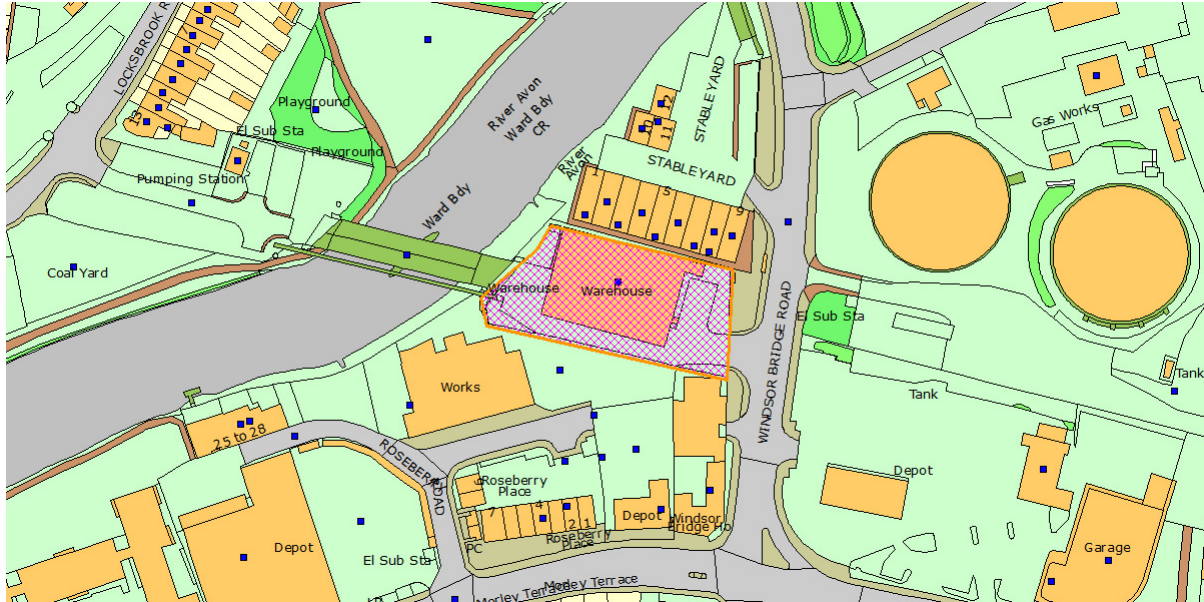


REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 18/03797/FUL
Site Location: Chivers House Windsor Bridge Road Twerton Bath BA2 3DT



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Blackburn Councillor June Player

Application Type: Full Application

Proposal: Demolition of existing building and redevelopment of the site to provide 95no. dwellings across two separate buildings. External works including hard and soft landscaping and site clearance works with land set aside for the future facilitation of a Sustainable Transport Route. Proposed vehicular access to Windsor Bridge Road and provision of 26no. vehicular parking spaces and cycle parking.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Railway, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, Policy ST2 Sustainable Transport Routes,

Applicant: C G WBR (Ltd)
Expiry Date: 15th March 2019
Case Officer: Chris Griggs-Trevarthen

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

REPORT

The application site is located immediately off the west side of Windsor Bridge Road adjacent to the River Avon. The site is approximately 0.27ha in size and currently houses a large commercial warehouse building which is currently being used as a storage facility. The site slopes gently from east to west with an approximate ground level of 17.63 metres AOD (at Windsor Bridge Road) rising to 18.60 at the west. The west of the site is currently terminated by means of a palisade fence beyond which sits a redundant railway bridge over the River Avon.

The site falls within the Bath World Heritage Site, is part of the Bath Enterprise Zone and is within the Twerton Riverside Area as defined in the Core Strategy (Policy B3). It is also identified as a site of potential concern in respect of contaminative historical uses and is almost entirely within flood zone 2 with 3% of the site area falling inside flood zone 3. A designated sustainable transport route (Policy ST2) runs through the site. The boundary of the Bath Conservation Area runs along the bank of the river adjacent to the site.

The application proposal is for the demolition of the existing warehouse (1,498sqm) and redevelopment of the site for a residential scheme comprising 95no. dwellings across two separate buildings, external works including hard and soft landscaping, parking and access.

There are two proposed buildings arranged in a tandem formation with the western building (7 storeys) facing onto the River Avon and the eastern building (6 storeys) fronting Windsor Bridge Road. Separate cycle storage would be provided within an external covered shed adjacent to the southern boundary. The proposal includes a pedestrian and cycle link along the northern edge of the site.

RELEVANT PLANNING HISTORY

Planning permission 18/00770/FUL

Demolition of existing building. Redevelopment of the site for a mixed use scheme comprising the erection of one 9 storey building and one 7 storey building to provide student accommodation (Sui Generis), comprising 199 studio bed spaces and communal facilities together with 8no. affordable studio dwellings; and 570sqm of office space (Class B1) with associated external works, access, landscaping and parking.

Application status - WITHDRAWN - 9th May 2018

Planning permission 15/03084/FUL

Subdivision of existing warehouse to form two units and associated elevation changes, partial change of use to allow storage, distribution and sale of hard wall and floor coverings and associated products and/or Class B8 and associated car parking and infrastructure.

Application status - PERMITTED - 7th January 2016

Officer note: This permission is currently extant, but has not been implemented.

Planning permission 09/00307/ERE03

Expansion of existing Newbridge Park and Ride facility to provide 500 spaces construction of a central amenity building, the construction of a bus transit system along with associated landscape and engineering works

Application status - PERMITTED - 9th November 2009

Officer note: The site was along the route of the bus transit system. This permission has not been implemented and has lapsed.

The following planning applications for other sites are also relevant:

Address: Roseberry Place

Planning permission 15/01932/EOUT

Mixed-use regeneration comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (Use Class B1) (up to 4,500 sq m gross), local needs shopping (up to 1,350 sq m gross) together with all associated development including demolition of existing buildings, site remediation, construction of new access roads and riverside walkway/cycle path, landscaping and tree planting

Application status - PERMITTED - 10th August 2016

Planning permission 16/03114/ERES

Approval of Reserved Matters in relation to outline application 15/01932/EOUT (Phase 1 of the development comprising 171 flats, local needs shopping unit, and associated development)

Application status - APPROVED - 30th November 2016

Address: Bath Western Riverside (BWR)

Planning permission 06/01733/EOUT

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

Application status - APPROVED - 20th December 2010

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

The Council have adopted an EIA screening opinion in respect of the proposals. It is considered that, having regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that the application does not represent EIA development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

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

ENVIRONMENTAL PROTECTION: No objection, subject to condition.

