

DELEGATED REPORT

Application No: 12/03949/EFUL

Case Officer: Sarah James

Details of location and proposal and Relevant History:

Twerton Mill, Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset

Details of proposal:

THE SITE:

The application site is approx. 0.46 ha in size and is currently occupied by three commercial properties, Astra House (occupying the central element of the site) which is a three storey building with a single storey separate workshop to the rear; Twerton Mill (formerly Carrs Mill) adjoining to the east which is now a 3 storey building; and Avalon Garage, a single storey operating garage premises adjoining to the west.

The site is positioned directly adjacent to the Lower Bristol Road (A36) 2km (1.2 miles) to the west of Bath City Centre, and approximately 200m from Twerton Local Centre (to the south).

The proposed development site is bounded by the Lower Bristol Road and the railway viaduct (carrying the main West Country/London railway line) to the south, the River Avon to the north, a terrace of Listed Buildings to the west (Rackfield Place) and a mixed use development to the east, comprising the St John Ambulance Headquarters and residential flatted accommodation currently under construction.

The general area is characterised by commercial and residential uses between the River Avon and Lower Bristol Road.

The application seeks full planning permission for the demolition of the existing commercial buildings and redevelopment of the site to include student residential development (sui generis). It was accompanied at the time of its submission by a Conservation area consent application for the demolitions however that has now been refused (see site history below).

The proposed accommodation would include 377 student rooms via a mix of cluster flats and townhouses including the following: a common room; gym, games room; laundry; refuse and recycle storage and cycle parking (1 stand for every 7 students).

The proposed development incorporates 4 no. disabled parking spaces and 1 no. parking space for service personnel in total.

The following documents have been submitted with the application :- Design and access Statement, Draft Head of terms, Energy Statement, Essential and assessment Assessment, Planning statement, Lighting assessment, Statement of community Engagement, Transport Plan, Student Management Plan, Utilities Statement, sustainable Construction Checklist, Extraction and ventilation assessment, Waste Management Plan. The application is also accompanied by an Environmental Statement.

Relevant history:

DC - 11/04511/FUL - WD - 28 February 2012 - Erection of 14no dwellings following demolition of existing garage building

DC - 11/05341/CA - WD - 28 February 2012 - Demolition of existing garage building

DC - 08/00485/FUL - RF - 16 May 2008 - Erection of a mixed used development consisting of 106 residential units, commercial offices and associated car parking and landscaping including flood alleviation measures. Change of use to C3 and A2

DC - 08/00490/CA - WD - 24 June 2008 - Demolition of existing buildings

DC - 12/03950/CA - RF - 4 December 2012 - Demolition of existing industrial/office buildings.

Summary of Consultation/Representations:

Planning Policy comments made 12th November 2012 - This proposal fits with the thrust of the land use aspects of Local Plan policies GDS.B12 and HG.17. It leaves just enough land for future employment uses and draws together three land ownerships without being as comprehensive as it could be. The replacement for GDS.1/B12 in the emerging Core Strategy (Policy B3) is less permissive and requires a greater level of justification for a non-business use. A reasonable level of weight can be afforded to it, given the Inspectors Preliminary Conclusions in ID/28, although the Local Plan retains its primacy. NPPF 51 is a material consideration that must be acknowledged. Whilst this normally gives support for a change of use from business use to residential use, where there is a strong economic reason for the retention of a business use, this is not the case. The designation of site within the Bath City Riverside Enterprise Area is significant in this regard. There is no mention of the Enterprise Area in the planning statement and so the applicant has not properly evidenced the rationale for the loss of employment land. The focus of such an assessment should be the future potential of the land and current (or replacement) premises in the industrial land market. The position of existing occupiers needs to be more clearly articulated. The applicant has presented no evidence that the site has been marketed for any length of time.

Further comments made 11th January 2013. The applicant's additional submissions have been considered however the policy advice as originally provided still stands.

Regeneration and Development comment made 18th December 2012 - the applicant has not properly evidenced the rationale for the loss of employment land. and in relation to this the applicant has presented no evidence that the site has been marketed for any length of time, and there is a need for the position of existing occupiers needs to be more clearly articulated

Further comments made 11th January 2013 re-confirm the objection taking into account the additional submissions made by the applicant.

