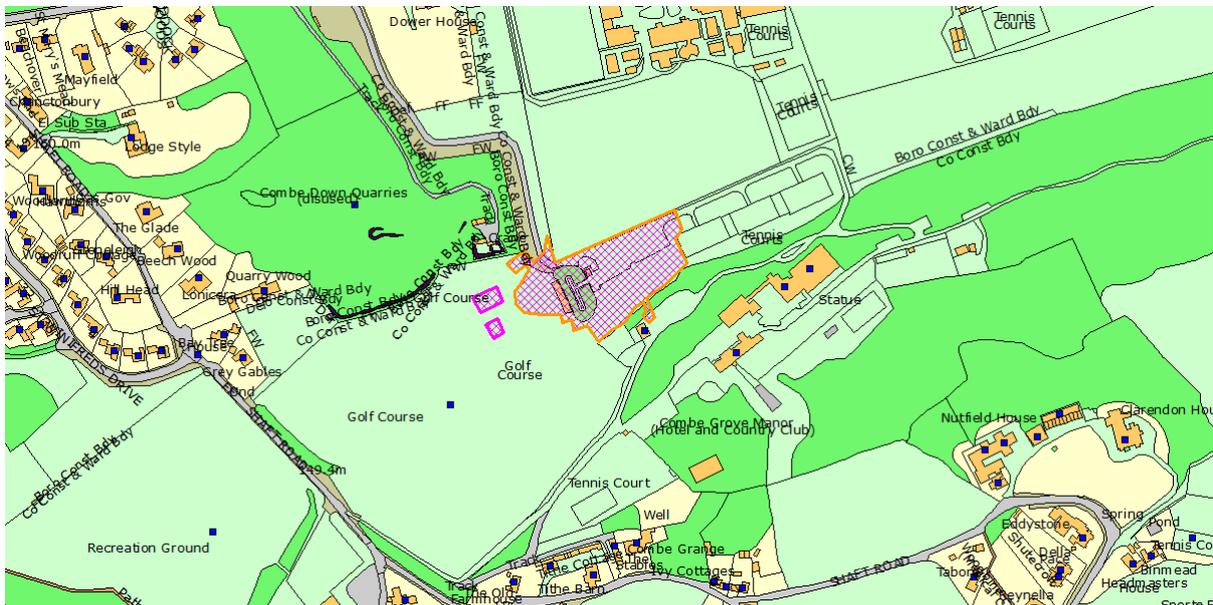
**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**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.

**Item No:** 03  
**Application No:** 19/03734/FUL  
**Site Location:** Combe Grove Brassknocker Hill Monkton Combe Bath BA2 7HS



**Ward:** Bathavon South      **Parish:** Monkton Combe      **LB Grade:** II

**Ward Members:** Councillor Neil Butters      Councillor Matt McCabe

**Application Type:** Full Application

**Proposal:** Erection of 1 no. polytunnel, reconfiguration of car park and associated landscaping works.

**Constraints:** Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

**Applicant:** Elmhurst Foundation

**Expiry Date:** 15th October 2019

**Case Officer:** Sasha Berezina

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

## **REPORT**

The application was referred to Chair and Vice Chair following a request from Cllr Butters.

Vice Chair comments:

I have read the report & associated information regarding this application and am aware of the support from MCPC & Ward Cllr while other consultees do not object subject to conditions included but the main issue is impact on the Green Belt and the policy is very clear regarding new buildings and this application does not adhere to it therefore I recommend the application be delegated to Officers for decision.

Chair Comments:

The Committee may wish to further consider the nature of the 'very special circumstances', and whether this is acceptable use of existing developed land or not.

Chair decided that the application should be heard by the Planning Committee.

## **THE PROPOSAL**

Combe Grove Hotel is located to the south of the City and immediately north of Monkton Combe.

The Hotel is located within the Green Belt, Cotswold Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest Impact Zone (SSSI Impact Zone), and it also contains and is adjacent to components of the Bath and Bradford on Avon Bat Special Area of Conservation (SAC). The grounds are well-wooded and there are a number of protected trees (TPOs). A mixture of historic and modern development occupies the site including the Combe Grove house, which is the principal building. There are also a number of other designated Grade II listed heritage assets. The site is also a non-designated historic park and garden and is included within the Historic Environment Records (HER) local list of parks and gardens in Bath and North East Somerset.

Due to the topography of the site and its extensive grounds, there are three main parts/tiers roughly comprising:

Upper Tier - former golf driving range, main car park and tennis courts bubbles;

Middle Tier - former nursery building and parking;

Lower Tier - hotel and leisure centre buildings, including Main House, Coach House, Garden Lodge, tennis court, swimming pool, plus a walled garden and various parking areas

The application sites are located at the Upper Tier of the Combe Grove hotel grounds. The proposal consists of two main elements, namely:

- Provision of a propagation tunnel measuring 8.53 x 9m in plan and 3m high and a 8.53m long and 3.96m high screen to be located on the former golf range land; and

- Extension and re-configuration of existing car park (increase the number of spaces from 33 to 97), provision of wall, relocation of bin and laundry storage, and associated hard and soft landscaping.

## RELEVANT PLANNING HISTORY

DC - 19/01415/FUL - PERMIT - 21 June 2019 - Conversion of golf driving range building for horticultural use.

DC - 19/01458/FUL - WD - 7 June 2019 - Erection of 2 No. temporary portacabins for office use by apprentices

DC - 19/01982/FUL - PERMIT - 8 August 2019 - Erection of switch room building to accommodate electrical equipment

DC - 19/03733/FUL - PDE (Permitted by committee, subject to S106 and conditions) - - Erection of 2 no. temporary portacabins for office use by apprentices.

DC - 19/03734/FUL - PCO - - Erection of 1 no. polytunnel, reconfiguration of car park and associated landscaping works.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Landscape - no objection, subject to conditions

Highways - no objection, subject to conditions

Arboriculture - no objections, subject to conditions

Drainage - no objections on Flood Risk Grounds. All drainage works are to comply with Building Regulations Approved Document Part H. It is noted that the proposed parking areas are to be constructed from permeable gravel which will allow infiltration. Consideration could be given to using a permeable paving system which would provide a greater level of attenuation and treatment. Any increase in the impermeable area draining to a foul sewer will require prior approval from Wessex Water who will need to agree the discharge rate and point of connection to their system.

Ecology - no objection, subject to conditions

Natural England - concurred with the council's Habitats Regulations assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given

Monkton Combe Parish Council - No objection to the car parking changes proposed. However, we have some concerns regarding the height of the Poly Tunnels, particularly the larger of the two. We consider that more landscaping may be required at the Western End to shorten the 15 year zero impact time frame on the landscape.

Cllr Neil Butters - the proposed car park is acceptable in planning terms and forms part of a rationalisation of parking provision at Combe Grove and will enable cars to be removed from around the principal listed building. The car park will be sited on previously

development land and as such accords with national Green Belt policy and development plan policies relating to landscape, heritage and ecology. The proposed polytunnels will enable the Estate to produce organic produce for the hotel on the site of the redundant golf driving range. This constitutes 'very special circumstances' that justify the proposed erection of the polytunnels in the Green Belt, whose impact will be mitigated by a strategic landscaping scheme.

Third Party Comments - 1 comment received:

- The proposed removal of parking from the Lower Tier is not accounted for in the original parking availability assessment and does not take into account the daily lorry and van deliveries to the front of Manor House.

### **POLICIES/LEGISLATION**

On 13th July 2017 the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- 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:

- CP.6: Environmental Quality
- B.4: World Heritage Site
- CP8: Green Belt

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:

- D.1: General Urban Design Principles
- D.2: Local Character and Distinctiveness
- D.3: Urban Fabric
- D.4: Streets and Spaces
- D.5: Building Design
- D.6: Amenity
- D.8: Lighting
- D10: Public Realm
- HE1 Historic Environment
- GB1: Visual Amenities in the Green Belt
- NE1: Development and Green Infrastructure
- NE.2: Conserving and Enhancing the Landscape Character and Landscape Character
- NE.3: Sites, Species and habitats

NE4: Ecosystem Services  
NE.5: Ecological Networks

### Planning (Listed Buildings & Conservation Areas) Act 1990

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

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

### 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.

### 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**

Key material considerations:

1. Green Belt
2. Landscape and Visual Amenity
3. Ecology
4. Highways/Parking
5. Other considerations
6. Planning balance and conclusion

### GREEN BELT

The key planning considerations in this case relate to the Green Belt policy compliance of the proposals.

The site is located within the Green Belt, where strict controls are applied to avoid inappropriate development. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open. Core strategy Policy CP8 states that the

openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy. Part 13 of the National Planning Policy Framework sets out national policy for development in the Green Belt. The construction of new buildings in the Green Belt is generally considered inappropriate, although some exceptions are set out in paragraphs 145 and 146 of the Framework.

- Polytunnel

The original proposal was amended to remove one of the proposed two polytunnels. The application however still seeks to construct a substantial polytunnel structure and a large screen.

The scheme therefore would introduce new buildings within the Green Belt, where in accordance with paragraph 145 of the NPPF construction of new buildings should be regarded as inappropriate form of development.

There are some specific exceptions to this rule, such as buildings for agriculture and forestry. However, the officers are of opinion that the proposed polytunnel and screen would form part of the hotel and leisure club use of the overall site. As such these would be buildings ancillary to hotel use and not agriculture.

The new buildings would also be harmful to the openness of the Green Belt which derives from absence of development.

The new polytunnel together with the screen placed on the former golf range will be perceived as a distinct built block surrounded by a land of generally open and undeveloped appearance perceived as a continuum of the surrounding countryside.

The volumetric increase in built form (the tunnel measuring W:8.53m x L:9m x H:3m and the W:8.53m x H:3.96m screen) on the wider site would lead to tangible reduction in openness.

- Extension to Car Park

The extension of the car park is assessed under exception NPPF145(g), which allows for limited infilling or partial or complete redevelopment of previously developed land provided it would not have a greater impact on openness than the existing.

Whilst it is accepted that the site represents previously developed land, the expansion of the car park will have greater impact on openness. The scheme seeks to increase parking capacity from 33 to 97 cars, extending the hardstanding approx. 25m to the west and approx. 15m to the south. It also seeks to relocate bin and laundry storage collection point to the south-west corner and to surround parts of the car park with a drystone wall (approx. 0.9m -1.2m high).

In visual or perceived terms, the openness derives from the absence of development. Despite the presence of the existing car park, its expanse is limited, there is no boundary treatment, which allows views across, and the parking is currently surrounded by areas of amenity grassland appearing as continuum of the adjacent hillslope. The proposed new built form (and increased vehicle numbers) would extend beyond the existing footprint to

the west and south where it would subsume the areas of currently landscaped land; it would also be more visually distinguished from it through introduction of additional boundary treatment and footpaths. This would have noticeable bearing on visual openness.

The associated removal of the man-made earth mound and ancillary driving range building, changes to the lighting and additional planting of trees will have some mitigating effect. However, the earth mound is covered in grass, and with the exception of the metal viewing platform on top, it has an appearance of a natural landscape feature as opposed to hardstanding for parking. Overall, these mitigating measures are not considered sufficient enough to alleviate the resulting loss of openness and the urbanising effect of a larger car park surrounded by a wall.

## LANDSCAPE AND VISUAL AMENITY

The site lies to the south east of the city of Bath on the outer 'rim' of the 'bowl' of green hillsides which form its landscape setting. The Combe Down Estate is situated towards the top of the steep south facing slope of the Midford Brook Valley to the west of its confluence with the River Avon. With the exception of the car park, the former golf driving range, on which the polytunnel and the screen would be situated, and the rough grassland to its south, the site is predominantly wooded.

The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB); the setting of the Bath World Heritage Site; and the landscape setting of the settlement of Bath all of which underscore its landscaped importance and sensitivity to change.

Bath and North East Somerset Council's adopted Local Plan Policy NE2 makes clear that development should seek to avoid or adequately mitigate any adverse impact on landscape.

The polytunnel would be set on an elevated and relatively visually open position of the former golf driving range. As discussed in relation to Green Belt openness considerations, this would be a fairly conspicuous feature. Similarly, the extension of the car park would have an adverse landscape impact, through the significant extension of hard surfacing; the loss of existing grassland; the loss or adverse impact upon existing trees; and the reduction of available space in which to carry out planting.

The scheme nevertheless includes a comprehensive landscape proposal that provides thorough analysis of the physical, visual, ecological and arboricultural aspects of the site and includes hard and soft landscape scheme which seeks to minimise and mitigate the proposal's adverse landscape and visual impacts. On balance, the proposed tree and shrub planting will provide adequate mitigation for these visual impacts and as such it would represent a neutral effect that weighs neither for nor against the proposal.

## ECOLOGY

The proposed development involves changes to the car park, and the NW corner of development site red line boundary for this aspect of the scheme lies immediately adjacent to a component site of the Bath & Bradford on Avon Bats Special Area of

Conservation (SAC) (which is also designated as Combe Down and Bathampton Down Site of Special Scientific Interest (SSSI) ).

The boundary to this component part of the SAC lies within the ownership of the applicant. A number of other component sites of the Bath & Bradford on Avon Bats SAC lie nearby to the west.

As the proposal is in an ecologically highly sensitive location with the Bath & Bradford on Avon SAC adjacent, and supporting habitats used by bats associated with the SAC, and therefore could impact on the SAC, the Council is obliged to assess the scheme in line with the requirements of the Habitats Regulations. Following an Appropriate Assessment in accordance with the Regulations, the competent authority has ascertained that, subject to conditions to secure final details of sensitive lighting design and implementation of landscaping and habitat provision, the project will not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC either alone or in combination with other plans or projects.

The proposal is accompanied by an Ecological Assessment (Engain, 6th Jul 2019) which includes bat survey findings from 2016 and assessment of the wider site and project as well as the area specific to the current proposal.

Section 3.27 describes key ecological measures that have been designed into the overall scheme and feature within the current proposal:

- o Enhancing the woodland edge by promoting natural regeneration of a naturalistic woodland edge grading from canopy trees, through scrub and into rough grassland. This includes the removal of the fencing that currently runs along the edge of the wood, and which may present a partial barrier to bat flight.
- o Creating a new native hedgerow to link directly from the woodland to the south of the golf course.
- o Shelterbelt planting to create a second linear feature linking the woodland to land to the south and to Shaft Road.
- o New native woodland planting to strengthen the existing shelterbelt along Shaft Road.
- o Additional planting along the northern edge of the access road, to improve physical connectivity for commuting bats.
- o Removing the small golf driving range building that potentially limits habitat connectivity (Officer Note: this building has already been removed).

If these are implemented as described the overall scheme has potential to deliver ecological enhancements and the proposal is not considered to raise significant ecological concerns. These enhancements, mainly associated with woodland management and additional planting, are afforded moderate weight and would have to be secured by condition along with other measures to avoid ecological harm as described in the ecological report.

## HIGHWAYS/PARKING

From a highways safety point of view, it is unlikely that the scheme would have any significant impact on the operation of the highway.

A site access and parking strategy covering long-term aspirations of the Hotel has been produced and provided as part of this application. The surveys carried out as part of the study indicate that the number of arrivals and departures recorded during both peak periods are low in the context of through traffic on Claverton Down Road and Brassknocker Hill and that site traffic has little influence on congestion, delay or highway safety during the peak hours. The proposals are not intended to directly increase the number of guests or club visitors. Furthermore, the hotel intends to implement a Travel Plan for the site with the aim of reducing the proportion of car driver trips by at least 5% over a five-year period as stated in the draft version of the document that forms 'Transport Technical Note'.