ENVIRONMENTAL MONITORING: No objection, subject to condition

DRAINAGE AND FLOOD RISK: No objection

CONTAMINATED LAND: No objection

WASTE SERVICES: No objection

ARCHAEOLOGY: No objection

ECOLOGY: No objection, subject to conditions

PARKS DEPARTMENT: No objection, subject to s106 agreement

CANAL AND RIVER TRUST: No comment

ENVIRONMENT AGENCY: No objection, subject to conditions

PLANNING POLICY: Objection

As submitted the proposed redevelopment of Chivers House is contrary to Development Plan Policies B1, B3, B5, ED2B, CP5 and ST7, and should be refused. The principle of the proposed safeguarding and enabling of the sustainable transport route (Policy ST2) is supported, but the applicants need to go further to ensure it is implemented.

ECONOMIC DEVELOPMENT: Objection

Overall the scheme is not able to demonstrate why the loss of an employment site that is in high demand can be justified in economic development terms.

HOUSING: Objection

This application triggers Planning Policy CP9 thus a 30% affordable housing contribution is required. Based upon the number of dwellings (95) within this application the affordable contribution equates to 29 dwellings.

VIABILITY ASSESSOR: Comments

The assessor analysis shows the development to have a viability deficit at a policy compliant level of Affordable Housing (30%). The assessors are therefore of the opinion that 30% Affordable Housing is not viable, but based on the appraisal undertaken on behalf of the council, it is considered that the scheme is viable at 18% affordable housing delivery.

HIGHWAYS: Objection

The application has failed to demonstrate that the Sustainable Transport Route can be appropriately safeguarded and would be deliverable along the proposed route. The proposal is therefore considered to be contrary to Policy ST2 of the Bath & North East

Somerset Placemaking Plan and the National Planning Policy Framework, which seek to secure opportunities to promote sustainable transport modes.

The proposed development would not provide an appropriate level of on-site parking spaces which would exacerbate highways safety and residential amenity issues associated with additional on-street parking, and is therefore contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan.

URBAN DESIGN (First comment): Objection

1. The ground level consists of blank frontages and uses that create a poor quality public realm and poor connectivity. The service uses located here raise the building up a storey, and the relationship with Roseberry Place is limited to a car park proposed adjacent to a service yard, which is hostile public realm for pedestrians and a poor placemaking as the setting for a large residential building.

2. The height proposed competes with the 'palazzo' buildings at BWR that were designed to be the only buildings that rise above the skyline in the BWR masterplan. The images of the consented BWR scheme are misleading as they are of planning parameters, not buildings. The actual and perceived heights of the proposed buildings on this site are still too high for the context and cityscape/skyline. This is at odds with the world heritage site attributes.

3. Pedestrian routes though the site, should be designed as part of the public realm of this scheme. Connections to adjacent sites need to be designed in. Movement between different levels needs to be resolved. It is poor practice to leave the whole setting of such a large and high impact building to the design of others - permission should be sought for a comprehensive scheme even if it is to be delivered separately.

4. If there was a further reduction in overall height, scale and massing, the architectural approach to buildings with the massing broken up at upper levels would be positive.

5. Views need to be verifiable. They do not appear to detail whether best practice guidelines have been followed e.g. use of 50mm lens, with site in the centre of a cylindrical view. Visualisations are misleading if not produced to appear as they would actually be seen.

6. Sustainable construction policies appear to have been addressed.

URBAN DESIGN (Second comment): Objection

1. Pedestrian routes appear to have improved, but the relationship of difference in heights between this and adjacent site appears to remain unresolved. The shed increases separation and creates poor environment.

2. A further reduction in overall height, scale and massing would assist the scheme fitting the cityscape. The broken up massing at upper levels is positive, but does not sufficiently address the bulk of buildings proposed.

3. Materials should reflect local vernacular or present a departure that is appropriate to the site and city. Ashlar buildings of this scale would have an increased presence in the cityscape, and buff brick is not typical of the city for buildings of this scale.

LANDSCAPE: Objection

While a further reduction in height of both buildings would be beneficial it is not considered that an objection to the proposed development in its current form on the grounds of its likely impact on local landscape character, features local distinctiveness or views can be justified.

Similarly, it is considered that the proposed development would not result in significant harm to the Outstanding Universal Value of the Bath World Heritage Site.

However, it is considered that the development proposals are not acceptable in their current form because the external areas:

- do not provide a safe, comfortable varied and attractive environment
- do not make sufficient connections to their surroundings for pedestrians and cyclists
- are not designed for ease of walking and cycling
- do not consider the needs of pedestrians first, then cyclists then vehicles
- are dominated by car parking and highways
- surfaces are neither safe nor legible
- street trees and green spaces are not adequately sited
- do not allow for the provision of adequate and useable communal-amenity space

ARBORICULTURE: Objection

The proposal compromised the retention of T2 and does not demonstrate that it makes a positive contribution to the Green Infrastructure (GI) network through the creation, enhancement and management of new and existing GI assets.

CONSERVATION: Objection

The height of the buildings has been reduced (since the previous application) which does reduce the overall level of harm. Nevertheless the scheme is still for tall buildings, which in the context of other redevelopment in the area will harm the views and experience of the World Heritage Site and conservation area.

HISTORIC ENGLAND (First comments): Comments

Chivers House is situated just outside the Bath Conservation Area and within the Bath World Heritage Site. Historically the area was an industrial site along the river's edge, dominated by a number of oil storage containers. The site sits directly on the riverside and plays a part in views out of the Conservation Area from the tow path as well as in longer views across the World Heritage Site from higher ground. Current views across the river

are dominated by foliage with an awareness of the industrial nature of the development beyond. However, the approval of recent applications, including the Western Riverside Development and that at Roseberry Place, will see significant changes to this character.

We acknowledge that this application has significantly decreased the overall height of the proposed development; however we continue to have some concerns regarding the impact that the height and scale of the development in this area is having on views into and out of the Conservation area and the World Heritage Site. While the harm of this particular building is lessened through the changes made, the over dominance of an accumulation of tall buildings in this area will have a detrimental impact on views and the experience of the wider World Heritage Site.

As outlined in our previous advice, we are aware that the Western Riverside development includes a number of 'landmark' buildings that are 8 or 9 storeys at their tallest, however, these 'landmark' buildings were heavily debated at the time of approval and been accepted as unusual breaks within the skyline at this location. They should not, therefore be seen as a ceiling benchmark for all developments in the vicinity. Instead, schemes should work to limit the overall effects of dominance, and be mindful and sympathetic to views into the historic core from further afield. A more appropriate response would be to acknowledge the transition that this makes between Industrial and domestic scale and provide articulation.

We therefore continue to advise that, when considered alongside the previous permissions given, the potential for harm to the wider historic environment is considered to be less than substantial, but to approve would be to risk setting a precedent for continual height increase that will negatively impact on views across the World Heritage Site and out from the Conservation Area.

It is also worth noting that the NPPF in paragraph 132 reminds us that 'great weight' should be given to the conservation of a designated heritage asset, and that the more important the asset, the greater the weight should be. In this context, we remind you of the City of Bath's World Heritage Site status; which denotes its townscape as a heritage asset of the very highest significance.

HISTORIC ENGLAND (Second comments): Comments

The amended information submitted in relation to Chivers House do not alter the design, height or massing upon which the previous advice from Historic England was provided. As such, our earlier comments provided in the letter dated 27th September remain relevant.