Conservation Officer comments made 19th November 2012. The extent of the demolitions are unacceptable. There has been inadequate assessment of the impact of the development on nearby heritage assets. The design approach has merits which require further consideration and opportunities exist to improve the relationship with the river and Rackfield place. However the height and massing of the scheme is of concern. Further information is sought in respect of materials and those proposed are queried as to their suitability.

English Heritage comments made 20th November 2012 - The application proposes redevelopment of the site for student and residential accommodation. The site lies within the Bath World Heritage

Site (WHS), the Bath Conservation Area, and adjacent to the Grade II Listed Rackfield Place. It is our view that the proposals will cause substantial harm to these and potentially other designated and undesignated heritage assets. A significant reduction in the scale of development here is recommended.

Urban design comments made 13th November. The suitability or otherwise of the demolition proposals should be established through the historic buildings advice. The single uses proposed do not help to revitalise the river corridor area. The development would have a significant and unacceptable impact on the World Heritage Site primarily due to height. The relationship of the site to the adjoining Rackvernal Place is considered improved. The proposals do not create links with the river. The design approach is queried but it is considered that the detailed specification of materials and the quality of the public realm and landscape will be important in establishing the success or otherwise of the approach.

Archaeology comments made 20th November 2012 - the 2011 historic building assessment's conclusions that the pre-20th century fabric is too fragmentary and incomplete to be of historical or archaeological significance are queried particularly as it is noted that they say the opposite to a previous assessment for the site. If approval is granted the following should be conditioned (1) the field evaluation of the site, (2) the subsequent programme of archaeological work and/or mitigation, and (3) publication of the results:

Highways comments made 5th November 2012 Based upon the submission made refusal would be recommended as the proposals do not make adequate provision on the site for the parking and turning of vehicles in a satisfactory manner. The inadequate provision for servicing facilities is likely to interfere with the free flow of traffic on Lower Bristol Road and prejudice the safety of highway users. The land required to provide pedestrian improvements on the southern side of Lower Bristol Road is not included within the application site, nor is the land apparently within control of the applicant such as to ensure that the proposed pedestrian improvements can be achieved. The proposed development would prejudice the construction of the Lower Bristol Road major highway improvement scheme, the route of which is protected under Policy T.17 of the Bath and North East Somerset Structure Plan.

Further comments made 14th January 2013 - The submitted Rebuttal of Highway Issues by FMW Consultancy, seeks to address the highway concerns. The Technical Note has addressed many of the concerns previously raised in my consultation response, but further details are still required, in respect of the swept path analysis for the car parking area, a Road Safety Audit for the highway works and the inclusion of the southern footway in the application site. Refusal therefore is still recommended.

Contaminated Land comments made 30th October 2012 taking account of the Environmental Statement and its contents model contaminated land conditions should be applied if the development is approved.

Environment Agency comments made 1st November 2012 further information is required prior to determination.

Further comments made 21st January 2012 We note that the submitted drawing (11-8009/ 302 Rev. P1) shows the proposed development will be set back some way from the River Avon, however, without any cross-sections we are unable to be confident that it will be set at least 5 metres from the top of bank throughout. Whilst it appears from the plan that the buildings are set approximately 5 metres back from the red-line boundary of the site, the plan also indicates there are some sloping sections of the site along the river, therefore we would like the opportunity at this stage to agree with you where the top of bank lies. The submission of cross-sections through the bank will allow us to understand the topography of the site.

We therefore look forward to receiving satisfactory cross sections in due course to enable us to withdraw our objection.

We note the tabular summary and annotation on the plan regarding the compensatory floodplain volume. We are satisfied that sufficient compensatory floodplain volume is proposed. We appreciate the obstacles to you carrying out a more thorough investigation of the existing surface water drainage network, therefore we are prepared to recommend this information is submitted in due course through a suitably worded planning condition.

We accept your reasoning regarding proximity of residents to staircases to upper levels and agree that this would be an acceptable situation providing that flood warning and evacuation plans are prepared for the accommodation blocks. Again, we would recommend to BANES that the preparation and submission of such a plan is secured through a planning condition.

Highways Drainage comments made 5th November 2012 require further details and clarifications as to the proposals.

Arboriculture comments made 3rd December 2012 The proposals do not allow for adequate management of trees along the river bank and opportunities to improve green infrastructure have not been taken.