The third-party comment with regards to parking numbers is noted. The parallel application ref. 19/03733/FUL (for temporary use of one of the car parks for offices) would lead to overall reduction in parking numbers on site. If, in addition, parking is to be removed from the Main House, that would lead to further reduction of 34 spaces. It is noted that Highways Officer's assessment concludes that the net increase in car parking spaces will be sufficient, but this was done without taking these additional 34 spaces into account.

The supporting parking assessment indicates that the hotel currently provides approximately 168 car parking spaces with a peak occupation of 107 (64%) recorded during the April 2018 surveys. This 107 car occupation value increases up to 128 (76%) when account is taken of seasonal variations.

Should permission for expansion on the Top Tier and reduction on the Lower Tier be granted, the remaining parking on site would still provide 176 parking spaces, which is in excess of the identified and predicted occupation rates. This is based on the following figures:

ZONE CP1 - DRIVING RANGE (97 SPACES)  
ZONE CP2 - TENNIS COURTS (15 SPACES)  
ZONE CP3 - OLD NURSERY / WORKSHOP (23 SPACES)  
ZONE CP4 - HOTEL WEST (22 SPACES) - removed for at least 3 years ref. 19/03733/FUL  
ZONE CP5 - COACH HOUSE / HOTEL (40 SPACES) - 6 disabled spaces only  
ZONE CP6 - GARDEN LODGE (17 SPACES)  
ZONE CP7 - HOTEL EAST (18 SPACES)

Taking into consideration the above and the fact that the proposal in itself would lead to increase in 2 full time jobs only, the officers do not consider that the additionally proposed removal of parking spaces from the Main House would lead to any unacceptable highways safety implications. Furthermore, the reallocation of parking to Top Tier is discussed and taken into account as part of Transport Technical Note.

Highways Officer requested that a minimum of four secure covered cycle parking spaces should be provided to accommodate the 3.8% of staff forecast to cycle.

**OTHER CONSIDERATIONS**

The applicant considers the former golf driving range to be the optimum location for their food growing activity. Whilst there is no planning control or objection to the use of the land for growing of food and trees, new buildings would be inappropriate development that would lead to reduction of openness within the Green Belt. This in accordance with the policy is by definition harmful and should not be approved except in very special circumstances.

There are existing facilities at the Lower Tier comprising an abandoned large south-facing historic walled garden and an existing polytunnel. The space has a vehicular access at its eastern end, so it is not clear why agricultural/horticultural vehicles won't be able to access it as claimed by the supporting statement. The desired production of food for consumption by the hotel, together with the claimed benefits of some reduction in food miles and the additional employment of 2 full-time staff, can also take place in that location by reusing and updating the existing facilities. This would also have the substantial benefit of bringing this heritage asset back into its intended use and securing its future in a manner consistent with its conservation. If all gardening activity is relocated to the Top Tier, there is less chance that this listed garden will be brought back into its original use.

The supporting statement refers to demolition of a redundant golf driving building in lieu of the polytunnel volume increase, however this building was less conspicuous, considerably smaller and has already been demolished. Furthermore, this was an outdoor sport facility which is not inappropriate in the Green Belt so its removal does not offer much in terms of very special circumstances. Equally, the cessation of the golf range use is not directly linked to the proposed polytunnel and would not form very special circumstances because outdoors sports use is not inappropriate in the Green Belt.

Consideration was also given to removal of parking on other parts of the site. Additional drawings were submitted indicating removal of parking from the listed Combe Grove House at the Lower Tier, retaining only disabled parking spaces.

Consolidation of parking at the Top Tier of the site is part of the wider strategy for the hotel, and this would be marginally beneficial to the tranquillity of the Green Belt and the historic park. The proposed expansion of the upper car park is intended to facilitate these changes, however the officers are concerned that without any physical changes to the former parking areas such as reinstatement of soft landscaping and planting that would be beneficial to the openness of the Green Belt, these parking places could be brought back into use any time. Heritage benefits to the setting of the listed building would also be limited as no changes are proposed for the more appropriate setting for the main house. The indicative temporary landscape solution comprising wooden and metal planters is too crude and urban/industrial in its character and has no affinity with the historic park setting of the listed buildings.

## PLANNING BALANCE AND CONCLUSION

As discussed above, the proposals would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt, with the nature of the harm deriving from the conflict with the Green Belt purpose of assisting in safeguarding countryside from encroachment. In line with the NPPF para.144 substantial weight ought to be attached to this harm.

In addition to the definitional harm being caused by inappropriateness, the officers have found that the harm to openness would further weigh against the proposals.

In terms of benefits, slight to moderate weight can be attached to the contribution that the proposals would make towards ecological and visual enhancement, on-site food growing and the potential reduction of car movements and parking at the lower tiers of the site where the majority of listed buildings are concentrated.

The overall conclusion, however, is that these benefits do not clearly outweigh the identified harm to Green Belt so as to amount to very special circumstances necessary to justify the proposals. Consequently, very special circumstances do not exist.

## **RECOMMENDATION**

REFUSE

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

1 The proposal would result in inappropriate development within the Green Belt, which is harmful by definition. The potential harm to the Green Belt by reason of inappropriateness, and harm to Green Belt openness resulting from the proposal, would not be clearly outweighed by other considerations. As such, the proposal is contrary to the National Planning Policy Framework (February 2019) and the Policy CP8 of The Core Strategy for Bath and North East Somerset (July 2014).

## **PLANS LIST:**

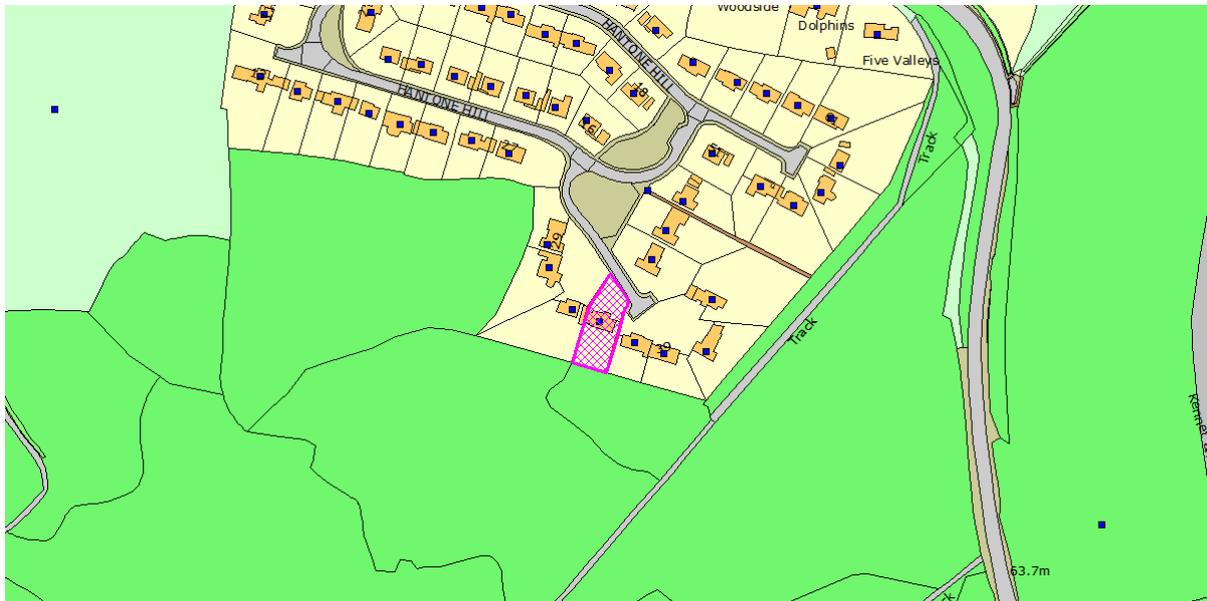
OS Extract	21 Nov 2019	085-009 P3	SITE LOCATION PLAN
Drawing	21 Nov 2019	085-012 P5	GENERAL ARRANGEMENT PLAN 1 OF 2
Drawing	21 Nov 2019	085-013 P4	GENERAL ARRANGEMENT PLAN 2 OF 2
Drawing	21 Nov 2019	085-406 P4	POLYTUNNEL DETAILS
Drawing	21 Nov 2019	085-514 P4	LONG SECTION A-A
Drawing	21 Nov 2019	085-515 P3	LONG SECTION B-B
Drawing	21 Nov 2019	085-516 P3	CROSS SECTION C-C
Drawing	21 Nov 2019	085-517 P3	SECTION D-D
Drawing	21 Nov 2019	085-019 P2	TREE RETENTION AND REMOVALS PLAN
Drawing	21 Nov 2019	085-023 P1	EXISTING AND PROPOSED CAR PARKING IN CP5

## **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

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

**Item No:** 04  
**Application No:** 19/05225/FUL  
**Site Location:** 35 Hantone Hill Bathampton Bath Bath And North East Somerset BA2 6XD



**Ward:** Bathavon North                      **Parish:** Bathampton                      **LB Grade:** N/A

**Ward Members:** Councillor Kevin Guy                      Councillor Sarah Warren

**Application Type:** Full Application

**Proposal:** Demolition of existing dwelling and erection of replacement dwelling.

**Constraints:** Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

**Applicant:** Mr Colin Blackburn

**Expiry Date:** 12th March 2020

**Case Officer:** Chloe Buckingham

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

## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

Cllr Colin Blackburn is the applicant.

### **DESCRIPTION OF SITE AND APPLICATION:**

Hantone Hill is located on the southern slopes of Bathampton village. Number 35 is a detached two storey property. The site is located to the south of the A36 and forms part of an existing cul-de-sac. The street is characterised by two storey detached properties. The land slopes upwards behind the existing dwelling.

The application is for the demolition of the existing dwelling and the erection of a replacement dwelling.

### **Relevant Planning History:**

DC - 99/02178/FUL - PERMIT - 15 April 1999 - Single storey front porch.

DC - 18/00460/FUL - PERMIT - 12 April 2018 - Erection of two storey side and single storey rear extension, and external alterations.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **CONSULTATIONS:**

#### **Bathampton Parish Council:**

Although we have no objection in principle to a moderate increase in size on this plot, we do object to this application on the grounds that it will result in an unharmonious appearance in the street scene, deterioration in aesthetic quality (contrary to Local Planning Policy) and context. Although not a planning consideration, we would also like to point out that despite the Design and Access Statement indicating 'Environmentally aware architecture throughout from first concepts generated from site analysis' there appears to have been very little actual site analysis as

- both the original and proposed houses are described as semi-detached, which is obviously untrue
- the DS refers to an increase of only 106sq.m - this is equivalent to the size of a large modern 3 bedroomed house and an increase of 75% over the existing area.
- the DS states that the majority of houses on Hantone Hill are roofed in Natural Slate, which even the included aerial photograph shows to be untrue.
- the DS states that the houses on HH are built of Natural stone, whereas the vast majority are faced with Reconstituted Bath Stone.

If permission is granted then materials must match the actual materials used on surrounding houses.

Contaminated Land: No objection subject to condition 1 and 1 advisory.

Ecology: no objection subject to three conditions.

Highways: No objection subject to four conditions.

Third party comments: 2 objections and 1 comment. The main points are:

The size is 75% larger than the existing and the building is too large.

Not sufficient parking for 6-12 people.

Strongly object to any new building for a different use- hotel, B&B, air B&B, holiday lets and office.

The proposed building is much taller than the existing and higher than the surrounding buildings.

The proposed is higher than the limit of 3m at less than 2m from a boundary fence contrary to the rules.

Part of the proposed building is 0m from the boundary of the neighbouring property and it will be difficult for them to have access when building the house.

More energy intensive and less environmentally friendly to demolish and re-build.

Disruption during building- noise and dust.

The proposed new build is very similar to the earlier proposal 18/00460/FUL but even larger and the earlier proposal has already been refused.

The proposal will impair views for neighbouring occupiers.

The proposal exceeds the requirement to extend over no more than 50% of the area around the original.

Loss of light.

Negative impact on the character and appearance of the street.

## **POLICIES/LEGISLATION**

### **POLICIES:**

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

The following B&NES Core Strategy policies should be considered:

- o CP6 - Environmental Quality
- o DW1 - District Wide Spatial Strategy
- o CP7 - Green Infrastructure
- o CP5- Flooding
- o CP2 - Sustainable construction
- o CP10 - Housing Mix

The following B&NES Placemaking Plan policies should be considered:

- o DW1 District Wide Spatial Strategy

- o D1 General urban design principles
- o D2 Local character and distinctiveness
- o D3 Urban Fabric
- o D4 Streets and Spaces
- o D5 Building Design
- o D6 Amenity
- o D8 Lighting
- o ST1 Promoting sustainable travel
- o ST7 Transport Access and Development Management
- o H7 Housing Accessibility
- o LCR9 Local Food Growing
- o SCR5 Water Efficiency
- o NE3 Protected Species
- o NE5 Ecological networks
- o HE1 Historic Environment

#### LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

#### NATIONAL PLANNING POLICY FRAMEWORK, February 2019

- o The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

#### NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published 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**

##### PRINCIPLE OF PROPOSED USE:

The application site is located within a defined housing development boundary where the principle of residential development is accepted.

##### CHARACTER AND APPEARANCE:

The existing streetscene is characterised by two storey detached properties. It is noted that some properties within the cul-de-sac have been previously extended. This includes the provision of a two storey front extension at number 31.

The comments received have explained that the size, height and design are not in-keeping with the local context. However, the proposed new build will be very similar in position, size and design to the extension that was permitted in 2018 (18/00460/FUL) with

the only exceptions being that the single storey rear extension will have a different sloping roof design and the projection of the single storey element to the rear will be approximately 2m shorter. The proposed dwelling will be the same as the previously permitted application in that it is approximately 8m in height and 15m in width and will be in line with the neighbouring property being no.33.

It is also noted that there is an extension with a similar built form at number 31 and therefore the proposed dwelling is not considered to appear as an incongruous addition to the existing streetscene. The previous application which is very similar in appearance to this new build was also considered to complement the appearance of the host building and as such the scheme is acceptable in the streetscene.

The applicant is proposing to construct the new dwelling using reconstituted stone which is the main building material in the street. The proposal will also use timber cladding on part of the building to the front. The materials are considered acceptable provided that the colour and style complements the appearance of the surrounding buildings and as such the materials will be conditioned. Overall the scheme is considered acceptable and in-keeping with the surrounding streetscene in accordance with policies D2, D4 and D5 of the Placemaking Plan (2017).

Comments have been submitted to explain that the proposed dwelling is higher than the limit of 3m at less than 2m from a boundary fence contrary to the rules. Further comments have explained that the proposed exceeds the requirement to extend over no more than 50% of the area around the original. However, the Council's policies regarding design set out in policies D2, D4 and D5 do not have strict guidance regarding size such as this. An assessment is made on the character and appearance of the scheme within the local context, and in this instance the scheme is considered acceptable.

Comments have been submitted to explain that the proposed dwelling is much higher than the existing and taller than the surrounding dwellings. However, the proposed dwelling will be approximately 8m in height which is the same as the existing dwelling and the same as the previously approved development (application reference 18/00460/FUL).

#### RESIDENTIAL AMENITY:

Objection comments have been received to explain that there will be a loss of light as a result of the scheme, however, due to the distances other properties are away from the proposed dwelling and as the front elevation does not project forwards of the principle elevation of no.33, there are not considered to be any significant negative impacts on surrounding properties as a result of the new dwelling.