The additional verified views are helpful in understanding the visual relationship that the building will have in the immediate and wider surroundings, however our original concerns that the over dominance of and accumulation of tall buildings in this area will have a detrimental impact on views and the experience of the wider World Heritage Site. We therefore continue to advise that, when considered alongside the previous permissions given, the potential for harm to the wider historic environment is considered to be less than substantial, but to approve would be to risk setting a precedent for continual height increase that will negatively impact on views across the World Heritage Site and out from the Conservation Area.

TWO TUNNELS GROUP: Support

Greatly encouraged by the positive proposals incorporated within the site design which incorporates potential access to the former Midland Railway Bridge (aka the Locksbrook Bridge) via shared use walking and cycle paths to and from the Two Tunnels Greenway and Bath Western Riverside. These will help in fulfilling the Council's Enterprise Area aspiration to create a walking and cycle path to the north of the current riverside path and eventually Newbridge and beyond included in the Place Making Plan.

We also acknowledge the developer's willingness to consider refining proposals following discussions with TTG representatives including the potential for a push up/down ramp adjacent to the southern access point to connect the bridge and the Two Tunnels Greenway.

BATH HERITAGE WATCHDOG: Objection

This proposal seems at odds with a number of the Council's own Policies and Planning Documents especially the World Heritage Site Management Plan, the Building Heights Strategy and the Bath Western Riverside SPD. It has the potential by virtue of its height, scale, mass and design to put Bath's World Heritage Status at risk by causing more severe detrimental impact and harm to the Character and Setting of the World Heritage Site, and will have an adverse impact on views in/out and across the World Heritage Site and the setting of numerous heritage assets. It would fail to preserve or conserve the character of the Conservation Area. In its current form the scheme is contrary to Policies B1, B4, B5 and CP6 of the BANES Core Strategy and Policies D1, D2, D4, D5 of the Local Placemaking Plan and therefore should be refused.

We also consider that an application for 95 households should not be approved unless there is a reasonable proportion that is "affordable". There will be a developer who will propose a scheme with that as a pre-condition, even if the current applicant won't.

BATH PRESERVATION TRUST: Objection

Whilst the Trust recognises that the revisions to the scheme do go some way to reducing the impact of this scheme on the character of the conservation area and riverscape, we maintain our objection to this scheme on the basis of the harmful impact of the height and bulk of the buildings, and the fact that the proposed scheme does not include any affordable housing.

COUNCILLOR JUNE PLAYER: Requests that the application be taken to committee if officers are minded to approve the application.

In view of the fact that this development is not providing any Affordable Housing when it should be 30%, it is contrary to Policy CP9 of the Bath & North East Somerset Core Strategy 2014.

It is also not offering any employment space even though it is in an Enterprise Zone at a location that is most suitable for it as well as not providing sufficient On-Site parking which is contrary to Policy ST7 of the Placemaking Plan 2017.

COUNCILLOR PAUL CROSSLEY: Requests that the application be taken to committee if officers are minded to refuse the application.

It is a very interesting application and that the changes from the previous application are considerable. It is considered there are no height issues and there are no student dormitory issues. The opening up access to the cycleway is a considerable gain. It's position on major bus routes and the cycle way and footpaths make this is a very sustainable location. The emphasis on starter accommodation is to be welcome.

THIRD PARTIES/NEIGHBOURS: 4 letters of OBJECTION have been received. The main points raised were:

All of the comments referenced concerns about the lack of on-site parking provision within the scheme. They considered that this would result in an increase in off-street parking, particularly in Hungerford Road, and cause in an increase in traffic and road safety issues.

Several comments objected to the loss of the existing business premises on the site and considered that the proposed housing did not outweigh the loss of local jobs. It was asserted that the site once employed 100 staff.

Several concerns were raised about the high density of the proposals and the pressure this would place upon local services.

One comment indicated that there was a need for affordable family homes in the area.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES

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

SD1 Presumption in favour of Sustainable Development
DW1 District Wide Spatial Strategy
B1 Bath Spatial Strategy
B3 Strategic Policy for Twerton and Newbridge Riversides
B4 World Heritage Site
CP2 Sustainable Construction
CP3 Renewable Energy
CP4 District Heating
CP5 Flood Risk Management
CP6 Environmental Quality
CP7 Green Infrastructure
CP10 Housing Mix
CP12 Centres and Retailing
CP13 Infrastructure Provision

RELEVANT PLACEMAKING PLAN POLICIES

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

SCR1 On-site Renewable Energy Requirement
SCR2 Roof mounted/Building-integrated Scale Solar PV
SCR5 Water Efficiency
SU1 Sustainable Drainage
D1 General Urban Design Principles
D2 Local Character and Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public Realm
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE2A Landscape Setting of Settlements
NE3 Sites, species and habitats
NE6 Trees and woodland conservation
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
PSC3 Air Quality
PCS5 Contamination
PCS7A Foul Sewage Infrastructure
H7 Housing accessibility
ED2B Non-strategic Industrial Premise
ST1 Promoting sustainable travel
ST2 Sustainable Transport Routes
ST7 Transport requirements for managing development

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

SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

City of Bath World Heritage Site Setting SPD (2013)

Bath City-wide Character Appraisal SPD

Planning Obligations SPD (2015)

Draft Brassmill Lane, Locksbrook and Western Riverside Character Appraisal: Bath Conservation Area (2015)

Strategic Flood Risk Assessment (SFRA) of Bath and North East Somerset (2009)

Green Infrastructure Strategy (2013)

West of England Sustainable Drainage Developer Guide (2015)

Bath Building Heights Strategy (2010)

Waterspace Study (2017)

LEGISLATION

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

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Affordable Housing
3. Character and appearance
4. Highways and parking
5. Sustainable Transport Route
6. Flood Risk
7. Residential amenity
8. Ecology
9. Trees and Green Infrastructure
10. Archaeology
11. Contaminated land
12. Surface water drainage
13. Planning Obligations
14. Community Infrastructure Levy and New Homes Bonus
15. Sustainable design, construction and energy
16. Air Quality
17. Planning balance
18. Conclusion

1. PRINCIPLE OF DEVELOPMENT

Policy context

The relevant policies to consider in respect of the principle of development are B1 and B3 of the Core Strategy and policy ED2.B of the Placemaking Plan.

Policy B1 seeks to enable the development of about 7,020 new homes in Bath including 3,300 through large sites in the central area and Enterprise Zone and 1,150 through small scale intensification throughout the existing urban area. It also states that, subject to compliance with all other policy considerations, residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt.

Policy B1 also sets the strategic context for economic development in the city of Bath and plans for a contraction in the demand of industrial floor space from about 167,000sqm in 2011, to about 127,000sqm in 2029, but to also sustain a mixed economy to support Bath's multi-skilled workforce and multifaceted economic base by retaining a presumption of favour of industrial land in the Newbridge Riverside area.