Further comments made 15th January 2013 - The trees along the riverside may not have significant 'arboricultural' value but they still contribute towards the green infrastructure/ screening etc and provide conservation value. They are not within the ownership of the applicant so their management, other than removal of overhang, is not within their power. However, the proposals have a direct impact on these trees please see the Arboricultural Implications Assessment contained within Appendix 7 - volume 2. If these trees had to be removed in the future then the proposed scheme provides limited space to provide replacement planting further away from the top of the bank - can the applicant demonstrate that meaningful planting to maintain the green river corridor is possible in the space provided?

Ecology Officer comments made 3rd December 2012 - No Objection subject to conditions

Environmental Health Officer comments made 19th October 2012 If approved a condition is recommended to protect occupants against noise.

Air Quality officer comments made 15th November 2012 No objections subject to conditions.

Police Crime Prevention comments made 31st October 2012 Request additional security details in particular relating to window security

Canal and River Trust comments made 30th October 2012 request an informative is applied if approved.

The following representations have been made

Bath Heritage Watchdog - OBJECT to these proposals This objection is based on the demolition of one of the few surviving mill buildings from this period in Bath. Although the remains represent only part of the whole they are of some considerable importance in a local context and there is a failure to adapt the proposals to incorporate all or part of these. The development is too high would represent overdevelopment and would fail to take opportunities for enhancement. The mill design approach has some merit.

Bath Preservation Trust OBJECT to this proposal on grounds that it fails to fulfil the policy framework for the draft core strategy, the draft Building Heights strategy and the Flood sequential

testing as well as being contrary to policy BH 1 on grounds on height and NPPF 132 (loss of significance of a heritage asset).

Third parties

2 Letters of objection have been received on the basis that students should be housed on campus. Students will bring cars to the site. The architecture is inappropriate and the building is too high.

Policies/Legislation:

The development plan for the area includes, RPG10, the saved policies of the Joint Replacement Structure Plan; and, the saved policies of the Bath and North East Somerset Local Plan.

ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

IMP.1 Planning obligations

GDS1 Site Allocations and development requirements

HG17 Purpose Built Student accommodation

BH1 World Heritage Site

BH2 Listed Buildings and their settings

BH3 Demolition of a listed building

BH4 Change of use of a listed building

BH5 Locally important buildings

BH6 Conservation area

BH7 Demolition in Conservation Areas

BH12 Archaeological remains

BH13 Archaeological remains in Bath

BH22 External lighting

ET1 Employment land overview

ET3 Core Employment sites

SC.1 Settlement classification

D2 General Design and public realm considerations

D4 Townscape considerations

T1 Over arching access policy

T3 Promotion of walking and use of public transport

T17 Land safeguarded for major road improvement schemes

T24 General development control and access policy

T26 On-site parking and servicing provision

ES.2 Energy conservation

ES3 Gas and Electric Services

ES.4 Water supply

ES.5 Foul and surface water drainage

ES.9 Pollution and nuisance

ES12 Noise and vibration

ES15 Contaminated land

NE10 Nationally important species and habitat

NE11 Locally important species

NE12 Landscape features

NE14 Flood Risk

HG.1 Meeting the District Housing requirement

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (published March 2012) carries significant weight.

Bath and North East Somerset Submission Core Strategy Inspector's Preliminary Conclusions on Strategic Matters and Way Forward (published June 2012);

CP2: Sustainable construction

CP6 Environmental Quality

CP10 Housing Mix

CP13 Infrastructure Provision

DW1 District-wide spatial Strategy

B1 Bath Spatial strategy

B3 Twerton and Newbridge Riverside Strategic Policy

B4 World Heritage Site and its setting

Officer Assessment:

Policy

The site falls within policy GDS1 and specifically within allocated site B12 - land at Lower Bristol Road (4.7 hectares) for which the development requirements are a comprehensive mixed-use scheme including at least 3 ha of land for B1, B2 or B8 uses, about 50 dwellings, enhancement of the river area, enhancement along the Lower Bristol Road frontage, transport infrastructure on and off site integrating with Western Riverside under GDS policy site B1 and Local needs shopping. There is no masterplan for the site and sites have been brought forward for development within this area. In each case the approach has been to refer back to the policy and the wider site whilst considering the broad fit of the development within that overall policy requirement and making a decision on the merits of the proposal.