Other comments have been received to explain that there will be a loss of view for surrounding occupiers as a result of the scheme. However, as there is no legal right to a view this has limited weight when assessing the planning application.

There has been concern expressed regarding the disruption during the build in terms of noise and dust. However, this disruption is only short term and the small-scale nature of the scheme does not give rise to any significant negative residential amenity impacts.

Overall the scheme is acceptable and in line with policy D6 of the Placemaking Plan (2017).

#### PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

Comments submitted have explained that the building is a six bedroom dwelling and there are issues regarding parking provision, the proposed replacement dwelling is a 5 bedroomed, detached home, with a garage. This would require the provision of 3 off street parking spaces to accord with the adopted parking standards.

The garage as shown on Drawing No. 010 measures at roughly 2.5 metres wide, which falls short of the required 3 metres for a garage "The minimum internal dimensions of individual parking spaces within all residential garages to be constructed in connection with the development hereby permitted shall measure 3m in width by 6m in length with no internal obstructions, in accordance with Bath and North East Somerset Councils Parking Standards" as a result of this, the use of the proposed garage will be discounted as additional parking due to its proposed small size. However, from the plans included with this application it is clear that the required number of off-street parking spaces is possible and the scheme is compliant with policy ST7.

A condition regarding compliance with the parking standards has been recommended however, as the scheme shows sufficient parking provision in line with policy ST7 such a condition is not considered necessary. Whilst comments have been submitted to explain that there will be a lot of disruption with construction traffic, as the scheme is small scale and the disruption will be short term, a construction management plan is not considered necessary. However, the applicant should be minded to pay attention to the times of deliveries and construction work so that they are respectful of surrounding neighbours and should ensure that any traffic generated should not block roads and cause a nuisance for other residents.

Conditions have been recommended regarding having a compact and bound vehicular access and this is considered necessary to avoid loose material spilling on to the road and causing a nuisance. A further condition regarding covered bicycle storage for two bikes is not considered necessary as there is space within the garage for the storage of bikes as the garage is not of a sufficient size to accommodate a car.

#### ECOLOGY:

The bat survey report has now been submitted (Biocensus, August 2019) and the findings of this assessment are accepted.

The existing building supports roosts for low numbers / individual soprano pipistrelle and a European Protected Species (EPS) licence will be required. The LPA must be confident that the "three tests" of the Habitats Regulations can be met and an EPS licence obtained; ie) that the conservation status of the affected species will not be harmed; there is no alternative solution; and that there are "imperative reasons of overriding public interest".

A detailed mitigation scheme will be required as described in the bat report and it is considered that this will address the first test and that the conservation status of the affected species will not be harmed. Details of this will in this case be secured by

condition. The scheme should be in accordance with but not be limited to the measures described in the report ie not be limited to a single replacement roost feature for bats (more than one should be provided) and must include other features as well, to demonstrate benefit for a range of wildlife.

Due to the similarities of the proposal with the existing building the scheme is considered not to be capable of a "likely significant effect" on the nearby SAC or bats of the SAC (or supporting habitat). Nevertheless, sensitive lighting design for any future new external lighting will be important and would be necessary to avoid harm to bat activity associated with the adjacent woodland and woodland edge and this will also be secured by condition.

A specification for a Bat Loft suitable as an occasional transitional day roost for lesser horseshoe bats has been provided. The detailed design for the reserved matters application will need to demonstrate inclusion of compensatory roosting provision compliant with the ecological consultants' recommendation. A condition for a Wildlife Protection and Enhancement Strategy to secure all mitigation and enhancement details before works commence is considered necessary to ensure no harm to protected species. This is a pre-commencement condition and as such permission has been given by the applicant in the email dated 25th February 2020 which is attached to the file.

Provided these conditions are attached it is considered that the scheme is in accordance with policies NE3 and NE5 of the Placemaking Plan.

The LPA must be confident, prior to a consent, that the proposal will meet the "three tests" of the Habitats Regulations (ie. the conservation status of the affected species will not be harmed; there is no alternative solution; and there are "imperative reasons of over-riding public interest") and that an EPS licence would be obtained.

With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

#### Test 1

The project will be utilising local contractors, skills and resources which is beneficial to the local economy. Furthermore, as this project is a small development relating to a common bat species, no Reasoned Statement is required for Natural England to make a decision on this licence application.

#### Test 2

A dwelling is proposed in this location and the mitigation strategy provided within the report is considered likely to be successful.

#### Test 3

The Ecologist has commented that the surveys submitted are acceptable and meet the third test. The Ecologist has requested that conditions are attached to ensure that mitigation measures are put in place.

The report includes appropriate outline proposals to compensate for loss of the roost and mitigation measures required during works. It is considered that provided mitigation is implemented as described, the scheme will not harm the conservation status of the affected species.

Subject to implementation of the necessary bat mitigation and compensation measures, and sensitive lighting design, to be secured by condition there are no objections to the proposed scheme.

Notwithstanding the above the legal test in these cases was set out by the Supreme Court in the case of Morge as follows:

"I cannot see why a planning permission (and, indeed, a full planning permission save only as to conditions necessary to secure any required mitigating measures) should not ordinarily be granted save only in cases where the Planning Committee conclude that the proposed development would both (a) be likely to offend article 12(1) and (b) be unlikely to be licensed pursuant to the derogation powers. After all, even if development permission is given, the criminal sanction against any offending (and unlicensed) activity remains available and it seems to me wrong in principle, when Natural England have the primary responsibility for ensuring compliance with the Directive, also to place a substantial burden on the planning authority in effect to police the fulfilment of Natural England's own duty."

Considering this is a small development and as a matter of law, and given the minor nature of the development and conservation impacts, it is considered likely that a licence will be granted by Natural England which is supported by the fact that Natural England would not require a reasoned statement.

#### SUSTAINABILITY:

It is considered that the site is big enough so that there should be enough garden space available for growing food in compliance with policy LCR9.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. This will be attached to the proposal as a condition.

#### SUSTAINABLE CONSTRUCTION:

Comments have been submitted to explain that it is more energy intensive to demolish and re-build a building. Whilst this may be the case, this is not reason to refuse the application as it is the applicant's decision regarding what they decide to do with their property. Furthermore, the application has been submitted with a sustainable construction

checklist and as such the proposal is considered compliant with policy CP2 of the Core Strategy (2014).

#### OTHER ISSUES:

A comment has explained that as part of the proposed building is 0m from the boundary of the neighbouring property it will be difficult for them to have access when building the house. Whilst building the side of the proposed dwelling right up to the boundary is considered acceptable in terms of appearance and residential amenity, the access issues during construction is something that the applicant needs to consider and if any damage to neighbouring property is incurred this is a civil matter between the neighbours and is not a material consideration in the planning assessment.

Comments have been submitted to explain that the applicants would strongly object to any new building for a different use such as a hotel, B&B, air B&B, holiday lets and office. However, this application is for a residential dwelling and any change of use would require a further application and would be assessed accordingly.

#### CONCLUSION:

For the reasons set out above, it is recommended that this application is granted permission.

#### RECOMMENDATION

PERMIT

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

No occupation of the development 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.

#### **4 Bat and Wildlife Mitigation and Enhancement Scheme (Pre-commencement)**

No development shall take place until full details of a Bat and Wildlife Mitigation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) 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, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;
- (ii) Detailed proposals for a bat mitigation and compensation scheme (which may take the form of an EPS Licence Method Statement) to include replacement and additional roost provision; dark corridors and landscaping to provide connective bat flight routes;
- (iii) Detailed proposals for implementation of additional wildlife mitigation and enhancement measures, including wildlife-friendly planting and landscape details; provision of bird boxes and wildlife habitats;
- (iv) proposed specifications, models, dimensions, numbers and positions shall be fully incorporated into the scheme and shown to scale on all relevant plans and drawings; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

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, and maintained for the purposes of bat and wildlife conservation thereafter.

Reason: To avoid harm to bats and their roosts, prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Placemaking Plan (2017).

#### **5 Follow-up Report: Bat and Wildlife Mitigation 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, completion and implementation of the Bat and Wildlife Mitigation 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 Bat and Wildlife Mitigation and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Placemaking Plan 2017.

#### **6 External Lighting (Bespoke Trigger)**

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not

required and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

### **7 Water Efficiency - Rainwater Harvesting (Pre-occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

### **8 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.

### **9 Sustainable Construction Checklist (Prior to first 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 for approval to the local planning authority together with the further documentation listed below:

Table 2.1 Energy Strategy (including detail of renewables)

Table 2.2 Proposals with more than one building type (if relevant)

Table 2.4 (Calculations);

Building Regulations Part L post-completion documents

Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy CP2 of the Core Strategy (sustainable construction).

### **10 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:**

This decision relates to plan references;

001, 005A, 006A, 007A, 008A, 010A, 012A and 013A received 2nd December 2019.

014 and 015 received 9th December 2019.

002B and 003B received 10th December 2019.

011B received 18th December 2019.

### **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.

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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)

### **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.

### **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.



## **REPORT**

### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

The chair of committee has called the application to committee for the following reason:

"The proposal for this brownfield site should be debated by the Planning Committee as I am aware of other similar brownfield sites being developed on close to the housing development boundary".

### **DESCRIPTION OF SITE AND APPLICATION:**

This application relates to a derelict builder's yard located approximately 30 metres outside of the defined housing development boundary for Temple Cloud.

The application seeks outline planning permission for the demolition of an existing storage building and the erection of single dwelling; all matters reserved (i.e. the development's layout, appearance, scale landscaping and means of access).

### **Relevant Planning History:**

DC - 18/05421/OUT - Withdrawn - 8 March 2019 - Outline planning permission for demolition of existing storage building and erection of single dwelling.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **CONSULTATIONS:**

Temple Cloud & Cameley Parish Council: Support- The land is within the curtilage of Temple Cloud but outside of the development boundary.

1. It has no protected walkway to the main part of the village.
2. It was originally withdrawn for further work to be undertaken on ecology and highways matters. These have now been completed. The issue of bats in the store has been resolved, if they were there, they have now gone. In addition a limited traffic survey has been undertaken which shows consistent speeds of under 30mph.
3. The application hints at a 2 bed property with parking for 2 vehicles.
4. It is beyond doubt the current arrangement offers no useful purpose and could be seen as an eyesore.
5. The prospect of a limited development, particularly a 2 bed house, would be welcomed by many.
6. On balance, we agree to support with 2 suggested conditions: The first being this is limited to one, 2 bed house, preferably a bungalow for which the village has a shortage. The second is the gated entrance/exit is set back so that vehicles are not obstructing Temple Inn Lane.
7. We would not like it to be viewed as "open season" for further development applications outside of the existing development boundary.

Highways: No objection subject to five conditions and an advisory.

Arboriculture: no objection subject to two conditions.

Drainage: Comments from previous application- no objection subject to one condition.

Contaminated Land: Comments on previous application- no objection subject to four conditions.

Economic Development: Comments on previous application- no objection.

Ecology: no objection subject to 3 conditions.

Third party comments: 1 objection comment received. The main points being;

The plot is quite a lot higher than houses nearby which causes issues regarding overlooking, especially if the house is close to the road.

If the house did get permission could it be at the back of the land so we are not overlooked?

## **POLICIES/LEGISLATION**

The statutory Development Plan for B&NES now comprises:

- o Core Strategy (July 2014)
- o Placemaking Plan (July 2017)
- o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- o Joint Waste Core Strategy
- o Made Neighbourhood Plans

The following B&NES Core Strategy policies should be considered:

- o CP6 - Environmental Quality
- o DW1 - District Wide Spatial Strategy
- o CP7 - Green Infrastructure
- o CP5- Flooding
- o CP2 - Sustainable construction
- o CP10 - Housing Mix

The following B&NES Placemaking Plan policies should be considered:

- o DW1 District Wide Spatial Strategy
- o D1 General urban design principles
- o D2 Local character and distinctiveness
- o D3 Urban Fabric
- o D4 Streets and Spaces
- o D5 Building Design
- o D6 Amenity
- o D8 Lighting
- o ST1 Promoting sustainable travel
- o ST7 Transport Access and Development Management
- o H7 Housing Accessibility
- o LCR9 Local Food Growing

- o SCR5 Water Efficiency
- o NE3 Protected Species
- o NE5 Ecological networks
- o NE6 Trees and Woodland
- o ED2B Non-strategic industrial premises
- o RA2 Development in villages outside of the Green Belt not meeting RA1 criteria
- o RE4 Agricultural Worker's Dwellings
- o RE6 Re-use of Rural Buildings

#### LEGAL FRAMEWORK

- o Town and Country Planning Act, 1990

#### NATIONAL PLANNING POLICY FRAMEWORK, February 2019

- o The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

#### NATIONAL PLANNING PRACTICE GUIDANCE

Due consideration has been given to the recently published 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**

##### PRINCIPLE OF PROPOSED USE:

The application site is located outside of a defined housing development boundary (HDB) where the principle of residential development is only accepted in exceptional circumstances. The site is previously developed land by virtue of its historic use as a builder's yard; the site is now derelict and somewhat overgrown.

Policy DW1 of the Core Strategy (District-wide Spatial Strategy) promotes sustainable development by focussing new housing in Bath, Keynsham, the Somer Valley as well as in rural areas if located at settlements with a good range of local facilities and good accesses to public transport. Policy RA1 of the Placemaking Plan takes this further and specifies that residential development in villages with a good range of specified local services (of which Temple Cloud is one) is acceptable within [my emphasis] the HDB. The application site, as stated, is outside of the HDB. Policy RA1 does go further still and exceptionally allows for residential development outside of the HDB if the site is previously developed and [my emphasis] if adjoining and closely related to the HDB (subject to economic impact). The site is close to, but evidently does not adjoin the Temple Cloud HDB and therefore clearly fails to accord with Policy RA1.

Policy RE4 of the Placemaking Plan also allows for new dwellings outside of the HDB but only in circumstances where there is a demonstrable essential need for a rural worker to

live permanently at or near their place of work in the countryside. The application has not been promoted or submitted as an agricultural/rural workers dwelling and as such the exception offered by Policy RE4 is not applicable. Policy RE6 again exceptionally allows for the provision of rural housing outside of the HDB but only in relation to the conversion of existing rural buildings.

There is no question that government planning policy prioritises the redevelopment of previously developed land; but this does not amount to prioritisation over all other planning issues. It is also the case that government policy encourages sustainable development and that the development plan (which ultimately sets out how sustainable development is to be achieved) has primacy. The priority that the redevelopment of previously developed land has in the planning system has been worked into the development plan; the circumstances when the redevelopment of previously developed land in rural areas is prioritised is set out above (i.e. when adjoining the HDB and subject to the economic impact); these circumstances are not applicable to this development.

As stated this outline application reserves all matters for approval at a later stage. Whilst the principle is not accepted for the reasons set out above, for completeness this report will nevertheless deal with the other relevant planning issues including highways, character and appearance, residential amenity, ecology and trees.

#### LOSS OF COMMERCIAL USE:

The application comes complete with a signed and dated statutory declaration to confirm the ownership of the yard. The declaration states that from the 1970s until 2016 the site was in use for the storage of various construction materials for a business known as "Clutton Contracts". The Council has no reason to dispute this claim and is supported by the Council's own records. The authorised use class therefore for this site is currently B8 even though it is appreciated the site has not been in use since 2016 when the owner retired.

Policy ED2B of the Placemaking Plan (2017) states that non-strategic sites are not afforded the same level of protection for industrial and warehousing (B1c, B2 & B8) uses as those listed in ED2A. The policy goes on to explain that applications for residential development or other uses will normally be approved unless there is a strong economic reason why this would be inappropriate.

Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application and during a sustained period of UK economic growth will be taken as evidence that there is not a strong economic reason for refusal. Due to its size and condition however this is not use that the Council would fight to retain. It is not considered that there is enough evidence that there is not a strong economic reason for refusal, beyond the general lack of industrial space within the district and the significant loss of industrial space the area has already suffered. As such there is no objection to the loss of the site's existing commercial use although for the reasons set out above housing development here cannot be supported.

#### CHARACTER AND APPEARANCE:

Whilst it is appreciated that all matters are reserved and no elevations have been submitted, it is noted that the design and access statement explains that the dwelling will be a simple single storey design. Whilst this approach is welcome attention must be paid to the materials used in the immediate vicinity when considering materials.

The Parish Council have explained that the current arrangement offers no useful purpose and could be seen as an eyesore. However, the construction of a dwelling in this location is not acceptable in principle and as such the potential tidying up of the site does not overcome the in principle objection.

The Parish Council have also agreed to support the application with two suggested conditions to restrict the development to one, 2 bed house, preferably a bungalow and secondly that the gated entrance/exit is set back so that vehicles are not obstructing Temple Inn Lane. Whilst these restrictions are considered necessary to ensure the dwelling is not over-dominating and to ensure highway safety, such conditions will not be attached as the scheme is unacceptable in principle.

#### RESIDENTIAL AMENITY:

Objection comments have been received to explain that the plot is quite a lot higher than houses nearby which causes issues regarding overlooking, especially if the house is close to the road. Comments have gone on to ask that if the house did get permission could it be at the back of the land to avoid over-looking. However, despite the height difference, it is considered that the site is a sufficient distance away from neighbouring properties so as not to generate any significant negative residential amenity impacts for neighbouring dwellings. It must be noted that sufficient private outdoor amenity space should also be leftover for the proposed dwelling. Whilst the scheme is generally considered to be acceptable in terms of residential amenity impacts in compliance with policy D6, it remains the case that the proposal is unacceptable in principle as explained above.

#### PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

Revised plan reference PL4003 Revision 3 includes a note which confirms that the proposed new access shall be a minimum width of 4.1-metres, the first 5-metres of which will be constructed from a macadam or similar surface material, which is acceptable.

The same note also indicates that the applicant proposes the provision of a linear interceptor drain (Aco or similar) to be installed at the threshold which will drain into a soakaway, which is acceptable.

Another note included on revised plan reference PL4003 Revision 3 states "indicative dwelling position (maximum two bedrooms)" and the same plan indicates the provision of two off-street car parking spaces, the dimensions of which are policy compliant, which is also acceptable.

Revised plan reference PL4003 Revision 3 also includes a further note which states "indicative position of covered bicycle store (maximum of 2 bicycles)" which accords with the requirements of the authority's adopted parking standards.

A parking compliance condition has been requested to ensure that the parking spaces are kept clear and for the use of vehicles connected to the dwelling only. However, as the plans clearly show that there are a sufficient number of parking spaces available on site in compliance with policy ST7 such a condition is not considered necessary. A condition regarding the provision of a bound and compact vehicular access is considered necessary so that no loose material is spilled onto the main highway to ensure highway safety in compliance with policy ST7 of the Placemaking Plan. A further condition regarding drainage has been recommended by the highways officer, however, the condition requested by the drainage officer is considered to cover this issue. A condition regarding adequate visibility splays is considered necessary to ensure highways safety. However, the condition regarding bicycle storage is not considered necessary as there is sufficient space on site for cycle storage if needed. Whilst the conditions regarding the bound and compacted access and visibility splays are necessary if the scheme were acceptable, however, as the scheme is unacceptable in principle such conditions will not be attached.

#### DRAINAGE:

Drainage is to comply with Building Regulations Approved Document Part H. Priority should be given to disposing of surface water to the ground. British Geological Survey Infiltration Mapping indicates that the site is likely to be "Highly compatible for infiltration SuDS". Soakaway testing in line with building regulations will be required to inform the soakaway design.

The public sewer record indicates that there is a private surface water sewer crossing the site which serves the adjacent Tiledown estate. The position shown for this sewer should be considered indicative. An investigation will be needed to confirm the position of the sewer and establish its condition so that it can be demonstrated that the proposed development will be constructed so to prevent damage to the sewer and to ensure reasonable access is maintained.

If the application were acceptable a condition would be necessary to ensure that no development shall commence, except ground investigations and remediation, until evidence has been submitted demonstrating that the private sewer (indicated to be crossing the site on the Public Sewer Record) will not be adversely affected and that reasonable access to the sewer and any associated structures such as chambers will be maintained. This condition is considered necessary in the interests of flood risk management in accordance with policy CP5 of the Core Strategy.

#### ECOLOGY:

The arboricultural consultant has confirmed that pruning of the sycamore trees is not required for planning purposes and will be informed by future management requirements of the site. Pruning will not be completed where there are potential conflicts with roosting bats unless investigations/surveys are first completed by a licensed ecologist. Therefore, the ecologist recommended amending the wording for the reason for the Arboricultural Method Statement condition to secure protection of likely/potential bat roosts in adjacent trees.

A specification for a Bat Loft suitable as an occasional transitional day roost for lesser horseshoe bats has been provided. In the event the committee grants permission, the

detailed design for the reserved matters application will need to demonstrate inclusion of compensatory roosting provision compliant with the ecological consultants' recommendation. A condition for a Wildlife Protection and Enhancement Strategy to secure all mitigation and enhancement details before works commence is considered necessary to ensure no harm to protected species. This is a pre-commencement condition and as such permission would need to be sought by the applicant if the scheme were policy compliant.

A pre-occupation compliance condition regarding a follow up report is also necessary as well as a condition regarding sensitive external lighting. Such conditions are considered necessary to ensure protection to ecology in accordance with policy NE3 and NE5 of the Placemaking Plan.

A completed survey has now been submitted; a roost was confirmed present for a minor lesser horseshoe bat, in the roof of the building on site. This roost will be destroyed by the proposal therefore a European Protected Species (EPS) licence will be required.

The LPA must be confident, prior to a consent, that the proposal will meet the "three tests" of the Habitats Regulations (ie. the conservation status of the affected species will not be harmed; there is no alternative solution; and there are "imperative reasons of over-riding public interest") and that an EPS licence would be obtained.

With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

#### Test 1

Whilst the scheme is unacceptable in principle due to being outside of a housing development boundary, it could be argued that the project will be utilising local contractors, skills and resources which is beneficial to the local economy. Furthermore, as this project is a small development relating to a common bat species, no Reasoned Statement is required for Natural England to make a decision on this licence application.

#### Test 2

A dwelling is proposed in this location and the mitigation strategy provided within the report is considered likely to be successful.

#### Test 3

The Ecologist has commented that the surveys submitted are acceptable and meet the third test. The Ecologist has requested that conditions are attached to ensure that mitigation measures are put in place.

The report includes appropriate outline proposals to compensate for loss of the roost and mitigation measures required during works. It is considered that provided mitigation is implemented as described, the scheme will not harm the conservation status of the affected species.

Subject to implementation of the necessary bat mitigation and compensation measures, and sensitive lighting design, to be secured by condition there are no objections to the proposed scheme.

Notwithstanding the above the legal test in these cases was set out by the Supreme Court in the case of Morge as follows:

"I cannot see why a planning permission (and, indeed, a full planning permission save only as to conditions necessary to secure any required mitigating measures) should not ordinarily be granted save only in cases where the Planning Committee conclude that the proposed development would both (a) be likely to offend article 12(1) and (b) be unlikely to be licensed pursuant to the derogation powers. After all, even if development permission is given, the criminal sanction against any offending (and unlicensed) activity remains available and it seems to me wrong in principle, when Natural England have the primary responsibility for ensuring compliance with the Directive, also to place a substantial burden on the planning authority in effect to police the fulfilment of Natural England's own duty."

Considering this is a small development and as a matter of law, and given the minor nature of the development and conservation impacts, it is considered likely that a licence will be granted by Natural England which is supported by the fact that Natural England would not require a reasoned statement.

As the site is more than 10km from Special Area of Conservation (SAC) component units and is an occasionally-used transitional roost, there is no risk of significant negative impacts to bat SACs. Therefore a Habitats Regulations Assessment is not required in this instance.

#### Arboriculture

There is no objection to the proposed tree removals subject to replacement planting as mitigation. The level of mitigation required has not been calculated within the Impact Assessment in accordance with Section 3.5 of the Planning Obligations Supplementary Planning Document.

Section 3.5 of the Planning Obligations Supplementary Planning Document provides a mechanism to secure replacement tree planting. If replacement planting cannot be accommodated on site and secured by landscape conditions replacement trees will be required off site. The level of contributions required has been set at:

£839.20 per tree planted in open ground (no tree pit required)

£2,183.48 per tree planted in hard standing (tree pit required)

The impact assessment identifies potential impacts and proposes that a Detailed Arboricultural Method Statement is provided through planning condition. Therefore a

Detailed Arboricultural Method Statement and Tree Protection Plan, based on the supplied Arboricultural Impact Assessment (Survey Ref: IMT\_DJP\_201810a R1) and Draft Tree Protection Plan (TPP-SPC-201810A-IMT) will be required for our approval as a pre-commencement condition containing details of:

- o All trees proposed for removal along with mitigation measures in accordance with Section 3.5 of the Planning Obligations Supplementary Planning Document.
- o Details of all facilitation pruning and proposed pruning for T01
- o All tree protection measures including those based on documented root investigation works using compressed air excavations
- o Service runs in relation to root protection areas.

Another bespoke condition is also considered necessary regarding compliance with the Arboricultural Method Statement. However, as the scheme is not acceptable in principle such conditions are not necessary.

#### SUSTAINABILITY:

It is considered that the site is big enough so that there should be enough garden space available for growing food in compliance with policy LCR9.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. Whilst this would normally be attached as a condition, as the application is not acceptable for the reasons as explained such a condition is not considered necessary.

#### SUSTAINABLE CONSTRUCTION:

The application has been submitted with a sustainable construction checklist and as such the proposal is compliant with policy CP2 of the Core Strategy (2014).

#### OTHER ISSUES:

The Parish Council have explained that the prospect of a 2 bed house would be welcomed by many. However, as the dwelling is unacceptable in principle, the addition of one 2-bed property in the area is not seen to overcome the in principle policy objection to the scheme.

The Parish Council have explained that they would insist on two conditions, the first being this is limited to one, 2 bed house, preferably a bungalow for which the village has a shortage and the second is that the gated entrance/exit is set back so that vehicles are not obstructing Temple Inn Lane. Whilst this is considered reasonable, as the scheme is not acceptable for the reasons as set out such conditions are not necessary.

The Parish Council has explained that they would not like this application to be viewed as "open season" for further development applications outside of the existing development boundary. However, this cannot be guaranteed. The Council would have to take into consideration all applications submitted on their own merits.

## CONCLUSION:

S.38(6) of the Planning and Compulsory Purchase Act 2004 requires decision to be made in accordance with the development unless material considerations indicate otherwise. The proposal is contrary to the development plan for the reasons set out above and there are no material considerations indicating that a decision other than refusal should be taken. There development has some public benefits, including the provision of an additional dwelling and visual enhancements but these are of limited magnitude given the scale of the development and are thus afforded limited weight. It is recommended that permission be refused.

## RECOMMENDATION

REFUSE

## REASON(S) FOR REFUSAL

1 The proposed development is outside of a housing development boundary within the open countryside and as the proposed dwelling is not a conversion or a dwelling intended for an agricultural worker, the proposal is contrary to policies DW1, RA1, RE4 and RE6 of the Bath and North East Somerset Placemaking Plan (2017) and the provisions of the National Planning Policy Framework (2019).

## PLANS LIST:

This decision relates to plan references;

PL4003/1 and PL4003/2 received 31st October 2019.

PL4003/3 and PL4003/4C received 9th January 2020.

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

## Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

**Item No:** 06  
**Application No:** 20/00098/FUL  
**Site Location:** 31 James Street West City Centre Bath Bath And North East Somerset BA1 2BT



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** II  
**Ward Members:** Councillor Sue Craig      Councillor Andrew Furse  
**Application Type:** Full Application  
**Proposal:** External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,  
**Applicant:** Bath And North East Somerset Liberal Democrats  
**Expiry Date:** 13th March 2020  
**Case Officer:** Helen Ellison  
To view the case click on the link [here](#).

**REPORT**  
**SITE DESCRIPTION**

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway

Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from around 1850. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

## PROPOSAL

Full planning permission is sought for external works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04523/FUL).

Listed building consent 20/00099/LBA is being dealt with concurrently and included on this Agenda.

The application is being reported to DMC because although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected Member. The works are also for the offices of a political party.

## PLANNING HISTORY

DC - 12/04066/TCA - NOOBJ - 16 November 2012 - Removal of 3 no trees in rear garden and planting 1 no replacement tree

DC - 15/02900/TCA - NOOBJ - 30 July 2015 - 1x Cherry - dismantle. 1x Goat Willow - dismantle. 1x Birch - crown reduction height by 25 - 30% and reshape, crown lift by removing lower branches up to the height of the roof of the rear extension allowing 1.5m clearance. ( additional work proposal following officer site visit )

DC - 18/03910/TCA - NOOBJ - 9 October 2018 - 1x Silver Birch (Betula Pendula) - remove

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PCO - - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission).

DC - 20/00099/LBA - PCO - - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission).

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

## SUMMARY CONSULTATIONS/REPRESENTATIONS

### CONSULTATIONS

Highways DC: No objection subject to conditions

Drainage & Flooding: No objection

### REPRESENTATIONS

4 representations, in summary;

- Extension is too large and not in keeping with the rest of the terraces on the street.
- Negative impact on privacy and outlook (on properties to rear of site) as well as the ecological environment. Should be encouraged to plant greenery/save trees, not increase size of buildings that are already extended and too large for plot.
- Property used to have 3 trees - permission to remove (with consultation), and since removed, with no consultation of local residents; should not be replaced with bulky extension detrimental to wildlife and neighbours.
- Removal of trees has left very little privacy.
- Noise disturbance during its construction (also reference to continual building work on St James West for 5 years)
- Extension will cover/remove majority of garden, create extra bulk and set precedent for other properties to do the same; these houses designed to have gardens/precious little green space in area, with large scale developments having been completed on other side of road.
- Already fairly large extension at back of this property which is in keeping with the other extensions permitted along this row. However, proposed extension would extend by around 100% which is far too large, would imbalance property and not in keeping with the moderate size extensions in the rest of the row.
- Important to retain feeling of space and privacy in gardens and not build on. Many now over shadowed, over looked and lack enough natural sunlight to grow things.

### POLICIES/LEGISLATION

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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.

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

The 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)
- 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  
 B2 Central Area Strategic Policy  
 B4 The World Heritage Site and its Setting  
 CP6 Environmental Quality  
 DW1 District Wide Spatial Strategy  
 SD1 Presumption in favour of Sustainable Development

**Placemaking Plan:**

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

D2 Local Character and Distinctiveness  
 D5 Building Design  
 D6 Amenity  
 NE2 Conserving and Enhancing the Landscape and Landscape Character  
 HE1 Historic Environment  
 CP1 Retrofitting existing buildings  
 CP2 Sustainable construction  
 CP5 Flood Risk Management  
 ST1 Promoting sustainable travel  
 ST7 Transport Requirements for Managing Development  
 SCR5 Water Efficiency

**Guidance:**

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)  
 BaNES Draft City Centre Character Appraisal Bath (2015)

BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings' (2013)

Historic England 'Flooding & Historic Buildings' (2015)  
 Historic England 'Easy Access to Historic Buildings' (2015)

National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

National Design Guide Planning practice guidance for beautiful, enduring and successful places (MHCLG, 2019)

- The design guide forms part of planning practice guidance and is a material consideration in planning applications

## 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

### CHARACTER & APPEARANCE

The proposed extension is single storey with flat roof and roof lantern. The extension is considered to be of a proportionate size and appropriate in design and detail. The extension would be located to the rear of the property where it would not impact on the wider area. The alterations to the front of the premises are also of an acceptable scale and form such that they would not appear obtrusive or prominent in the streetscene.