Policy B3 refers to both the Newbridge and Twerton Riverside areas. The site falls within the Twerton Riverside Area which the policy states has contracted as an industrial location in recent decades. It also states that this area is suitable for a broader range of uses and there is scope to redevelop the area to provide new business (B1a, b and c) premises and housing. It also states that it will be necessary to maintain an appropriate level of land in this area for B1c uses alongside office uses and housing. It also identifies one of the risks to these areas as being an excessive loss of industrial space which would harm Bath's mixed economic profile.

Policy ED2.B outlines that applications involving the loss of non-strategic industrial sites for other uses will normally be approved unless there is a strong economic reason why this would be inappropriate.

Loss of industrial floorspace

The building is presently in short term storage use, having been a warehouse and offices for BBC Audio Books. It has a recent (2015) permission for division into two B8 units with ancillary A1 use.

The loss of this B8 floorspace is subject to the provisions of policy ED2.B. The presumption is that an alternative use should normally be approved unless there is a strong economic reason why this would be inappropriate. It is therefore necessary to consider whether there is a strong economic reason why the loss of this floorspace for an alternative use would be inappropriate.

The existing premise has 1,498sqm of floor space in use as B8 warehousing. It is currently occupied as a temporary storage facility for a Bristol based retailer employing two full time equivalent staff. The existing premises are therefore providing some productive use, albeit this is a relatively low level of productive activity for the size of the site. The unit has currently been let on a short term basis and is therefore unlikely to have attracted a longer term, potentially more economically productive, use/occupier. However,

it appears to have a history of occupiers and there is no evidence of significant periods of vacancy when it was not in a productive use.

The site represents a purpose built warehousing facility with associated offices and has the potential to host a more productive occupier than the current short term user. Given the history of occupiers, it is therefore considered that a more productive re-use of the premise would be feasible. Furthermore, re-development of the site for a more productive industrial use would also be feasible and this has been demonstrated by the marketing evidence submitted with the previously withdrawn application (ref: 18/00770/FUL) .

A marketing exercise was undertaken by Hartnell Taylor Cook LLP starting in January 2016 and offering the site up on a freehold basis. The marketing report indicates that the response to the marketing exercise was strong with over 150 enquiries leading to 25 viewings of the property. A total of 18 bids were made for the site, details of which were included within the marketing report.

A total of 6 bids were made by self-storage operators seeking to redevelop the site for a self-storage facility (B8 use), 5 of these bids were unconditional. A further 2 bids sought to utilise the existing use in addition to some redevelopment potential. There was open bid from a developer seeking to redevelop the site for a trade counter scheme and one bid from a retailer seeking to adapt the existing building for a tile retail use. The remaining bids, including the winning bid, were made by student accommodation and residential developers.

It is considered that the marketing exercise demonstrates that there is considerable interest in the use or redevelopment of this site for industrial use purposes.

This is reflective of the market signals of demand for industrial floorspace within Bath where there is currently a vacancy rate for industrial space of below 1%, representing less than one year's supply at current take-up rates. The Bath and North East Somerset Industrial Market Review (Nov 2015) identified that there was un-met demand for industrial space in Bath for units between 500 - 2,000sqm. A more recent 2018 Bath "Commercial Edge" report from Carter Jonas reinforces these findings and indicates that the current vacancy rate for industrial space in Bath represents just 4month's supply at current take-up rates and that there is high level of demand. It is therefore considered that there is a clear market demand for this type/size of unit in this location.

The Economic Development and Regeneration Team have indicated that there is little or no industrial land or floorspace available within the city. Furthermore, the Placemaking Plan makes no provision for new industrial sites within Bath and there have been no significant windfall gains in industrial floorspace in recent years.

In terms of the strategic context, the Placemaking Plan site specific policy framework makes provision for the required expansion in the stock of office space and the planned contraction of industrial space. In particular, the monitoring of industrial space in Bath between 2011-2017 has shown that, against the B1 policy target of a managed loss of 40,000sqm of industrial space to 2029, to date the actual loss is 23,000sqm. Read in conjunction with the planned losses included in the Placemaking Plan site allocations it is projected that the city could lose over 60,000sqm of industrial floorspace, well in excess of the policy target.

The emerging West of England Joint Spatial Plan has provided an evidence base identifying employment growth performance within the sub region between 2010 and 2016, this identifies employment growth rates in the City and B&NES lacking behind the West of England. In addition, there is evidence that some industrial sectors have experienced employment growth over the period.

The methodology used to derive the loss of 40,000sqm of industrial accommodation in the City is based on an assumed/forecast loss of employment in the relevant sectors. It is therefore important to monitor employment gains and losses as well as floorspace. BRES data for the city shows that between 2011 - 2015, rather than a decline, there was actually an increase of 16% in industrial employment. This is placing a greater premium on retaining the city's stock of industrial space and avoiding any further un-planned losses of useable accommodation.

The above indicates that the lack of employment space in the city is restraining growth and that loss of further industrial space may result in the failure to "sustain a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base" as required by policy B1 of the Core Strategy.

In respect of the Twerton Riverside area more specifically, Planning Policy have undertaken an analysis which demonstrates that, whilst the percentage of office floorspace in this area has increased from 4% to 16%, the percentage of non-office B class uses has decreased from 96% to just 8%. The area is now dominated by purpose built student housing which represents 52% of all land uses.

This analysis indicates that the further loss of industrial floorspace from Twerton Riverside would be contrary to the objectives of policy B3 of the Core Strategy of preventing an excessive loss of industrial space and seeking to maintain a mixed economic profile.

In summary, the following is clear:

1. The site is currently in a productive use, albeit short term and low level;
2. The site has potential to be used more productively (within the same or other similar industrial use class);
3. There is considerable interest and market demand for an industrial use on this site;
4. There is limited industrial land or floorspace available within the city and no new floorspace planned;
5. The loss of further industrial floorspace (other than that identified in the Placemaking Plan allocations) is contrary to the economic development objectives of policies B1 and B3 of the Core Strategy;

It is considered that the above factors amount to a strong economic reason why the redevelopment of this site for non-industrial floorspace would be inappropriate.

The proposal is therefore considered contrary to the economic development strategy expressed in policies B1 and B3 of the Core Strategy and policy ED2.B of the Placemaking Plan.

Proposed Housing

The proposal includes the provision of 95 dwellings across the two proposed buildings comprising a mix of studio, one bedroom and two bedroom units.

The principle of new housing in Bath and within the Twerton Riverside area is acceptable in accordance with policies B1 and B3 of the Core Strategy. The proposals represent a significant number of windfall dwellings which accord with the housing aims of strategy. However, this must also be considered in the aims of policy B3 to prevent an excessive loss of industrial space.

It is considered that, whilst the proposed dwellings are identified as acceptable within the Twerton Riverside Area, the benefits of the providing these dwellings in accordance with the strategy must be balanced against the harm arising from the loss of industrial floorspace contrary to the strategy.