The proposals fit broadly within the adopted plan policy GDS.1/B12, but the proposals fit less comfortably within the emerging Core Strategy Policy B3 which requires more evidence to justify a change of use here and this reflects the fact that the Core Strategy Inspector wanted economic development to be the priority in this location.

In respect of national Policy NPPF51 advises that Local Planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Policy 22 of the NPPF is also a consideration. This states that Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits are relevant to consider and have been taken into account in this assessment. It is of note that the Inspector made recommendations that residential development at Twerton Riverside could be part of the mix of use in certain circumstances, but where priority is still given to economic development, and that, residential development should be subject to evidence that the area is no longer required for economic development purposes. His report was made full knowledge of NPPF 22 and therefore his agreement in respect of economic prioritisation suggests that, at the time, he considered there was a realistic prospect of land within Twerton Riverside being used for employment uses in the future.

The need to retain employment land in this area is also a point made by the economic and development officer. It is advised in this regard that this combination of a projected loss of space, over that proposed in the Core Strategy, combined with the severely restricted supply and the level of demand for space, will inevitably result in key industrial companies and service manufacturing businesses having to relocate from the city due to lack of modern accommodation. It is therefore important that the Council continues to protect existing industrial floorspace in the Newbridge and Twerton Riverside policy areas as set out in the Core Strategy. It is noted that there is currently only one of the units occupied and that the occupier of that is looking to relocate (although the current position suggests that options for relocation are limited). In total the application involves the loss of a significant amount of industrial, employment floorspace. In the context of the current supply / demand situation this is significant. It is also of note that the area has Enterprise Area status and the emerging Core Strategy Policy B3 also requires a 'strong' economic reason why a change of use would be inappropriate. It is considered that some weight can be given to policy B3 as the Core Strategy in respect of this policy is at an advanced stage and although the precise policy wording may require further refinement, the Inspector supports the areas proposed role as a multi-use economic development area. He notes in paragraph 3.7 of ID/281 that residential development here could be part of the mix of uses in certain circumstances, but where priority is still given to economic development. He does not contradict the Council's view that residential development should be subject to evidence that the area is longer required for economic development purposes.

The applicant has in that regard submitted late marketing information that suggests "We have comprehensively marketed the sites since October 2009 for redevelopment. The sites were widely marketed twice and all developers and agents in the region and beyond were well aware that the sites were available for redevelopment for all use classes. Clearly the dilapidated status of Twerton Mill and Astra House means that they are beyond viable economic development and will require demolition and rebuild". Whilst there was interest in the sites and this is identified these were not in industrial uses as promoted within the emerging polices. The report submitted has been considered on its merits.

The policy considerations in this case are considered to be finely balanced and the scheme is accepted to have some merit in policy terms particularly when seen in the context of the adopted local plan policy. It would also bring forward a scheme for residential accommodation (albeit for a student population) and that is significant in the current situation in the area whereby there is insufficient housing supply identified. It is also of note that in the context of the emerging core strategy policy economically beneficial uses are being promoted for this area, however in the current circumstances it is considered that taking into account all of the relevant factors and information discussed above the application is acceptable in terms of planning policy.

Historic assessment

Some buildings on site are significant in respect of their Heritage. The extent of the demolitions as proposed are considered extensive. A dual conservation area application was made for the demolitions however that application was refused December 2012. The demolitions are considered unacceptable due to the extent of those demolitions whereby these are not considered to be justified based upon the proposals.

The impact of the development on surrounding heritage assets has not been fully assessed by the applicant in their submission and it considered that the development is likely to impact upon listed buildings other than Rackfield Place which has been assessed.

There are concerns with regard to materials in particular the use of buff brick in this location would not be typical particularly for a building of this stature. Other detailed elements of the scheme are considered to require more thought.

The scale and in particular the height of the proposals is unacceptable and would be harmful to the World Heritage Site, Conservation Area and nearby Listed buildings/structures.

The applicant has been advised of these concerns and as was also clarified within the refused conservation area consent, in order to overcome the concerns discussed the applicant would need to resubmit a scheme that was reduced in height and that should retain some of the existing structures. Pre-application discussions are taking place on this basis. The applicant has been invited to withdraw the current applications taking account of the clear objections raised by Officers however there has been no indication that the applicant wishes to do that.