Concern has been raised by representation regarding; the large size of the extension; that it is not in keeping; the bulk; loss of garden/green space and previous removal of trees. In response to these matters the proposed extension is not considered to be overly large or bulky being single storey, flat roofed with relatively modest roof lantern which combined would not result in excessive volume. The extension would sit alongside and be viewed in the context of other contemporary extensions to the backs of properties on James Street West. Whilst there would be some loss of garden/green space a soft landscape condition could be imposed to secure further planting of the open parts of the rear yard and to mitigate, to a certain extent, loss of trees. Since approval of previous application 19/04523/FUL a planter is now shown to the side of the external rear steps/paved area. It should be noted that trees removed were the subject of previous consents.

On balance the proposal by virtue of its design, scale, form, siting and proposed use of materials is considered acceptable and would contribute and respond positively to the local context and maintain the character and appearance of the surrounding area. However, a condition to secure external materials should be imposed to ensure that they are appropriate and sympathetic to the historic context.

Subject to condition the proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D2, D5 and NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

## RESIDENTIAL AMENITY

The application site backs on to properties that front New King Street and sits between Nos. 30 and 32 James Street West. Broadly opposite the site is the former Green Park Railway Station, now in commercial use.

Concern has been raised by representation regarding; negative impact on privacy and outlook; and, noise disturbance during construction.

The proposed extension is single storey with flat roof and roof lantern. The existing garden structure that extends across the rear garden boundary would be retained. It is considered unlikely therefore that privacy or outlook would be unduly affected given the overall size of this extension, the presence of the existing garden structure and separation distance between the proposed extension and rear of houses that back on to the site. Noise disturbance from construction is acknowledged but is, unfortunately, a necessary but temporary part of development.

On balance and given the design, scale, form and siting of the proposed development the works are not expected to 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 therefore with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

## HIGHWAYS

Highways DC (HDC) acknowledges from the plans and 'Design and Access Statement' submitted in support of the application that all building works will be contained within the private curtilage of the application site and will have minimal, if any, effect on the adjacent adopted public highway.

The application site does not currently benefit from the provision of any off-street car parking spaces and the applicant does not propose to provide any. However, HDC does not anticipate that a modest increase in the floor area of 5m<sup>2</sup> will result in an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe.

HDC recognise the sustainable nature of the application which is close to a range of services, facilities and public transport links which will encourage existing and future occupiers to travel to and from the application site by sustainable means of transport other than the private motor car.

As the application site is located within 'Permit Parking Zone 6', the applicant shall note that future occupiers will not be entitled to parking permits in accordance with Single Executive Member Decision E2911, dated 14th November 2016. This is due to the number of existing permits exceeding the supply of parking spaces within the Controlled Parking Zone. This, however, is considered to be at the developer's risk given the sustainable location of this development proposal.

Whilst the existing use does not benefit from the provision of any secure cycle parking, the applicant should be encouraged to provide a single cycle stand in accordance with the requirements of the authority's adopted parking standards.

In summary, HDC raises no objection to the proposed works, subject to conditions to secure bicycle storage and a Construction Management Plan.

The applicants agent has confirmed by email acceptance of the recommended pre-commencement condition.

Taking account of the above the proposed development is expected to maintain highway safety standards. Subject to conditions the proposal accords with policies ST1 and ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF

### DESIGNATED HERITAGE ASSETS

The application site is located within the City of Bath World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In addition, the site is within Bath conservation area and the proposal concerns a Grade II listed building. Accordingly there is a duty placed on the Council under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area, and, a duty under Section 66 (1) of the same Act, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall 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.

This proposal seeks to ensure ongoing flexibility of the buildings use, improve working conditions and access into/through the building (particularly at ground floor level) and to reduce the buildings environmental footprint. A number of options have been considered, and needs/impacts identified. As proposed, and following a number of amendments, the scheme would result in what is considered, on balance, to represent 'reasonable adjustments' appropriate to the significance of the building whilst reflecting the constraints and character of the site.

The proposal includes demolition of one of the two rear extensions; the extension proposed for demolition has a flat roof and is in very poor condition with a number of structural defects that are clearly visible not least by the presence of timber props.

A single storey extension would be built by way of replacement; the extension would abut the garden wall to the north west side of the site and be inset from the opposite side wall. A pitched glazed lantern would be located on the flat roof of the proposed extension being set back towards the main rear elevation of the property and parallel with the retained two storey extension.

The proposed extension would incorporate a parapet and its flat roof would be gravelled. A upvc window located at ground floor level in the side wall of the retained extension would be removed and replaced with a single pane timber window. The ashlar blocks of the existing extension would be re-used and any shortfall made up with matching stone.

The side elevation of the proposed extension would have a 12mm double glazed window set in timber casement that would be painted 'willow'. The proposed bi-fold doors would also be double glazed but due to size of panels the thickness of the units would be standard 28mm. As with the window the door frames would also be painted 'willow'.

A paved area, steps and ramp would abut the rear and side elevation of the proposed extension. The area beyond the paving is to be the subject of a hard and soft landscaping scheme the detail and implementation of which are to be secured by condition. Currently this area is laid to grass and gravel. Since approval was granted under 19/04523/FUL a planter and simple handrail have been added beside the steps and paved area.

During the course of the previous application a number of amendments were made and the final version (as submitted) is considered to be acceptable in scale and form such that it would appear to sit comfortably against the existing building and alongside other extensions of similar form in the row. However, conditions to secure external materials, colours and finishes, mortar mix and large scale details of glazed doors, window and roof lantern should be imposed to ensure that they are appropriate to the historic context of the site.

The proposed access lift would be located to the side of the existing flight of steps that leads to the buildings main entrance. Although an external lift would, ideally be located in a less visible position in this instance, there are no alternative locations.

In order to accommodate the proposed lift the existing front steps would be brought forward to allow for a 'landing' directly in front of the entrance, the door threshold would be adapted, the extent of existing front planter and wall would be reduced and railings reinstated around the perimeter of the wall. Railings would be introduced around the vicinity of the lift for obvious safety reasons. Since approval was granted under 19/04523/FUL the lift area at the front of the building has been made a little wider. The amendment to the lift follows conversations with the lift supplier about how people with wheelchairs can manoeuvre within the lift space and subsequently through the front door.

On balance, and following post approval amendments, it is considered that these works have been sensitively designed and which take sufficient account of the special interest and significance of the building whilst reinstatement of railings to the front boundary wall represents conservation gain. The setting of Green Park Railway Station (now an undercover market) would not be unduly affected due to the extent of the proposed external lift, its form and taking account of the context and appearance of surrounding structures and area as a whole. Notwithstanding a method statement and large scale details for these works should be secured by condition to ensure that they are fully appropriate to the historic context of the site.

Representation received supports the reinstatement of railings to boundary wall as it would restore an original historic aesthetic and improve appearance. In addition, the representation emphasises need to reuse existing stone coping, to fill coping holes with lead rather than cement to ensure a high-quality frontage and for proposed iron railing design to be included within the application; all such details can be secured by condition. The representation also supports the principle of installing an external lift but requests specific design specifications; again, this can be dealt with by condition. The representation regrets removal of the rear extension and considers removal based on

poor condition is an inadequate justification, and would like to see a design that better incorporates existing rear structures in accordance with legislation and guidance. In response demolition of the flat roof two storey extension has been considered carefully and on balance the extent of repairs required together with the practical use of the building weighs in favour of an accessible single storey extension.

The proposed internal works would involve limited adaptation of the ground floor area and are considered under the tandem listed building consent application

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. Taking account of the above and in this instance the proposed extension and associated internal/external works are of an acceptable scale, form and extent such that the proposal will preserve this part of the Bath Conservation Area and therefore meet this requirement.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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. Taking account of the above and in this instance the proposed extension and associated internal/external works are of an acceptable scale, form and extent such that the proposal would preserve the special interest of the listed building and its setting and therefore meet this requirement.

In summary it is considered that the proposed works would not result in harm to the outstanding universal values of the wider World Heritage Site, would preserve the character and appearance of this part of the Conservation Area and have an acceptable impact on the listed building and its setting as well as the settings of neighbouring listed buildings. Furthermore, It is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance and would preserve the significance of the designated Heritage assets. Subject to condition the proposal accords with policy CP6 and B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

#### LOW CARBON and SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

## **DRAINAGE & FLOODING**

BaNES Drainage and Flooding team have no objection to the development. It is notified that the property is situated within flood zone 2. It is deemed that the development would not increase flood risk but it is advisable to follow the Environment Agency standing advice that no floor levels are to be installed lower than existing; accordingly an informative shall set out this advice.

## **CONCLUSION**

The proposed rear extension, front alterations and associated internal alterations would have an acceptable impact on the character and appearance of the area, the designated heritage assets, highways and neighbour amenity.

The development is of an appropriate design, scale and form that is considered appropriate and sensitive towards the site and surroundings. Approval subject to conditions is, therefore, recommended.

## **RECOMMENDATION**

PERMIT

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

No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided in accordance with 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 Policy T.6 of the Bath and North East Somerset Local Plan.

### **3 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.

#### **4 Hard and Soft Landscaping (Pre-occupation)**

No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D2, D5 and NE2 of the Bath and North East Somerset Placemaking Plan.

#### **5 Hard and Soft Landscaping (Compliance)**

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

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D2, D5 and NE2 of the Bath and North East Somerset Placemaking Plan.

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

No construction of the external walls of the development shall commence until a schedule of materials (including rainwater goods) 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 D2 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

#### **7 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:**

This decision relates to the following drawings;

Date: 13.01.2020 Drwg. No. Drwg. title: Site plan  
Date: 13.01.2020 Drwg. No. 4142 - 001 Drwg. title: Location plan  
Date: 13.01.2020 Drwg. No. 4142 - 0011A Drwg. title: Ground and first floor plans - as existing  
Date: 13.01.2020 Drwg. No. 4142 - 0012A Drwg. title: Front and rear elevations - as existing  
Date: 18.02.2020 Drwg. No. 4142 - 0015E Drwg. title: Sections A-A B-B and C-C - as proposed  
Date: 13.01.2020 Drwg. No. 4142 - D02A Drwg. title: Internal door detail  
Date: 18.02.2020 Drwg. No. 4142 - 0013K Drwg. title: Ground and first floor plans - as proposed  
Date: 10.02.2020 Drwg. No. 4142 - 0014J Drwg. title: Front and rear elevations - as proposed

## **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.

## 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.

## Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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)

## 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.

**Item No:** 07  
**Application No:** 20/00099/LBA  
**Site Location:** 31 James Street West City Centre Bath Bath And North East Somerset BA1 2BT



**Ward:** Kingsmead

**Parish:** N/A

**LB Grade:** II

<b>Ward Members:</b>	Councillor Sue Craig      Councillor Andrew Furse
<b>Application Type:</b>	Listed Building Consent (Alts/exts)
<b>Proposal:</b>	External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission).
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
<b>Applicant:</b>	Bath And North East Somerset Liberal Democrats
<b>Expiry Date:</b>	13th March 2020
<b>Case Officer:</b>	Helen Ellison
To view the case click on the link <a href="#">here</a> .	

## REPORT

### SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and the City of Bath World Heritage site. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from around 1850. The main plan form is single depth and there are 2 No. two storey projecting wings to the rear; one with flat roof, one with monopitch. No. 31 is built from Limestone ashlar and is two storeys in height with sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included for group value it is noted that adjacent properties are not listed.

### PROPOSAL

Listed building consent is sought for External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

Planning application 20/00098/FUL is being dealt with concurrently and included on this Agenda.

The application is being reported to DMC because although the trustees are responsible for the proposed work, one of the trustees, Mark Roper, is also an elected Member. The works are also for the offices of a political party.

## PLANNING HISTORY

DC - 15/02900/TCA - NOOBJ - 30 July 2015 - 1x Cherry - dismantle. 1x Goat Willow - dismantle. 1x Birch - crown reduction height by 25 - 30% and reshape, crown lift by removing lower branches up to the height of the roof of the rear extension allowing 1.5m clearance. ( additional work proposal following officer site visit )

DC - 18/03910/TCA - NOOBJ - 9 October 2018 - 1x Silver Birch (Betula Pendula) - remove

DC - 12/04066/TCA - NOOBJ - 16 November 2012 - Removal of 3no trees in rear garden and planting 1no replacement tree

DC - 18/03910/TCA - NOOBJ - 9 October 2018 - 1x Silver Birch (Betula Pendula) - remove

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 20/00098/FUL - PCO - - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission).

DC - 20/00099/LBA - PCO - - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission).

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary consultations/representations

### Consultations

South West Heritage Trust: A condition should be attached to permission (if granted) that ensures the development is monitored and any archaeology impacted/exposed is recorded.

## REPRESENTATIONS

1 representation received, in summary;

### Bath Preservation Trust

: 31 James Street West is a Grade II Victorian terrace within the Bath conservation area and World Heritage site. It is situated adjacent to the Grade II Green Park Railway Station, a Victorian train station now repurposed as an undercover market; therefore, the external changes to the front façade of the building will need to be considered in conjunction to the setting of other listed assets in this region of the conservation area. Following consideration of this application, the Trust has determined that it is largely the same as its antecedent to which we previously responded (see application 19/04330/LBA). Therefore, we maintain our position on this proposal as follows: BPT strongly supports the reinstatement of railings to the boundary wall of the building, as this will restore an original historic aesthetic that will improve the appearance of a listed building. We emphasise the need to reuse the existing stone coping, and would recommend filling the coping holes

with lead rather than cement to ensure a high-quality frontage. It would be beneficial for the proposed iron railing design to be included within the application to better inform the Trust's assessment of this proposal. Similarly, we support the principle of installing an external lift to enhance the accessibility of the building, as long as a discreet and high-quality design is utilised to minimise any aesthetic detriment to a listed building and the conservation area's context. We encourage a design that adheres to positive precedents established within Bath's historic core; however, we would recommend that specific design specifications are publicly submitted to enable a fully informed assessment of the scheme. However, we feel it is a shame that this application requires the removal of the rear extensions. The Heritage Statement states that the extensions are likely contemporary to the construction of the building, and therefore constitute part of the historic fabric of a listed building. Therefore, we feel that removal based on poor condition is an inadequate justification, and would like to see a design that better incorporates the existing rear structures in accordance with the Planning (Listed Building and Conservation Areas) Act 1990 and section 16 of the NPPF.

### **POLICIES/LEGISLATION**

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

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

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

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

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

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

CP6 Environmental quality  
B4 The World Heritage Site

#### Placemaking Plan:

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

HE1 Historic Environment

CP1 Retrofitting existing buildings

CP2 Sustainable construction

#### Guidance

Historic England Advice Note 2 Making Changes to Heritage Assets (2016)

BaNES Draft City Centre Character Appraisal Bath (2015)

BaNES 'Energy Efficiency & Renewable Energy Guidance for Listed Buildings & Undesignated Historic Buildings' (2013)

Historic England 'Easy Access to Historic Buildings' (2015)

#### National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

## 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

### LISTED BUILDING ASSESSMENT

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

No. 31 sits within a terrace of pre-1882 houses that are not listed. Together they have group value and are of some architectural and historic significance. However, it is clear that the building has been the subject of internal and external alteration.