Conclusions on the principle of development

The development plan in Bath (as expressed in policies B1, B3 and ED2B) seeks to encourage the development of new housing within the Enterprise Zone, but also seeks to prevent the excessive loss of industrial floorspace within the city and, in particular, the riverside areas (including Twerton Riverside). The current proposal therefore places these two objectives in tension with one another.

The proposal conflicts with the strategy in respect of the loss of the industrial floorspace on the site. The harm arising from this conflict must be weighed against the benefits of providing dwellings on the site to establish whether the proposal is contrary to the development plan as whole.

This is discussed in the planning balance section at the end of this report.

2. AFFORDABLE HOUSING

Policy CP9 of the Core Strategy requires new housing developments within this part of Bath to provide 30% of the proposed dwellings as affordable housing.

The application states that the proposals will not provide any affordable housing. The applicant argues that the provision of any affordable housing on this site would make the development scheme unviable and have submitted a viability appraisal in an effort to demonstrate this.

The Council's own viability assessors have reviewed the submitted appraisal and they have concluded that, whilst some reduction to the 30% policy target is justified, the scheme could viably delivery at least 18% affordable housing. This equates to 17 affordable dwellings.

However, the applicant has maintained that they will not provide any affordable housing as part of the proposal. This position is therefore contrary to policy CP9 of the Core Strategy and would result in a loss of affordable housing which could otherwise be achieved.

3. CHARACTER AND APPEARANCE

Context

The site is currently occupied by a low rise warehouse building. Further low rise industrial units are located immediately to the north of the site.

Along the north side of Lower Bristol Road the buildings heights vary between 3 and 4 storeys before stepping down to the low rise Herman Miller building. The south side of Lower Bristol Road is occupied predominately by 2 storey buildings in a mix of residential and commercial uses.

Immediately to the south of the site is the Roseberry Place redevelopment (15/01932/EOUT) which is currently under construction for a mixed use scheme comprising the erection of six buildings to accommodate up to 175 flats, flexible business employment floorspace (up to 4,500 sq m gross) and local needs shopping (up to 1,350 sq m gross). The building heights vary between 3 and 5 storeys with a small corner of one of the buildings rising up to 6 storeys.

To the east lies the former gasworks site which is earmarked for redevelopment as part of the Bath Western Riverside (BWR) allocation (SB8). Stage 1 of the development has almost been completed with stages 2, 3 and 4 seeking to move progressive east-west across the site to bring development up to its boundary with Windsor Bridge Road. This nearby development contains a variety of development blocks of differing heights between 4 and 6 storeys. The detailed design of these blocks has not yet been permitted. The outline planning permission (06/01733/EOUT) includes provision for three 'landmark' buildings of between 8 and 9 storeys. One of these larger buildings has already been constructed, with another one also almost completed. The western most of these larger buildings does not yet have reserved matters consent.

The site falls within the wider Brassmill Lane, Locksbrock and Western Riverside Character area (as identified in the Bath City-wide Character Appraisal SPD 2005) where it is stated that there is considerable coherence of building heights despite the diversity of uses. By far the most common is one or two storeys, commercial and residential respectively.

Height, scale and massing

The proposed building concept is based on continuing the 'Palazzo' typology found within BWR with a building of the height, scale and form as historically found in industrial buildings in Twerton. This is at odds with the use proposed and context of this site.

The Palazzo were intended to punctuate the skyline with unique buildings of high architectural quality. The housing typology of the BWR 'landmarks' allows there to be flexibility and much articulation in the design of elevations and roofs and the scale of those buildings is specifically justified by setting them in generous publicly accessible landscaping that is proportionate to the size of those buildings.

The proposed scheme can never achieve that concept. The buildings have little more than the width of a pavement around every elevation and thus occupy too large a footprint to allow for the design of any meaningful landscape setting or public realm. The height, volume, size, bulk and footprint of buildings appear to be contrived entirely by the quantum of development proposed and not designed according to cues from the context either historic or current.

As noted in the 2008 Mission Report by UNESCO, the acceptance of the heights and masses of the BWR 'landmark' buildings can be understood if account is taken of the former gasometers which occupied the site. It was considered that the new tall buildings at BWR did not have a greater impact than the volume of the gasometers which previously dominated the site. This is expressed in the spatial masterplan found within the BWR SPD (2008) which directly links the acceptability of these 'landmark' buildings to the size and scale of the former gasholders on the site. The SPD does not indicate the current application site as a potential location for a 'landmark'.

The SPD also states any redevelopment must respect the relative proportions and enclosure ratios found within the city to fully reflect the context and that taller structures will need relatively more space to create the suitable balance. This is something which the current scheme does not achieve.

There is recognition in the submitted Design and Access Statement that the site requires built elements of a more human scale and the scheme has attempted to achieve this through the proposed cycle stores. This is not enough to address this concern, and causes the space available in the public realm to diminish further as it is hosting the store structures. The form, height, massing, bulk, footprint and size of the primary buildings proposed are not of a human scale and do not utilise architectural devices to address this.

The Design and Access Statement points to the context of the Roseberry Place development which rises to 6 storeys adjacent to the application site. However, it is important to note that the height of this part of Roseberry Place was considered to be harmful by the officer assessment undertaken at the time of the decision and that the development was ultimately justified on the basis of its benefits outweighing this harm (including the provision of a significant amount of office floorspace). Whilst it is correct to state that Roseberry Place and other developments along the river corridor have had the effect of changing the character of this part of the river corridor, this effect has never been acknowledged as a positive change in terms of townscape. In fact, as expressed in the comments by Historic England, the over dominance and accumulation of tall buildings in this area is considered to have a detrimental impact. The current proposal would not only contribute towards this accumulation and expansion of tall buildings, but would also go further by pushing the envelope of building heights beyond that of its immediate surroundings.

Whilst the redevelopment of BWR has resulted in a number of larger scale buildings now occupying parts of the river corridor, the general character is that the building heights step down as the development moves further away from the centre of BWR. The current proposal would buck this trend and would push buildings heights further upwards to the detriment of the general character of the townscape.

Setting and public realm

Very large scale buildings such as those proposed require a generously sized public realm to provide an adequate setting as, for example, in the nearby BWR development. Instead, the space between the buildings is squeezed and currently appears to be dominated by car parking and vehicular access. There is a distinct lack of active uses at ground floor which is dominated by the undercroft parking, plant and store rooms. The areas of landscaping provided are minimal left over spaces which do little to soften or enhance the sense of place.

The entrances to the buildings are tucked behind the main elevation to Windsor Bridge Road and are located away from the pedestrian route through the site too, so lack legibility. Access and egress to the west building involves significant conflicts between pedestrian, cycle and vehicular traffic and has not been satisfactorily resolved. Furthermore, there is no ground level natural surveillance throughout the development at night.

The landscape officer has reviewed the development and considers that the proposals are not acceptable because:

1. They do not provide a safe, comfortable varied and attractive environment or offer opportunities for interaction and delight;
2. They do not make sufficient connections to their surroundings for pedestrians and cyclists;
3. They are not designed for ease of walking and cycling;
4. They do not consider the needs of pedestrians first, then cyclists then public transport users then vehicles;
5. Car parking and highways design dominates the public realm;
6. Shared surfaces are neither safe nor legible;
7. Some of the proposed street trees and green spaces are not adequately sited to promote connectivity for people and wildlife; and,
8. They do not allow for the provision of adequate and useable communal-amenity space.