Design

The distribution of uses within the ground floor does not stimulate riverside vitality. A reconfiguration of the location of common room and reception elements should be considered, and more public ground floor uses should be integrated.

Block B rises to 7 storeys on its northern, river frontage and visualisations provided demonstrate how harmful this would be. Block B breaches existing heights in the existing context by more than two storeys and when assessed against Local Plan policy, The World Heritage Management Plan published technical heights guidance and the emerging WH Setting Study, the proposal is considered to represent over development by reason of height and mass.

There are some positive opportunities such as to improve links with the river and enhance the riverside frontage although these have not been fully taken in the current submission.

The appearance of the proposal is influenced by warehouse and mill aesthetics applied to a modular accommodation system within each block and supplemented by the chequerboard patterning achieved by the window decoration. There is a concern that this lacks authenticity however, there is a variety of different architectural styles within Lower Bristol Road enabling opportunity for difference and the response in relationship to the previous mill use is not in itself harmful aside from the height.

The success of the development would be partly dependent upon the quality and appropriateness of materials if issues of height and massing are resolved.

Archaeology

Desk based archaeological reports have been provided and are largely satisfactory however it is considered that some of the 20th century structures are more important than these suggest. If the development proceeds the extent of the archaeological investigations can be conditioned.

Residential Amenity

The nearest residential properties are at Rackfield Place which adjoins the site on its west side. It is considered that the development would have an improved relationship with those properties than exists. The proposed uses would be acceptable as a residential neighbour use.

The proposed development is considered suitable in terms of the amenity provided for the proposed occupants given the nature of the use.

Highways

There is generally no car parking proposed on the site, with the exception of 4no. disabled spaces and 1 no. space for the site warden, which would be accessed via the shared private access road to the east of the site, shown as Mill Lane. Additional parking is also proposed within the St John's

Ambulance car park to the east of Mill Lane, for the purposes of students loading and unloading at the start and end of terms, but this land is not shown within the application site. The applicant proposes this is detailed within a Parking and Access Management Plan, and also that St John Ambulance would be a co-signatory of the Section 106 Agreement. All parking would be subject to a parking management regime, and students would be restricted from having cars. The application proposes measures to enforce this. It is to note that total enforcement of this issue cannot be guaranteed however the measures that are suggested are reasonable and it is considered they would deter students from bringing cars to the City. The arrangements proposed would need to be secured through a Section 106 Agreement.

A gated maintenance/emergency access is also proposed with a direct access from Lower Bristol Road, and this would seem to serve as a maintenance/emergency access to the buildings in the centre and to the west of the site, together with maintenance access to the landscaped corridor to the rear of the site. Whilst the need for providing an emergency access to the buildings is accepted, the maintenance of the access could be served off Mill Lane to the east of the site. Further justification / details of the need for the maintenance access direct from Lower Bristol Road are required however it is accepted agreement of this could be conditioned.

The proposed car parking area indicates 4 disabled spaces, which would be allocated to mobility impaired students, and a further space is proposed for the site warden. The parking area is shown within Block A and enclosed by a gated access from Mill Lane, but there are no details to indicate if the gates will be remotely operated, which would seem appropriate for mobility impaired users. The internal arrangement for the parking is tight, particularly having regard to the intended users being mobility impaired, and to manoeuvre would be difficult due to both the layout and the lack of a sufficient distance behind all spaces. This is not considered to be an acceptable parking/turning layout.

There are 56 covered and secure Sheffield hoops proposed, accommodating 112 cycles which would represent a ratio of 1 cycle space for every 3.4 students, roughly a 30% provision, which is considered acceptable for this proposed development. Further details of the cycle enclosures could be conditioned.

The site will require some level of servicing, such as the stocking of vending machines. This could be carried out by transit vans, with access being via the private Mill Lane, to the east of the site, and turning taking place within the car park gateway, however, having regard to the location of the reception and common room, which would not be easily accessed from Mill Lane, it does seem more likely that vehicles would unload from Lower Bristol Road, which would not be acceptable. The means of access for servicing should therefore be better related to the reception area, with easy access from where service vehicles are intended to park up for the purposes of unloading. It is accepted this could be detailed within a suitably worded Parking and Access Management Plan.