This proposal seeks to ensure ongoing flexibility of the buildings use, improve working conditions and access into/through the building (particularly at ground floor level) and to reduce the buildings environmental footprint. A number of options have been considered,

and needs/impacts identified. As proposed, and following a number of amendments, the scheme would result in what is considered, on balance, to represent 'reasonable adjustments' appropriate to the significance of the building whilst reflecting the constraints and character of the site.

The proposal includes demolition of one of the two rear extensions; the extension proposed for demolition has a flat roof and is in very poor condition with a number of structural defects that are clearly visible not least by the presence of timber props.

A single storey extension would be built by way of replacement; the extension would abut the garden wall to the north west side of the site and be inset from the opposite side wall. A pitched glazed lantern would be located on the flat roof of the proposed extension being set back towards the main rear elevation of the property and parallel with the retained two storey extension.

The proposed extension would incorporate a parapet and its flat roof would be gravelled. A upvc window located at ground floor level in the side wall of the retained extension would be removed and replaced with a single pane 'internal' timber window. The ashlar blocks of the existing extension would be re-used and any shortfall made up with matching stone. The side elevation of the proposed extension would have a 12mm double glazed window set in timber casement that would be painted 'willow'. The proposed bi-fold doors would also be double glazed but due to size of panels the thickness of the units would be standard 28mm. As with the window the door frames would also be painted 'willow'. 2 No. side windows located at first floor level would require raised cills to allow the roof of the new extension to be set above the head of the ground floor sash window (which is of greater significance and is to be retained); therefore the 2 No. side windows would be replaced. Joinery details to secure all windows and doors should be imposed to ensure that the character and appearance of the listed building is safeguarded

A paved area, steps and ramp would abut the rear and side elevation of the proposed extension, beyond which the rear yard would be landscaped (to be secured by condition attached to tandem application 20/00098/FUL). Currently this area is laid to grass and gravel. Since approval was granted under 19/04330/LBA a planter and simple handrail have been added beside the steps and paved area.

During the course of the previous application a number of amendments were made and the final version is considered to be acceptable in scale and form such that it would appear to sit comfortably against the existing building and alongside other extensions of similar form in the row. However, conditions to secure external materials, colours and finishes, mortar mix and large scale details of glazed doors, window and roof lantern should be imposed to ensure that they are appropriate to the historic context of the site.

The proposed access lift would be located to the side of the existing flight of steps that leads to the buildings main entrance. Although an external lift would, ideally be located in a less visible position in this instance, there are no alternative locations.

In order to accommodate the lift the existing front steps would be brought forward to allow for a 'landing' directly in front of the entrance, the door threshold would be adapted, the extent of existing front planter and wall would be reduced and railings re-instated around the perimeter of the wall. Railings would be introduced around the vicinity of the lift for

obvious safety reasons. Since approval was granted under 19/04330/LBA the lift area at the front of the building has been made a little wider. The amendment to the lift follows conversations with the lift supplier about how people with wheelchairs can manoeuvre within the lift space and subsequently through the front door.

On balance, and following post approval amendments, it is considered that these works have been sensitively designed and which take sufficient account of the special interest and significance of the building whilst reinstatement of railings to the front boundary wall represents conservation gain. The setting of Green Park Railway Station (now an undercover market) would not be unduly affected due to the extent of the proposed external lift, its form and taking account of the context and appearance of surrounding structures and area as a whole. Notwithstanding a method statement and large scale details for these works should be secured by condition to ensure that they are fully appropriate to the historic context of the site.

The proposed internal works would involve limited adaptation of the area around the base of the staircase; the area at the end of the hall/bottom of stairs would be adapted to create a wider access point to the rear room; the side wall of the stairs, which is modern breezeblock would be removed in order to allow for installation of baluster. The existing internal wall to the back room has been reduced in the past. The change in levels to the rear of the building would be overcome by raising the floor level of the proposed extension so that it would be level with the existing ground floor. The existing door opening between back room and extension would be utilised but with slight increase in width to allow access. The existing sash window to the ground floor rear elevation would be retained. The width of the existing main front entrance door is sufficient to allow access as is the internal door between hall to front room. At first floor level a door would be installed at the top of the stairs in a position that would allow the first floor to be shut off (if required) from the ground floor, thus allowing greater flexibility of use. The proposed internal works would not result in an unacceptable loss of historic fabric or unduly harm the plan form of the listed building, which has already been the subject of change over time.

Representation received supports the reinstatement of railings to boundary wall as it would restore an original historic aesthetic and improve appearance. In addition, the representation emphasises need to reuse existing stone coping, to fill coping holes with lead rather than cement to ensure a high-quality frontage and for proposed iron railing design to be included within the application; all such details can be secured by condition. The representation also supports the principle of installing an external lift but requests specific design specifications; again, this can be dealt with by condition. The representation regrets removal of the rear extension and considers removal based on poor condition is an inadequate justification, and would like to see a design that better incorporates existing rear structures in accordance with legislation and guidance. In response demolition of the flat roof two storey extension has been considered carefully and on balance the extent of repairs required together with the practical use of the building weighs in favour of an accessible single storey extension.

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

works are of an acceptable scale, form and extent such that the proposal would preserve the special interest of the listed building and its setting and therefore meet this requirement.

In summary it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance and would constitute acceptable alterations to the listed building that would preserve its significance as a designated heritage asset. Subject to conditions the proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

## ARCHAEOLOGY

South West Heritage Trust (SWHT) comment that the submitted Design and Access Statement acknowledges the potential for the proposal to impact on archaeology and suggests that a condition should be sufficient to ensure recording of any archaeology impacted/revealed by the proposal.

SWHT agree with this statement and therefore advise that an appropriate condition be attached to permission (if granted) that requires the applicant to submit and implement an archaeological WSI. The reason for the condition is because the site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

The applicants agent has confirmed by email acceptance of the above pre-commencement condition.

## LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1, CP1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

## RECOMMENDATION

CONSENT

## CONDITIONS

### **1 Time Limit - Listed Building Consent (Compliance)**

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

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

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

No construction of the external walls of the development shall commence until a schedule of all materials (to include rainwater goods), colours 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: To safeguard the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

### **3 Mortar Mix (Bespoke Trigger)**

No pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

### **4 Large Scale External Details (Bespoke Trigger)**

No installation of the windows, doors or roof lantern shall commence until full details comprising 1:5 and/or 1:20 scale plans, sections and elevations (as appropriate), and, materials, colours and finishes have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan

### **5 Schedule of works - railings and external lift (Bespoke Trigger)**

No installation of railings or external lift shall commence until full details including detailed drawings to include 1:5 and/or 1:20 scale plans, elevations and sections, and, a schedule of works, methodology, materials, colours and finishes have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the listed building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

### **6 Archaeology - Watching Brief (Pre-commencement)**

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

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

### **7 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:**

This decision relates to the following drawings;

Date: 13.01.2020	Drwg. No.	Drwg. title: Site plan
Date: 13.01.2020	Drwg. No. 4142 - 001	Drwg. title: Location plan
Date: 13.01.2020	Drwg. No. 4142 - 0011A	Drwg. title: Ground and first floor plans - as existing
Date: 13.01.2020	Drwg. No. 4142 - 0012A	Drwg. title: Front and rear elevations - as existing
Date: 18.02.2020	Drwg. No. 4142 - 0015E	Drwg. title: Sections A-A B-B and C-C - as proposed
Date: 13.01.2020	Drwg. No. 4142 - D02A	Drwg. title: Internal door detail
Date: 18.02.2020	Drwg. No. 4142 - 0013K	Drwg. title: Ground and first floor plans - as proposed
Date: 10.02.2020	Drwg. No. 4142 - 0014J	Drwg. title: Front and rear elevations - as proposed

### **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.

### **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.

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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)

### **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.

**Item No:** 08  
**Application No:** 19/05507/FUL  
**Site Location:** Old House Northend Batheaston Bath Bath And North East Somerset



**Ward:** Bathavon North                      **Parish:** Batheaston                      **LB Grade:** II

**Ward Members:** Councillor Kevin Guy                      Councillor Sarah Warren

**Application Type:** Full Application

**Proposal:** Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

**Constraints:** Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Mr & Mrs Humphrey

**Expiry Date:** 13th March 2020

**Case Officer:** Helen Ellison

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

## REPORT

### SITE DESCRIPTION

The Old House, Northend (formerly Oldhouse Farm) is a Grade II listed building dating from the early/mid C18, situated in open countryside within the indicative landscape setting of Bath's World Heritage site, green belt and Cotswold AONB. The house is built from Ashlar, has roof concealed behind parapet, casement windows with simply moulded mullions and centrally placed door under a flat stone hood on brackets. The site is located to the east side of a narrow lane that runs broadly north/south along the west side of St. Catherine's Valley. Going south the road leads into the Batheaston conservation area. The front elevation faces the rising hillside forming the western slope of the valley and the rear

elevation is orientated east over the valley towards St. Catherines Brook with long distance views across the AONB. Old House is set back from the lane. A centrally positioned pair of gate piers marks the 'formal' pedestrian entrance to the property and there are metal railings set either side of these piers on a low section of dressed rubble stone wall. The house has been extended to the north and south.

## PROPOSAL

Planning permission is sought for the erection of a parking area gate mechanism, boundary pier and replacement walling. Consent is sought on a Retrospective basis and for approval of some remedial measures.

Listed building application 19/05508/LBA is being dealt with concurrently and included on this Agenda.

The applications are being reported to Committee for 2 reasons; (1) at the request of Cllr Sarah Warren and (2) Batheaston Parish Council resolved not to oppose either application.

The works that have been undertaken include; stone walling (with ashlar capping and quoins) to the front boundary, new side boundary wall in the same style, laying of hard surface (former concrete replaced with stone setts), solid vertical boarded timber gate edged with painted black metal frame on sliding mechanism and stone pier with ashlar cap.

The application proposes to replace the Ashlar coping with a cement roll, replace the stone quoins and terminate the walls with rounded rubble ends, apply Oak cladding and boarding to the gate and form central meeting stiles, and introduce a brushed concrete finish and apron to the parking area.

Prior to the unauthorised works being undertaken the front boundary comprised of traditional rubble stone walling with 'cock and hen' capping detail. It is understood that a set of (unauthorised) inward opening white metal gates (for vehicular access) sat within a smaller opening and that the yard had a concrete surface.

The width of the original vehicular entrance (prior to the unauthorised works being undertaken) has been increased (following the unauthorised works being undertaken) and it is proposed to reduce the opening width slightly. The respective dimensions are being sought; Members will be updated.

Previous applications 19/01228/FUL and 19/01229/LBA proposed that a 5-bar gate design be applied to the front face of the solid gate. These applications were withdrawn due to concerns regarding the design and appearance of the walls, gate and yard surface.

## PLANNING HISTORY

Extensive, most recent;

DC - 14/05250/FUL - PERMIT - 13 January 2015 - Erection of new outhouse following demolition of existing shed and provision of new vehicular access to/from highway.

DC - 14/05251/LBA - CON - 13 January 2015 - External alterations to include erection of new outhouse following the demolition of existing shed and provision of new vehicular access to/from highway.

DC - 16/03142/FUL - PERMIT - 23 January 2017 - Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works

DC - 16/03143/LBA - CON - 17 August 2016 - Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works

DC - 17/04374/NMA - APPRET - - Non-Material Amendment to 16/03142/FUL. (Alteration of the approved design for the garden room elevation forming battered stone arches to give a more robust and solid look to the undercroft.)

DC - 17/04399/NMA - APP - 10 October 2017 - Non Material Amendment attached to Application 16/03142/FUL (Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works)

DC - 17/04410/LBA - CON - 13 October 2017 - Internal and external works including realigning the new staircase and partition walls in the former cottage at the south end of the house. Inserting a privacy screen in the dressing room on the second floor. Forming a fire escape opening between the dressing room and office on the second floor. Alteration of the approved design for the garden room elevation forming battered stone arches.

DC - 19/01228/FUL - WD - 1 July 2019 - Construction of vehicle gate and boundary wall (Retrospective).

DC - 19/01229/LBA - WD - 1 July 2019 - Retention of vehicle gate and boundary wall.

DC - 19/05507/FUL - PCO - - Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

DC - 19/05508/LBA - PCO - - External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **CONSULTATIONS/REPRESENTATIONS**

#### **CONSULTATIONS**

Batheaston Parish Council: Resolved not to oppose application.

Highways: No objection

#### **REPRESENTATIONS**

1 representation, in summary;

- Unsure why gate mechanism and support pillars are being objected to by planning department.

- Mechanism replaces a dangerous 'swing open' electric gate installed by previous owners @15 years ago which required complex manoeuvres on the part of cars entering and exiting onto this narrow bend.

- New sliding gate installed is a great improvement and allows safe entry and exit.

- At loss to understand why the walling, which is a natural continuation of what has existed for 160 years should be demolished and replaced by something more rough/artisanal in appearance.

## **POLICIES/LEGISLATION**

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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.

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)
- 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:

B4 The World Heritage Site and its Setting  
CP6 Environmental quality  
CP8 Green Belt

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:

CP2 Sustainable Construction  
D2 Local Character and Distinctiveness  
D5 Building Design  
D6 Amenity  
GB1 Visual Amenities in the Green Belt  
NE2 Conserving and Enhancing the Landscape and Landscape Character  
NE2A Landscape Setting of Settlements  
HE1 Historic Environment

## ST7 Transport Requirements for Managing Development

### Guidance:

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)

BaNES SPD 'The City of Bath World Heritage Site Setting' (2013)

Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) 'The Setting of Heritage Assets' (2017)

### National Policy:

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

## 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**

### CHARACTER & APPEARANCE

The application is situated in open countryside on the east side of a country lane and faces rising hillside that forms the western slope of St. Catherine's Brook valley. The valley is identified as one of the landform features associated with the character of the World Heritage Site. The site, hillside and valley forms part of the green setting to the city that enhances its character and is a prominent component of the landscape.

The development that has been undertaken and amendments proposed fail to contribute or respond either appropriately or sympathetically to the rural area and do not maintain the character or appearance of the surrounding area. This is due to the design, form, detail and materials of the various items used and proposed, and which appear as incongruous, alien and urbanising features.

The development does not therefore accord with policy CP6 of the adopted Core Strategy (2014) or policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) or part 12 of the NPPF.

## DESIGNATED HERITAGE ASSETS

The wall, gate and yard are located within the curtilage of Old House, which is a grade II listed building. There is a duty, therefore, under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, the site is within the indicative City of Bath World Heritage Site setting. Therefore

consideration must be given to the effect the proposal might have on the setting of the World Heritage Site.

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

Historic England guidance on the 'Setting of Heritage Assets' (GPAP Note 3) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The 'Statement of Significance & Heritage Statement' submitted with previous applications at the site (16/03142/FUL and 16/03143/LBA) sets out clearly and succinctly the significance of the listed building and its setting thus;

'Old House' formed the principal building within one of a row of small farms which had been established along St. Catherine's Valley between the late C17 and mid C18. The presence of these farms collectively contributes to the historic significance of their setting within the valley. The house is prominent in views along and across St. Catherine's Valley and its prominent setting means that the house makes a significant contribution to its setting. Particularly important are views towards the house from the footpath running along the brook, where the house is seen against the backdrop of the network of pasture fields on the upper slope of the valley and in the context of more open meadows to the west, and the juxtaposition of these farms within their agricultural setting makes an important contribution to the character and quality of this part of the AONB.