Similarly, the Urban Design officer has supported these comments stating that the ground level consists of blank frontages and uses that create a poor quality public realm and poor connectivity. They also consider that the relationship with Roseberry Place is limited to a car park proposed adjacent to a service yard, which is considered to be a hostile public realm for pedestrians and poor placemaking as the setting for a large residential building. The south-west corner of the site where the scheme should link in with the Two Tunnels route is not detailed and left as a vague connection. The north-south section drawing through the site shows the retention of a large, blank retaining wall adjacent to the footpath running along the northern side of the Roseberry Place development. The proposed scheme appears to pay no regard to this pedestrian route and it is clearly a missed opportunity for both sites to open up to each other in the interests of creating a coherent well connected public realm.

Materials

The east building is proposed to be constructed in natural bath stone cladding. The west building is proposed in two differing tones of buff brick. Both contain metal standing seam roof forms with light bronze anodised aluminium detailing.

Whilst Bath stone is a material which accords with the local vernacular, its use on such a large scale building adds to the bulk and monolithic character of the design. Buff brick and bronze are not materials generally associated with the character of the city. These materials do not continue the detail and quality of the 'palazzo' at BWR.

The proposed development therefore represents poor design which conflicts with a number of key urban design principles, does not respond appropriately to local character and distinctiveness (particularly in terms of building height) and does not contribute positively towards urban fabric. The proposed development is therefore considered to be contrary to policies D1, D2, D3, D4, D5 and D10 of the Placemaking Plan.

Impacts on World Heritage Site

The Outstanding Universal Value (OUV) of the City of Bath World Heritage is the principle reason why the World Heritage Site was inscribed and is a key part of its heritage significance. The statement of Outstanding Universal Value identifies 6 headline attributes which are:

1. Roman Archaeology
2. The hot springs
3. Georgian town planning
4. Georgian architecture
5. The green setting of the City in a hollow in the hills
6. Georgian architecture reflecting 18th century social ambitions

The effect upon archaeology (1) is discussed in more detail in the archaeology section of this report.

The proposed development is not likely to affect the Hot Springs (2) or the Social Setting (6) OUVs of the World Heritage site.

However, the proposed development has the potential to impact upon the remaining attributes of OUV: Georgian town planning (3), Georgian architecture (4) and the green setting of the City (5).

The Bath Building Heights Strategy provides a useful framework within which decisions can be made about the appropriate height of new buildings to ensure the protection of the OUV of the World Heritage Site. It states that the height and scale of new development should respect and respond and contribute to the character of Bath, building on its heritage and values associated with it

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

considered when assessing planning applications. The height of new buildings and the consequent impact upon views and the general character of the World Heritage Site is an acknowledged issue in the Management Plan and potential risk to OUV.

The application site is identified within the Building Height Strategy as falling within 'zone 3 - Valley Floor' where the recommended building heights are given as 4 storeys with one additional setback storey likely to be acceptable. However, it also states that it may be necessary for the building height to be fewer than 4 storeys in response to heritage assets, residential amenity and to prevent intrusion in views. It identifies the objectives of this zone to be:

1. To preserve and/or enhance the landscape setting of the Georgian city in terms of its openness, degree and type of landscape features, siting and orientation of development and visual relationships between built form and landscape;
2. To maintain the visual coherence of the Georgian City by avoiding visually outstanding buildings;
3. To protect, manage and plan appropriately for a green and treed river corridor to support the OUV and SNCI designation of the river and its corridor;
4. To maximise the regeneration potential of the valley floor and support sustainable development.

The strategy also points out that development along the riverside should be subservient to the Georgian City and avoid merging with it to retain legibility of the Georgian city particularly when seen from higher ground.

The application site currently does not play any significant role in contributing towards the OUVs of the World Heritage Site. Its low rise built form means that views over the site are uninterrupted and such that it does not detract from or compete with the Georgian city or adversely affect the appreciation of the green setting of the city.

As acknowledged in the submitted heritage impact assessment, the site is visible from a number of city-wide viewpoints. A landscape and visual impact assessment has been submitted including accurate visual representations (AVRs) of the proposed development within a number of these viewpoints.

The submitted AVRs demonstrate that the proposed development will clearly have a marked effect on the landscape and visual character of close views (Views A, B, C).

Viewpoint C from the riverside towpath is perhaps the best illustration is this where the predominantly riparian physical and visual character would be urbanised to a significant degree by the proposed development. Similarly, the AVRs showing the proposed development from viewpoints A and B on Windsor Bridge Road evidence a significant increase in urban character.

The AVRs also demonstrate that the impact on the nature of more distant views from the surrounding landscape will be more subtle within the context of existing and adjacent recent developments in neighbouring sites to east and west. The proposed development

is discernible within these viewpoints and does rise above the height of the neighbouring development such that it not only contributes towards the accumulation and over dominance of tall buildings in this area, but it runs counter to the general trend of decreasing building heights moving away from BWR.

The proposal would also adversely affect the relationship between the city and its green setting. The landscape officer, although conservative in their estimation of harm, considers that the proposals would result in the subtle loss of glimpsed views of the surrounding green hillsides. The proposed tall buildings would also make it more difficult to pick out the river corridor in some of the higher views from the south where previously the tree lined river corridor could be readily identified.

The successive accumulation of tall buildings within middle distant and distant views has a corrosive impact on landscape and visual character. The introduction of tall buildings has the potential to screen the townscape and landscape behind them such that views are foreshortened and detail is obscured. As individual instances this may be unwelcome, but tolerable. However, the cumulative effect may be to screen ever larger portions of the hinterland diminishing the complexity of the view and in so doing subtly changing its character and eroding its quality.

The height, scale and massing of the current proposals (7 storeys and 6 storeys) will have this effect and exacerbate these issues.

Although the site only represents a small part of the overall World Heritage Site, the proposed buildings would have a detrimental impact upon the OUVs of the World Heritage Site due to their excessive height, scale and massing and therefore intrusion within many important viewpoints. It is also considered that the proposals will contribute towards cumulative incremental change over time which can also harm the OUV of the World Heritage Site, its authenticity and its integrity.

The proposed development is therefore considered to harm the OUVs of the World Heritage Site. This harm is considered to be less than substantial, but is still given great weight as is required by the paragraph 193 of the NPPF.

Impacts on the setting of the Conservation Area

The Conservation Area runs along the southern bank of the river, immediately adjacent to the application site. The site forms part of the river corridor in this locality. The draft Brassmill Lane, Locksbrook and Western Riverside Character Appraisal (2015) identifies a green corridor along the river's course as an important part of the Conservation Area. The Appraisal identifies the green river corridor as binding the character of the area together and making a positive contribution to the green setting (OUV) of the Bath World Heritage Site.