The move in process for students is set out in the Student Management Plan, with students being allocated time slots for their move, and the main move in period being concentrated over a weekend. The Management Company states that they would liaise with local police and traffic management to advise of the weekend for the move in, but also to agree a strategy for the management of vehicle movements. These details would need to be set out in an Operational Statement.

Having regard to the restricted level of car parking on the site, and the intended restrictions on students from bringing cars into Bath, the main modes of travel for students would be on foot, by bicycle or using public transport. The accommodation would be available for students of a number of educational establishments, and therefore the specific transport needs cannot be easily determined. The Transport Statement makes specific reference to the universities in Bath and the available bus services. The development is likely to generate a demand from students that would

exceed capacity. Therefore, financial contributions towards public transport services would be necessary if the development were acceptable.

The site is located close to local facilities within Twerton High Street, but this requires the crossing of the Lower Bristol Road to gain access. Improvements to pedestrian facilities to Twerton High Street are proposed in the Transport statement. These improvements include a pedestrian refuge island, outside the main pedestrian access into the site, to aid the crossing of the Lower Bristol Road, together with the provision of a new footway construction on the southern side of the Lower Bristol Road and 2 new bus stops. However, the land to the south of the Lower Bristol Road, which is proposed for new footway construction, does not form part of the existing public highway, and is not included within the application site. In the absence of this land being part of the application, this footway would not seem to be able to be delivered as an adopted link, and in turn this could not provide for the improvements to the pedestrian access to Twerton High Street, or a new bus stop.

The principle of a pedestrian refuge island to aid crossing movements is considered to be generally acceptable however, there is some concern at the residual running lanes for vehicular traffic which would not be appropriate for cyclists. The lanes would either need to be reduced to 3m to prevent vehicles from attempting to pass cyclists, or increased to more than 4m to allow for passing traffic. The increase in lane width would, however, reduce the refuge width, and this could affect its use by cyclists wishing to cross the Lower Bristol Road. It is also considered that Having regard to the potential safety implications for the more vulnerable highway users, and the difficulties in achieving recommended lane widths for accommodating cyclists, it would seem appropriate for a safety audit to be carried out to demonstrate highway improvements can be delivered.

The Lower Bristol Road is subject to a protected improvement line, in order to safeguard a road widening scheme. Whilst there are no current proposals for the scheme, the improvement line is still protected by Policy T.17. The Transport Statement states that the majority of the safeguarded improvement line has been respected by the development, although there are encroachments to the eastern and western ends of the site. On the basis that the improvement line has not been protected within the design of this scheme, there is an objection made by highway officers, however it is considered that the objection made is unsustainable. The line has already been encroached including a building located on that protected line to the east directly adjacent to the application site. In this regard it is not considered appropriate to pursue this as a reason for refusal.

In conclusion further details are still required, in respect of the swept path analysis for the car parking area, a Road Safety Audit for the highway works and the inclusion of the southern footway in the application site. As it stands the application is unacceptable on highway grounds on the basis as identified in the highway officer's consultee response above.

Drainage

The site is located within flood zones 3a and 2. A flood risk assessment has been provided. Further details have been sought by the Environment Agency regarding the slope of the bank and they have required this is submitted prior to their withdrawing their objection. It is to note that information provided to the Environment Agency has not been submitted formally to the Local Planning Authority. However a copy of that has been provided informally and as far as this issue is considered it demonstrates additional information relating to flooding based on the submitted layout therefore the Environment Agency's updated comments which have been sent to the Local authority are considered relevant to the consideration and are in that context taken into account. Despite the objection maintained the EA confirm that they are satisfied that sufficient compensatory floodplain volume is proposed and that flood evacuation and surface water drainage details could be conditioned.

Contamination

Contamination reports have been submitted and identify that the site has a number of identified contaminants and the potential for contamination. However it is considered that conditions can be applied to address this issue.

Ecology

The site is adjacent to the River Avon Site of Nature Conservation Interest, an important ecological resource supporting a range of Protected and European Protected species. The river is known to be heavily used by bats including light-sensitive greater horseshoe bats for foraging and commuting (although no horseshoe bats were recorded on site or along the river edge from the submitted surveys for this application). The river in this location is currently unlit, and screened by bankside vegetation and trees, thus creating a dark corridor.