In addition, and of particular relevance to this application is that the area is defined, in part, by rubble stone walling which is an important vernacular feature that sits comfortably within the rural landscape. The front boundary wall demolished comprised a traditional rubble stone wall with 'cock and hen' capping.

The unauthorised works have resulted in loss of historic fabric; this is due to the demolition of the front boundary wall and part of a side wall. Historic fabric is an important part of the asset's significance and retention of as much historic fabric as possible represents conservation practice. Even when essential repair is necessary a wall can be re-built on a 'like for like' basis. Unfortunately, in this case the wall that has been built across the front boundary differs in appearance from that which was demolished; in particular the introduction of dressed ashlar coping and quoins gives the wall a much more formal appearance that appears out of place in this rural landscape and consequently has a negative impact on the setting of the listed building, which is notable, in part for its strong rural character. Although the application proposes to replace the ashlar coping with cement roll and the quoins with rounded rubble ends these alterations would not in themselves overcome the negative impacts of the development as a whole. If the coping were to be replaced the most appropriate detail would clearly be reinstatement of the original detail i.e. 'cock and hen' capping as per that removed; discussions with applicant and agent mean that they are aware of this advice.

A section of side wall that divided the front garden and yard was demolished and has not been replaced; this too represents unauthorised work. Furthermore, the new section of wall that has been added to the north side boundary appears as an urbanising feature and introduces built form where previously there would appear (from photographs and drawings) to have been an established hedge.

The opening to the yard is believed to have been widened at the time the current works were undertaken and the sliding gate installed in place of a set of, it is believed, also unauthorised inward opening gates. The sliding gate comprises of solid vertical timber boards edged with a black metal frame and is overtly urban in character and appears incongruous and alien within this countryside location as well as being unsympathetic to the important rural setting of the listed building. Although the application proposes to apply Oak cladding and boarding to the sliding gate, form central meeting stiles and reduce the current access width (by a limited degree) these alterations would not in themselves overcome the negative impacts of the development taken as a whole. The most appropriate gate for the situation would be a traditional 5-bar field gate; being mindful of the constraints of the yard it was suggested to applicant and agent that a tri/bi fold 5-bar field gate folding inwards would offer a practical and eminently more appropriate alternative.

A further urbanising feature of the development is the introduction of stone setts across the parking yard and at the entrance apron. Again, this appears as a formal urbanising feature that stands out against the rural backdrop. Although the application proposes to re-introduce a brushed concrete finish and apron to the parking yard//area this would not in itself overcome the negative impacts of the development as a whole.

Although a number of 'remedial' measures are proposed in an effort to overcome concerns raised they would not overcome the negative impacts identified above. In summary, the remedial works would; replace the ashlar coping with cement roll, quoins with rounded rubble ends, apply Oak cladding and boarding to the gate and form central meeting stiles, reduce the current access (by a limited amount) and re-introduce a brushed concrete finish and apron to the parking area.

As set out above the most appropriate capping would be to reinstate the 'cock and hen' detail and for the gate to be a traditional 5 bar field gate; in recognition of the constraints of the yard it was suggested to the applicant and agent that a tri/bi-fold 5 bar field gate folding inwards would offer a practical alternative to an inward opening set of gates and the current sliding gate.

The site and listed building have established over time an important historic relationship with the surrounding landscape. The works that have already been undertaken as well as the proposed amendments are overtly urban in character, appear alien and incongruous towards the rural surroundings and as a result are unsympathetic and inappropriate to the setting of listed building. In turn this harms the significance of the listed building as designated heritage asset.

Proposals to alter hard landscaping features such as walls and gates are more likely to be acceptable if the design is based on a sound and well-researched understanding of the building's relationship with its setting. Whilst the restricted nature of the parking area/yard, difficulty of access and highway safety for emerging vehicles is noted this must be considered in the context of the site (situated as it is on a country lane) and also to retain

a sense of perspective; Highway observations recorded under a 2014 application referred to traffic speeds along this single track lane to be low and that even though the posted speed limit is derestricted the risk of a collision occurring was considered 'very low'. Highways DC have reviewed these observations in the light of these current applications and notes that highway observations made in respect of the 2014 application did consider traffic speeds on the single-track road and concluded that speeds were likely to be low and the risk of collision also low. Highway Development Control (HDC) officers have no reason to consider that anything has changed to the layout of the adopted public highway since 2014 to change these views. Further appraisal of Highways issues is included in the Highways section of this report.

In accordance with paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case it is concluded that the harm caused to the designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the development, including securing the optimum viable use of the building. The works that have been carried out, as well as those proposed relate to works that comprise the re-landscaping of a parking yard, demolition and part re-building of the front boundary wall, erection of new side wall, part demolition of side wall and sliding gate access. The parking area is used by the site occupier and would be for their private gain. Although the sliding gate mechanism allows for vehicles to turn within the site so that forward facing egress is possible it is of limited public benefit, particularly given the fact that traffic speeds on the single-track road are likely to be low and the risk of collision also low. Consequently, there is insufficient public benefits to outweigh the considerable importance and weight given to the harm to the designated heritage asset. As such, the proposal would conflict with paragraph 196 of the NPPF.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect 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. Taking account of the above and in this instance the development in terms of its design, form, detail and materials is inappropriate and unsympathetic to the rural area, appearing as incongruous, alien and urbanising features and would fail to preserve the special interest of the listed building. As such the proposal would fail to meet this requirement.

Here it is considered that the development is not consistent with the aims and requirements of the primary legislation and planning policy and guidance and has an unacceptable impact on the special interest and setting of the listed building that does not preserve its significance as a designated heritage asset. In addition, the development would result in harm to the setting of the wider World Heritage Site. The development does not therefore accord with policies B4 and CP6 of the adopted Core Strategy (2014)

or Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) or Part 16 of the NPPF.

## GREEN BELT

Policy GB1 of the PMP states that development within or conspicuous from the green belt should not prejudice but seek to enhance the visual amenities of the green belt by reason of its siting, design or materials used for its construction.

As set out in the preceding section of this report the development has imposed (and proposes) inappropriate and unsympathetic built form that causes harm to the visual amenity of the green belt appearing incongruous and alien in the rural landscape by reason of design, form, detail and materials.

The development would not enhance the visual amenities of the green belt and therefore conflict with policy CP8 of the adopted Core Strategy and policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

## AONB

Policy NE2 of the PMP seeks to conserve or enhance local landscape character, landscape features and local distinctiveness. Similarly, Policy NE2A of the PMP also seeks to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

As set out above the development has imposed (and proposes) inappropriate and unsympathetic built form that is harmful to the rural area, incongruous, alien and urbanising in character.

For these reasons the development due to its design, form, detail and materials would adversely affect the natural beauty of the landscape of the designated AONB and would conflict with policies NE2 and NE2A of the Placemaking Plan for Bath and North East Somerset (2017) and Part 15 of the NPPF.

## HIGHWAYS

Highway Development Control (HDC) officers note that the site was the subject of the previous planning application: 19/01228/FUL which sought retrospective permission for the construction of a vehicle gate and boundary wall. HDC were consulted and raised no highway objection and the application was subsequently withdrawn.

The applicant has widened the existing vehicular access to make it easier to exit and enter the adopted public highway which is acceptable. They have also replaced the previous manually operated gates with a remote-controlled sliding gate in the same location which will reduce the time a vehicle is stationary on the adopted public highway whilst waiting for the gate to be opened.

HDC notes that the existing parking area has been constructed from a bound, compacted material, therefore HDC raises no objection.

The application has been reported to Committee at the request of Cllr Sarah Warren; the reason for requesting that the application be referred to committee is on highway safety grounds because of:

- The dangers of vehicles manoeuvring with difficulty in and out of the swinging gates proposed by planning officers, as opposed to the sliding gate installed by the applicant;
- The risk of speeding vehicles skidding on the corner of the lane adjacent to the gates due to occasional flooding at that spot;
- On parking grounds because if swinging gates are erected instead of a sliding gate, vehicles will no longer fit in the drive and have to be parked on the narrow lane.

Whilst the restricted nature of the parking area/yard, difficulty of access and highway safety for emerging vehicles is noted this should be considered in context; Highway observations recorded at the time of a 2014 application referred to traffic speeds along this single track lane to be low and that even though the posted speed limit is derestricted the risk of a collision occurring was considered 'very low'. For information purposes HDC have been asked to comment on the 2014 observations in the light of these current applications and their response is as follows;

'HDC note the observations made in respect of the 2014 application did consider traffic speeds on the single track road and concluded that speeds were likely to be low and the risk of collision also low. HDC officers have no reason to consider that anything has changed to the layout of the adopted public highway since 2014 to change these views, which HDC stand by.

Councillor Warren notes the dangers of vehicles manoeuvring with difficulty in and out of the swinging gates proposed by planning officers as opposed to the sliding gates installed by the applicant. HDC observations were made having reviewed submitted plan reference PP01 Revision B - Gate Plan as Proposed - which indicates a sliding gate which allows unobstructed access for a minimum of two vehicles. There does not appear to be a later revision of this plan, however, if the applicant is now proposing to provide swinging gates, HDC officers would welcome the opportunity to review initial observations.

Councillor Warren advises of the risk of speeding vehicles skidding on the corner of the lane adjacent to the gates due to occasional flooding at that spot. As previously observed, HDC officers have no reason to doubt that speeds on the road remain low, as described in 2014, with the resulting risk of a collision also being low. HDC have reviewed data held by 'CrashMap' which indicates that there have not been any Personal Injury Collisions (PICs) recorded on Northend during the previous 60-months. However it is acknowledged that the database does not include information relating to 'damage only' collisions or near misses. HDC requested collision data for the previous 60-months from colleagues in traffic management who confirmed that there have been no recorded Personal Injury Collisions (PICs) on Northend in the last 60-months. As with CrashMap, the authority's collision database does not include information relating to 'damage only' collisions or near misses. .

With regards to Councillor Warren's final point, HDC observations were made on the assumption that the applicant had installed sliding gates as indicated by submitted plan reference PP01 Revision B. As mentioned, HDC would welcome the opportunity to review

comments should the applicant now be proposing swinging gates; HDC would need a plan indicating the 'path' of any swinging gates in order to assess the impact on access to and egress from the off-street car parking area.'

Taking account of the above the means of access and parking arrangements are considered acceptable and expected to maintain highway safety standards. In terms of impact on the highway the proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

#### **RESIDENTIAL AMENITY**

The works that have already been undertaken, as well as those proposed, are not expected to 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. This is due to the location of the development relative to neighbouring properties and also taking account of its nature and extent. In terms of amenity the development accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

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

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

#### **CONCLUSION**

In terms of impact on the highway and neighbour amenity the development is not expected to result in harm.

However, as regards impact on the designated heritage assets, character and appearance of the area, AONB and green belt the development results in harm due to the design, form, detail and materials of the various items installed (and proposed), which appear as incongruous, alien and urbanising features that are inappropriate and unsympathetic towards the rural character of the area and significance of the listed building.

The application is therefore recommended for refusal.

#### **RECOMMENDATION**

**REFUSE**

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

1 The development as installed, and amendments as proposed, are of a design, form, detail and materials that are inappropriate and unsympathetic towards the rural surroundings and appear as incongruous, alien and urbanising features that are harmful towards the significance of the designated heritage assets, the special interest of the listed building and its setting and the setting of the wider City of Bath World Heritage Site. There are no public benefits to the development sufficient to outweigh the identified harm. As such the development would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies B4 and CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the provisions of the NPPF (2019) and guidance from Historic England.

2 The development as installed, and amendments as proposed, are of a design, form, detail and materials that are inappropriate and unsympathetic towards the rural surroundings and appear as incongruous, alien and urbanising features. As such the development would fail to maintain or enhance the local character, distinctiveness, visual amenity or landscape. The development is therefore contrary to Policies CP6 and CP8 of the adopted Core Strategy (2014), Policies D2, D5, GB1, NE2, NE2A and of the Placemaking Plan for Bath and North East Somerset (2017) and the provisions of the NPPF (2019).

#### **PLANS LIST:**

This decision relates to the following drawings;

Date: 20.12.2019 Drwg. title: Proposed block plan  
Date: 20.12.2019 Drwg. title: Site location plan  
Date: 20.12.2019 Drwg. No. EE01 Drwg. title: Existing front elevation  
Date: 20.12.2019 Drwg. No. PE01A Drwg. title: Front elevation  
Date: 20.12.2019 Drwg. No. PP01B Drwg. title: Gate plan

#### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

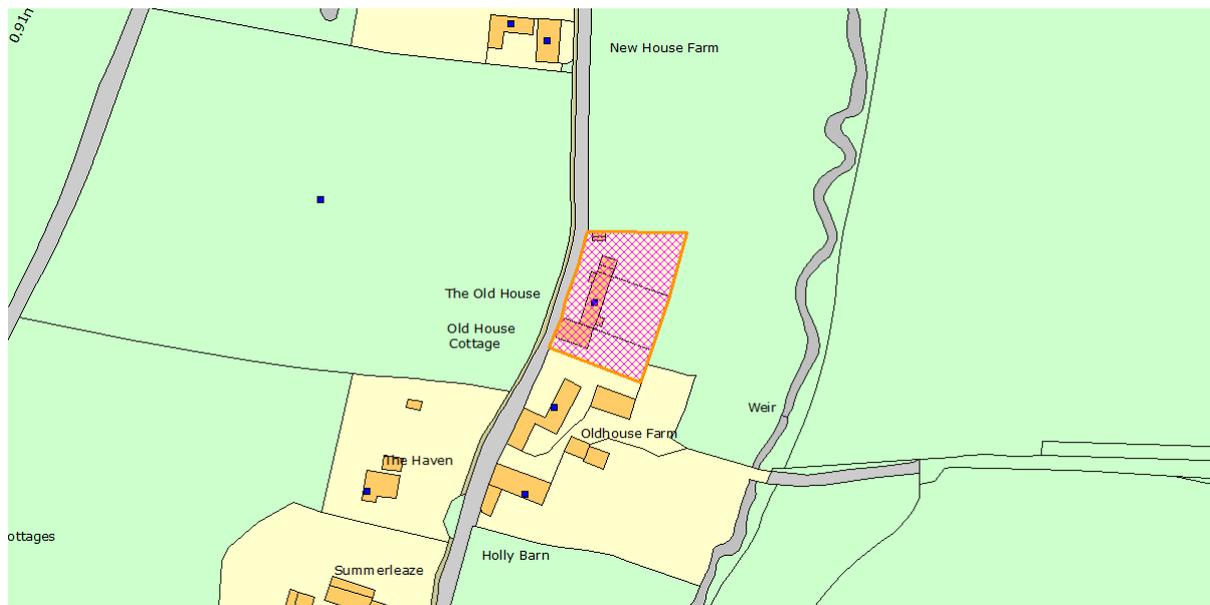
#### **Responding to Climate Change (Informative):**

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.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was

unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

**Item No:** 09  
**Application No:** 19/05508/LBA  
**Site Location:** Old House Northend Batheaston Bath Bath And North East Somerset



**Ward:** Bathavon North                      **Parish:** Batheaston                      **LB Grade:** II

**Ward Members:** Councillor Kevin Guy                      Councillor Sarah Warren

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

**Proposal:** External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Regularisation)

**Constraints:** Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Mr & Mrs Humphrey

**Expiry Date:** 13th March 2020

**Case Officer:** Helen Ellison

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

**REPORT**  
**SITE DESCRIPTION**

The Old House, Northend (formerly Oldhouse Farm) is a Grade II listed building dating from the early/mid C18, situated in open countryside within the indicative landscape setting of Bath's World Heritage site, green belt and Cotswold AONB. The house is built from Ashlar, has roof concealed behind parapet, casement windows with simply moulded mullions and centrally placed door under a flat stone hood on brackets. The site is located to the east side of a narrow lane that runs broadly north/south along the west side of St. Catherine's Valley. Going south the road leads into the Batheaston conservation area. The front elevation faces the rising hillside forming the western slope of the valley and the rear elevation is orientated east over the valley towards St. Catherine's Brook with long distance views across the AONB. Old House is set back from the lane. A centrally positioned pair of gate piers marks the 'formal' pedestrian entrance to the property and there are metal railings set either side of these piers on a low section of dressed rubble stone wall. The house has been extended to the north and south.