The consistency of buildings heights within this part of the character area is greater than to the south of the river. By far the most common building height is one or two storeys, commercial and residential respectively.

The character appraisal also identifies a variety of views out of the character area to the surrounding tree-clad hills and specifically identifies the area to the west of New Windsor Bridge as giving glimpses of the southern slopes towards Southdown and Whiteway. There are also many viewpoints on the hills west of the city from which views into this character area are obtained

The character appraisal describes the river as forming a ribbon of tranquillity through the centre of this character area, with nearby roads and industrial sites often screened from view and noise by strips of dense vegetation. The towpath is well used during the day by cyclists and walkers, giving this feature a slower and quieter pace matched by the occasional boats on the river.

The character appraisal specifically identifies the height of new development as a threat to the character of the conservation area ("Developers taking their cue from four - seven storey blocks of Western Riverside as justification for further tall building blocks").

The proposed height of the west building (7 storeys) combined with its close proximity to the river edge means that it would protrude intrusively above the treed banks of the river. Such a visual intrusion into the river corridor would harm both the character and the sense of tranquillity along this part of the river corridor. It will loom over users of the river and the towpath. In addition to the height, the form of the proposed building would present hard, sharp and high edges to the softer-edged river and its bank which would further emphasise its impact. Other large buildings in the surrounding area are either set further back from the river edge or are of a smaller scale than the proposed west building.

The proposed development will also intrude into and distract from views out of the Conservation Area and has the potential to screen the townscape and landscape behind them such that views are foreshortened and detail is obscured. Similarly, buildings of the height and form proposed are out of keeping with the surroundings and will detract from views into this part of the Conservation Area.

The proposed development would therefore result in harm to the setting of this part of the Conservation Area. This harm is considered to be less than substantial, but is still given great weight as is required by the paragraph 193 of the NPPF.

4. HIGHWAYS AND PARKING

The Highways Officer has raised no objection to the proposed vehicular access to this development which will utilise the existing access off Windsor Bridge Road. However, they have raised objections in respect of the level of on-site parking and the route of the STR (discussed in the section below).

The submitted Transport Assessment considers the proposed parking levels that would be provided as part of the scheme. The adopted Placemaking Plan, and in particular Policy ST7, now requires that minimum parking levels are provided in this part of Bath, although there is an allowance to undertake an Accessibility Assessment to potentially reduce the level of parking. However, only 25 spaces are proposed to serve the 95 dwellings and this falls significantly short of the minimum number of spaces that would be required to serve this type and scale of residential development.

The current parking standards in policy ST7 would require 125 spaces for the 95 dwellings proposed. A maximum reduction of 50% would be appropriate at this location given the findings of the Accessibility Assessment. The total requirement would therefore fall to 63 spaces. Even with the highest possible discount applied, the proposal would fall short of the parking standard by 39 spaces.

The lack of an appropriate level of on-site parking spaces would exacerbate the highways safety and residential amenity issues associated with additional on-street parking in this busy residential area and would therefore be contrary to policy ST7 of the Placemaking Plan.

5. SUSTAINABLE TRANSPORT ROUTE

Policy ST2 of the Placemaking Plan states that development which prejudices the use of former railway for sustainable transport purposes (as shown on the proposals map) will not be permitted.

The site lies on the route of the former railway which is designated as a sustainable transport route (STR). The line of the route runs from the Newbridge area to Bath city centre serving the majority of the Bath Enterprise Zone. The route also splits at the southern side of the river crossing and extends southward along the Two Tunnels route. The route includes the former railway bridge directly adjacent to the site to provide a river crossing.

As originally submitted the application simply set aside land to the north of the proposed buildings for an STR to be 'delivered by others'. Following discussions and negotiations, the application has been amended to now incorporate this land and the applicant has agreed to provide the extent of the STR through their site. The application now shows two positions in relation to the STR.

The first shows a level route through the site which will be provided as part of the current development.

The second shows an indicative ramped route through the site which connects to the Old Windsor Bridge, immediately off-site to the west, which could be provided at a future date when other elements of the STR are brought forwards. The applicant proposes to transfer ownership of the land for the STR to the Council as part of a legal agreement to allow the extension of the STR at a future date.

The route also conflicts with an existing electricity sub-station which is located just off the site on the adjacent highways verge. This would need to be relocated to avoid prejudicing the suggested route of the STR. The application suggests that this can be relocated on land to the north and the applicant has indicated that they have been in discussions with Western Power Distribution to facilitate this.

There is also an existing bus stop located on Windsor Bridge Road which would conflict with the proposed route of the STR. This would also need to be relocated to avoid prejudicing the STR.

Both of these matters can be secured through a s106 legal agreement.

It is therefore considered that, subject to a legal agreement securing the relocation of the substation and bus stop and the transfer of the STR land to the Council, that the proposals will not prejudice the delivery of the STR. The proposals will also ensure the delivery of part of the STR through the site itself and this can be seen as a positive of the proposed scheme.

However, the proposed route of the STR along the north side of the proposed buildings is lined with inactive uses such as the plant room, bin store, etc. These promote no interaction with the public realm. There is no ground level natural surveillance of the STR at night. The connections between the site and the STR are poor and there is limited connectivity overall. Furthermore, the south-west corner of the site where the scheme should link in with the Two Tunnels part of the STR route is not detailed and left as a vague connection.

Therefore, whilst the proposals are not considered to prejudice the sustainable transport route, the quality of the route to be provided is relatively poor and does not take full advantage of the opportunities which it presents to the site.

6. FLOOD RISK

Paragraph 155 of the NPPF states that inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It goes on to state that this will be achieved, inter alia, through the application of the Sequential Test and, if necessary, the Exception Test.

The Strategic Flood Risk Assessment (SFRA) for Bath and North East Somerset indicates that the site falls within Flood Zone 2 where there is a medium probability of flooding. Flood zone 2 is defined as land between a 1 in 100 and 1 in 1,000 annual probability of river flooding. Approximately 3% of the site falls within flood zone 3a where there is a high probability of flooding. However, the areas shown as flood zone 3a are marginal areas around the edge of the site and do not include any habitable parts of the development. It is therefore considered that the proposed can be most assessed as falling within flood zone 2.

The Flood Risk Vulnerability Classification Table within the NPPG classifies dwellings as 'more vulnerable'.

The Flood Risk Vulnerability and Flood Zone 'Compatibility' Table within the NPPG indicates that 'more vulnerable' development can be appropriate in Flood Zone 2, provided that the Sequential Test is passed.

Sequential Test

Paragraph 158 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be

allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The NPPG advises that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies' (Paragraph: 033 Reference ID: 7-033-20140306).

As discussed in the sections above, the development of housing in the Twerton Riverside area is permissible under policy B3 alongside the wider Enterprise Zone. The Twerton Riverside area and the rest of the Enterprise Zone therefore form the appropriate area of search for the housing elements of the proposed development.

A sequential test has been submitted with the application and it is broadly agreed that the majority of the sites identified by the applicant are unsuitable or not available for the proposed development.