No bat roosts were found on site and no EPS licence nor consideration of the three tests of the habitats regulations are required. The proposal will not impact on bats of the SAC, and no further assessment is required under the Habitats Regulations.

New external lighting associated with the proposal must be wildlife-friendly in particular ensuring that there is no light spill onto the river, as this could harm bat activity. Any vegetation or tree removal on the river bank should be compensated by replacement planting of equivalent ecological value, to include its value as a screening effect to the river from lighting and other disturbance. These and other ecological measures as contained within the ecology report submitted can be addressed by condition.

Trees

There are missed opportunities with the current layout with regards to green infrastructure enhancement. Existing trees along the riverbank will be difficult to retain in the longer term and may conflict with the proposed use of bedrooms as a consequence of reduced light potentially leading to the felling of the trees. The development does not as a consequence take adequate account of existing trees and landscape features nor does it provide any adequate mitigation for their loss.

Landscape

The key landscape opportunity for the site is alongside the river frontage. At the present time that area is considered unresolved. Currently it is unclear where the 'bank' lies and further topographical drawings are required (see Environmental Agency's comments). Once the available site area is clear it must be demonstrated that the land area is sufficient for the maintenance and the application must demonstrate the enhancement of the river frontage in line with policy GDS1 and a Section 106 would seek to secure access to that river frontage (as per the agreements on student accommodation sites further along the lower Bristol Road). The current proposal however does not achieve enhancement and refusal is recommended on those grounds.

Noise

The site is near to potential noise sources i.e. the road and nearby railway however conditions can address these issues.

Community safety

Student accommodation is susceptible to burglary and it is advised that secure windows and doors are installed. An informative on any permission could address this.

CONCLUSION

It is accepted that the scheme does have some benefits and these are discussed in the report above. However there are also harmful elements of the scheme also discussed above which outweigh the benefits in this case. Consequently the development is unacceptable for the reasons as set out below.

Recommendation:

REFUSE

1 The development does not make adequate provision for the parking and turning of vehicles to be achieved on the site. Furthermore the land required to provide pedestrian improvements on the southern side of Lower Bristol Road is not included within the application site, such as to ensure that the proposed pedestrian improvements can be achieved. The proposal is therefore contrary to policies T.1, T.3, T.24 and T.26 of the Bath & North East Somerset Local Plan (including minerals and waste policies) 2007, and Policy 1 of the Joint Replacement Structure Plan and policy 32 of the National Planning Policy Framework.

2 The development proposed is considered unacceptable due to i) the extent of those demolitions whereby these are not considered to be justified based upon the proposals and ii) The scale and in particular the height of the proposals and as a consequence of these two principle factors the development would be harmful to the World Heritage Site, Conservation Area and nearby Listed buildings/structures. This would be contrary to the Bath and North East Local Plan (including minerals and waste policies) 2007 BH1, BH2, BH3, BH5, BH6, BH7, D2, D4, and policies 17, 56,58,59, 61,64, 128, 131, 133, 135, and 137 of the National Planning Policy Framework.

3 Inadequate information has been submitted to properly assess the effect of the development on trees and landscape features contrary to contrary to Policy NE12 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraph 118 of the National Planning Policy Framework.

4 Inadequate information has been submitted to demonstrate that the proposals are located sufficiently far from the riverbank so as not to impede its necessary emergency maintenance contrary to Policy NE14 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and paragraph 103 of the National Planning Policy Framework.

5 Inadequate information has been submitted to demonstrate that the proposals are able to provide enhancement of the river area, contrary to Policy GDS1/B12 of the Bath and North East Somerset Local Plan (including minerals and waste policies) 2007 and Policy 114 of the National Planning Policy Framework.

PLANS LIST:

32/12, P001 REV. A, P002 REV. B, P003 Rev A, P004 REV A, P005 REV A, P006 REV A, P007 REV A, P008 REV A, P009 REV A, P0010 REV A, P0011 REV A, P0012 REV A, P0013 REV

A, P0014 REV A, P0015 REV A, P0016 REV A, P0017 REV A, P0018 REV A, P019 REV A, P020 REV A, ACAD-ASTRA-HOUSE-BATHR4 REV. 4, sheets 1-20 of 20, GA01 REV A

Statement of Positive and Proactive working.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised in writing that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and the Local Planning Authority moved forward and issued its decision.