## PROPOSAL

Listed building consent is sought for external alterations that comprise the erection of a parking area gate mechanism, boundary pier and replacement walling. Consent is sought to regularise works already undertaken and for approval of some remedial measures.

Planning application 19/05507/FUL is being dealt with concurrently and included on this Agenda.

The applications are being reported to Committee for 2 reasons; (1) at the request of Cllr Sarah Warren and (2) Batheaston Parish Council resolved not to oppose either application.

The works that have been undertaken include; stone walling (with ashlar capping and quoins) to the front boundary, new side boundary wall in the same style, laying of hard surface (former concrete replaced with stone setts), solid vertical boarded timber gate edged with painted black metal frame on sliding mechanism and stone pier with ashlar cap. It is intended to apply a 5-bar gate design be applied to the front face of the solid gate.

The application proposes to replace the Ashlar coping with a cement roll, replace the stone quoins and terminate the walls with rounded rubble ends, apply Oak cladding and boarding to the gate and form central meeting stiles, and introduce a brushed concrete finish and apron to the parking area.

Prior to the unauthorised works being undertaken the front boundary comprised of traditional rubble stone walling with 'cock and hen' capping detail. It is understood that a set of (unauthorised) inward opening white metal gates (for vehicular access) sat within a smaller opening and that the yard had a concrete surface.

The width of the original vehicular entrance (prior to the unauthorised works being undertaken) has been increased (following the unauthorised works being undertaken) and it is proposed to reduce the opening width slightly. The respective dimensions are being sought; Members will be updated.

Previous applications 19/01228/FUL and 19/01229/LBA proposed that a 5-bar gate design be applied to the front face of the solid gate. These applications were withdrawn due to concerns regarding the design and appearance of the walls, gate and yard surface.

## PLANNING HISTORY

Extensive, most recent;

DC - 14/05250/FUL - PERMIT - 13 January 2015 - Erection of new outhouse following demolition of existing shed and provision of new vehicular access to/from highway.

DC - 14/05251/LBA - CON - 13 January 2015 - External alterations to include erection of new outhouse following the demolition of existing shed and provision of new vehicular access to/from highway.

DC - 16/03142/FUL - PERMIT - 23 January 2017 - Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works

DC - 16/03143/LBA - CON - 17 August 2016 - Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works

DC - 17/04374/NMA - APPRET - - Non-Material Amendment to 16/03142/FUL. (Alteration of the approved design for the garden room elevation forming battered stone arches to give a more robust and solid look to the undercroft.)

DC - 17/04399/NMA - APP - 10 October 2017 - Non Material Amendment attached to Application 16/03142/FUL (Internal and external alterations and refurbishment with a new semi-basement storage area replacing the timber retaining structure and associated external works)

DC - 17/04410/LBA - CON - 13 October 2017 - Internal and external works including realigning the new staircase and partition walls in the former cottage at the south end of the house. Inserting a privacy screen in the dressing room on the second floor. Forming a fire escape opening between the dressing room and office on the second floor. Alteration of the approved design for the garden room elevation forming battered stone arches.

DC - 19/01228/FUL - WD - 1 July 2019 - Construction of vehicle gate and boundary wall (Retrospective).

DC - 19/01229/LBA - WD - 1 July 2019 - Retention of vehicle gate and boundary wall.

DC - 19/05507/FUL - PCO - - Erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

DC - 19/05508/LBA - PCO - - External alterations for the erection of a parking area gate mechanism, boundary pier and replacement walling. (Retrospective)

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### CONSULTATIONS/REPRESENTATIONS

#### CONSULTATIONS

Batheaston Parish Council: Resolved not to oppose application

#### REPRESENTATIONS

1 representation received from Bath Preservation Trust (BPT), in summary;

- Unsupportive of the proposed retrospective works to the boundary walls.
- Use of traditional forms of stone walling such as rubble stone walling with a cock 'n' hen capping are particularly prevalent within Batheaston.
- The reconstruction of the wall with a "dressed ashlar coping" is therefore out of keeping with the conservation area and are incongruous with their setting.
- The stone is additionally visibly new, creates a jarring contrast with the existing weathered stonework.
- Appreciate proposed replacement of ashlar coping with a "cement roll capping" but would advise reinstatement of original cock 'n' hen capping to prevent the further deterioration of the rural, vernacular character of the conservation area, the setting of a Grade II agricultural building, and the built qualities of the AONB and Green Belt.
- Advise use of reclaimed rubble stone over artificial weathering for a more historically-authentic and congruous appearance.
- Application does not account for visible loss of boundary wall between original farmhouse building and later extension to the north of the site. Represents unlawful demolition of the ancillary fabric of a listed building.
- Application fails to provide sufficient information to make an assessment of the impact on the historic and aesthetic significance of the Old House's boundary walls.
- Based on BPT assessment and understanding of the site advise a more sympathetic treatment to ensure Batheaston's infrastructural character is maintained in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF, and Policies B1, BD1, CP6, D1, D2, D3, and HE1 of the Core Strategy and Placemaking Plan.
- Advise LPA to investigate the unpermitted loss of the boundary wall between the main body of the building and its northern extension further, and implement enforcement action where necessary.

### **POLICIES/LEGISLATION**

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

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

The Revised National Planning Policy Framework (NPPF) 2019 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

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

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)

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

**Core Strategy:**

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

B4 The World Heritage Site and its Setting  
 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:

CP2 Sustainable Construction  
 HE1 Historic Environment

**Guidance:**

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)  
 BaNES SPD 'The City of Bath World Heritage Site Setting' (2013)  
 Historic England Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) 'The Setting of Heritage Assets' (2017)

**National Policy:**

The National Planning Policy Framework (February 2019) and National Planning Practice Guidance.

**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**

**LISTED BUILDING ASSESSMENT**

The wall and gate are located within the curtilage of Old House, which is a grade II listed building. There is a duty, therefore, under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its

setting or any features of special architectural or historic interest which it possesses. In addition, the site is within the indicative City of Bath World Heritage Site setting.

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

Historic England guidance on the 'Setting of Heritage Assets' (GPAP Note 3) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The 'Statement of Significance & Heritage Statement' submitted with previous applications at the site (16/03142/FUL and 16/03143/LBA) sets out clearly and succinctly the significance of the listed building and its setting thus;

'Old House' formed the principal building within one of a row of small farms which had been established along St. Catherine's Valley between the late C17 and mid C18. The presence of these farms collectively contributes to the historic significance of their setting within the valley.

The house is prominent in views along and across St. Catherine's Valley and its prominent setting means that the house makes a significant contribution to its setting. Particularly important are views towards the house from the footpath running along the brook, where the house is seen against the backdrop of the network of pasture fields on the upper slope of the valley and in the context of more open meadows to the west, and the juxtaposition of these farms within their agricultural setting makes an important contribution to the character and quality of this part of the AONB.

In addition, and of particular relevance to this application is that the area is defined, in part, by rubble stone walling which is an important vernacular feature that sits comfortably within the rural landscape. The front boundary wall demolished comprised a traditional rubble stone wall with 'cock and hen' capping.

The unauthorised works have resulted in loss of historic fabric; this is due to the demolition of the front boundary wall and part of a side wall. Historic fabric is an important part of the asset's significance and retention of as much historic fabric as possible represents conservation practice. Even when essential repair is necessary a wall can be re-built on a 'like for like' basis. Unfortunately, in this case the wall that has been built across the front boundary differs in appearance from that which was demolished; in particular the introduction of dressed ashlar coping and quoins gives the wall a much more formal appearance that appears out of place in this rural landscape and consequently has a negative impact on the setting of the listed building, which is notable, in part for its strong rural character. Although the application proposes to replace the ashlar coping with cement roll and the quoins with rounded rubble ends these alterations would not in themselves overcome the negative impacts of the development as a whole. If the coping were to be replaced the most appropriate detail would clearly be reinstatement of the original detail i.e. 'cock and hen' capping as per that removed; discussions with applicant and agent mean that they are aware of this advice.

A section of side wall that divided the front garden and yard was demolished and has not been replaced; this too represents unauthorised work. Furthermore, the new section of wall that has been added to the north side boundary appears as an urbanising feature and introduces built form where previously there would appear (from photographs and drawings) to have been an established hedge.

The opening to the yard is believed to have been widened at the time the current works were undertaken and the sliding gate installed in place of a set of, it is believed, also unauthorised inward opening gates. The sliding gate comprises of solid vertical timber boards edged with a black metal frame and is overtly urban in character and appears incongruous and alien within this countryside location as well as being unsympathetic to the important rural setting of the listed building. Although the application proposes to apply Oak cladding and boarding to the sliding gate, form central meeting stiles and reduce the current access width (by a limited degree) these alterations would not in themselves overcome the negative impacts of the development taken as a whole. The most appropriate gate for the situation would be a traditional 5-bar field gate; being mindful of the constraints of the yard it was suggested to applicant and agent that a tri-/bi fold 5-bar field gate folding inwards would offer a practical and eminently more appropriate alternative.

A further urbanising feature of the development is the introduction of stone setts across the parking yard and at the entrance apron. Again, this appears as a formal urbanising feature that stands out against the rural backdrop. Although the application proposes to re-introduce a brushed concrete finish and apron to the parking yard//area this would not in itself overcome the negative impacts of the development as a whole.

Although a number of 'remedial' measures are proposed in an effort to overcome concerns raised they would not overcome the negative impacts identified above. In summary, the remedial works would; replace the ashlar coping with cement roll, quoins with rounded rubble ends, apply Oak cladding and boarding to the gate and form central meeting stiles, reduce the current access (by a limited amount) and re-introduce a brushed concrete finish and apron to the parking area.

As set out above the most appropriate capping would be to reinstate the 'cock and hen' detail and for the gate to be a traditional 5 bar field gate; in recognition of the constraints of the yard it was suggested to the applicant and agent that a tri-/bi-fold 5 bar field gate folding inwards would offer a practical alternative to an inward opening set of gates and the current sliding gate.

The site and listed building have established over time an important historic relationship with the surrounding landscape. The works that have already been undertaken as well as the proposed amendments are overtly urban in character, appear alien and incongruous towards the rural surroundings and as a result are unsympathetic and inappropriate to the setting of listed building. In turn this harms the significance of the listed building as designated heritage asset.

Proposals to alter hard landscaping features such as walls and gates are more likely to be acceptable if the design is based on a sound and well-researched understanding of the building's relationship with its setting. Whilst the restricted nature of the parking area/yard, difficulty of access and highway safety for emerging vehicles is noted this must be

considered in the context of the site (situated as it is on a country lane) and also to retain a sense of perspective; Highway observations recorded under a 2014 application referred to traffic speeds along this single track lane to be low and that even though the posted speed limit is derestricted the risk of a collision occurring was considered 'very low'. Highways DC have reviewed these observations in the light of these current applications and notes that highway observations made in respect of the 2014 application did consider traffic speeds on the single-track road and concluded that speeds were likely to be low and the risk of collision also low. Highway Development Control (HDC) officers have no reason to consider that anything has changed to the layout of the adopted public highway since 2014 to change these views. Further appraisal of Highways issues is included in the Highways section of this report.

Concerns have been raised by Bath Preservation Trust (BPT) who consider that reconstruction of the wall with a dressed ashlar coping is out of keeping; that as the stone is visibly new it creates a jarring contrast with the existing weathered stonework and advises reinstatement of the original cock and hen capping to prevent further deterioration of the rural, vernacular character of the area, the setting of the building and the built qualities of the AONB and green belt. BPT also make reference to the visible loss of the boundary wall between the original farmhouse building and the later addition to the north side of the farmhouse and refer to it as unlawful demolition. In summary, BPT advise a more sympathetic treatment to ensure Batheaston's infrastructural character is maintained in accordance with Legislation, Local Policy and the NPPF. These concerns are shared by the case officer as set out in this section of the report.

In accordance with paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case it is concluded that the harm caused to the designated heritage asset, is, in the context of the significance of the asset as a whole and in the language of the NPPF, less than substantial. In such circumstances Paragraph 196 of the NPPF (2018) requires that any harm be weighed against the public benefits of the development, including securing the optimum viable use of the building. The works that have been carried out, as well as those proposed relate to works that comprise the re-landscaping of a parking yard, demolition and part re-building of the front boundary wall, erection of new side wall, part demolition of side wall and sliding gate access. The parking area is used by the site occupier and would be for their private gain. Although the sliding gate mechanism allows for vehicles to turn within the site so that forward facing egress is possible it is of limited public benefit, particularly given the fact that traffic speeds on the single-track road are likely to be low and the risk of collision also low. Consequently, there is insufficient public benefits to outweigh the considerable importance and weight given to the harm to the designated heritage asset. As such, the proposal would conflict with paragraph 196 of the NPPF.

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

Taking account of the above and in this instance the development in terms of its design, form, detail and materials is inappropriate and unsympathetic to the rural area, appearing as incongruous, alien and urbanising features and would fail to preserve the special interest of the listed building or its setting. As such the proposal would fail to meet this requirement.

Here it is considered that the development is not consistent with the aims and requirements of the primary legislation and planning policy and guidance and has an unacceptable impact on the special interest and setting of the listed building that does not preserve its significance as a designated heritage asset. The development does not therefore accord with policies B4 and CP6 of the adopted Core Strategy (2014) or Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) or Part 16 of the NPPF.

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

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. The proposal accords therefore with policy CP6 of the adopted Core Strategy and policies HE1 and CP2 of the Placemaking Plan for Bath and North East Somerset (2017) and parts 14 and 16 of the NPPF.

### **RECOMMENDATION**

REFUSE

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

1 The development as installed, and amendments as proposed, are of a design, form, detail and materials that are inappropriate and unsympathetic towards the rural surroundings and appear as incongruous, alien and urbanising features that are harmful towards the significance of the designated heritage asset and the special interest of the listed building and its setting. There are no public benefits to the development sufficient to outweigh the identified harm. As such the development would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP6 of the adopted Core Strategy (2014), Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), the provisions of the NPPF (2019) and guidance from Historic England.

### **PLANS LIST:**

This decision relates to the following drawings;

Date: 20.12.2019 Drwg. title: Proposed block plan

Date: 20.12.2019 Drwg. title: Site location plan

Date: 20.12.2019 Drwg. No. EE01 Drwg. title: Existing front elevation

Date: 20.12.2019 Drwg. No. PE01A Drwg. title: Front elevation

Date: 20.12.2019 Drwg. No. PP01B Drwg. title: Gate plan

### **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website [www.bathnes.gov.uk/cil](http://www.bathnes.gov.uk/cil)

### **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.

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