It is therefore considered that the sequential test has been passed in accordance with policy CP5 and the NPPF.

Flood Risk Assessment

Paragraph 163 of the NPPF advises that applications should be supported by a site-specific flood-risk assessment. This has been provided with the application and reviewed by the Environment Agency who have raised no objection to the proposal, subject to a number of flood mitigation measures being secured by condition. This includes:

1. Finished floor levels at a minimum of 19.17mAOD
2. Flood Proof doors to be incorporated into the design in addition to inbuilt demountable defence attachment/anchor points.
3. Non-return valves installed on drains and water in/outlet pipes.
4. Resilient floor finishes.
5. Electrical components and sockets installed to a minimum of 20.17mAOD (i.e. 1000mm above finished floor level and served from above.
6. Flood sensitive ground floor equipment above 19.56mAOD.
7. Ventilation should be sealable and/or above the extreme flood level of 19.41mAOD.

An emergency evacuation and flood plan can be secured by condition to ensure there is an appropriate warning and response to an extreme flood event.

In light of the above, it is considered that there is no objection to the proposal on the grounds of flood risk.

7. RESIDENTIAL AMENITY

Potential occupiers

The proposal comprises 95 dwellings with a mix of studios, 1 bedroom, 2 bedroom apartments. Each dwelling is provided with a good standard of natural light and outlook. However, with the exception of a gym on the ground floor of the west building, the proposed development does not provide any communal indoor or outdoor amenity space. Whilst some of the units are afforded a small amount of outdoor space via balconies, the majority of the proposed units do not have any outdoor space. The high density of development within the proposed buildings would suggest that at least some outdoor amenity space would be essential to provide for the amenity of the potential occupiers. The lack of this space is another poor aspect of the design of the scheme overall and is indicative an overdeveloped proposal.

The site lies adjacent to a number of industrial units situated within the 'Stable Yard' immediately to the north. The site is also adjacent to Windsor Bridge Road which is a very busy road within Bath. There is the potential for the development to be affected by excessive noise. However, an acoustic assessment has been submitted with the application and reviewed by the Environmental Protection Team. This demonstrates that, subject to conditions requiring the specified design criteria be met, that the proposed dwellings would not suffer from excessive noise. However, this does not overcome the concerns regarding the lack of outdoor amenity space.

Adjoining occupiers

The site is adjacent to the Roseberry Place development immediately to the south. The proposed western building would be positioned opposite 'Building B' of the Roseberry Place development whilst the proposed eastern building would be positioned opposite 'Building A North'. These parts of the Roseberry Place development are residential blocks containing a number of 1 and 2 bedroom flats.

The daylight and sunlight report submitted with the application demonstrates that proposed development will not have any significant adverse effect upon the light received by the flats in Roseberry.

Given the separation between the proposed buildings and the approved buildings at Roseberry Place, it is considered that the proposals will not have any significant impact upon the outlook or privacy of these adjoining occupiers.

8. ECOLOGY

The Eastern boundary of this site is on Windsor Bridge Road, while the western boundary is adjacent to the river Avon Site of Nature Conservation Interest (SNCI). The river and associated riverbank are outside the site boundary and no works are proposed to these.

An Ecological Appraisal has been carried out (BuroHappold, 4 July 2018). This notes the significant ecological value of the River Avon not only as a priority habitat but also because it supports a range of protected species including bats from the Bath and Bradford on Avon Bats Special Area of Conservation (European Designation), otter, kingfisher and notable aquatic plants.

The site is currently dominated by the existing warehouse building and hard standing, with very small areas of scattered scrub, amenity grassland and introduced shrubs.

Bats

The Ecological Appraisal concludes that the warehouse building offers negligible bat roosting potential and that the site offers negligible foraging or commuting habitat for bats because of the limited natural habitats and high wattage security lights on the building. The report acknowledges the importance of the river Avon as a commuting and foraging habitat for bats and the fact that it is considered supporting habitat for the Bats SAC (designated for its populations of Greater and Lesser Horseshoe bats which are a light sensitive species).

Reference is made to the B&NES Waterspace Design Guidance Protection of bats in Waterside development (Technical Guidance, June 2018). Due to the proximity of the proposed development to the river, an Artificial Lighting Impact Assessment has been carried out (BuroHappold, 17 August 2018). Lux values from the proposed development have been calculated based on all lighting (internal and external) being on at the same time and excluding the mitigating effects of any blinds, curtains or vegetation (the "worst case" scenario). In some cases, the lux levels calculated very slightly exceed the maximum limits set out in the Waterspace Design Guidance (0.1 lux over the river surface and 0.5 lux over the river bank and towpath). The maximum exceedance is 0.19 over the water surface. However, the calculation assumes that all internal and external lights are on with no mitigation from curtains or blinds. This is very unlikely to be the case and so, actual lux levels are likely to be much lower.

The predicted lightspill from the development is therefore controlled to acceptable levels, however, a condition could require a lighting assessment check once the building is operational, in order to check that the actual lux levels are in line with those predicted by the model. If actual lux values are found to exceed those set out in the Waterspace Design Guidance then remedial steps could be taken.

Other Species

Due to the lack of suitable habitat on site or on the river bank in this area, and lack of connecting habitat due to the urban location, the report concludes that otter, watervole, badger, dormouse, reptiles, amphibians and hedgehogs will be unaffected by the proposals.

Birds

It is likely that the shrub areas and scattered scrub around the site are used by woodland and garden birds for nesting, resting and foraging. The site is well connected to trees and other habitats along the river banks and to scrub on the disused railway bridge. Although kingfisher are known to nest along the river, the banks in this location do not provide suitable habitat.

Table 6.1 of the Ecological Appraisal contains proposals for ecological mitigation and enhancement measures and these are welcomed.

Ecology conclusion

The Council's Ecologist is satisfied that the proposals are acceptable and do not raise any objection on ecological grounds. The proposals therefore accord with policy NE3 of the Placemaking Plan.

9. TREES AND GREEN INFRASTRUCTURE

The application submissions include an arboricultural report containing a tree survey, arboricultural impact assessment and tree protection plan.

There is a small group of hawthorn trees, a berberis hedge and a mature alder tree located to the east of the existing buildings (T1, H1 and G1). The Council's arboriculturalist has no objection to the loss of these trees.

There are also three early mature trees (two alder and one hornbeam) situated to the east of the existing buildings within a grass verge area adjacent to Windsor Bridge Road. As indicated in the tree survey, these trees are well established, in good condition and make a positive contribution to the visual amenities of the streetscene and the wider Green Infrastructure (GI) of the city.

The route of the STR is shown in the application drawings as crossing the root protection area of an off-site Alder Tree (T2) The Council's arboriculturalist is concerned that its retention would be compromised by these proposals and the construction requirements.

There are three trees situated on the river bank to the west of the site. As noted in the tree survey, these trees are generally in poor condition, but collectively function to screen views into the site from the river. They also contribute towards the softening of the river corridor and function as part of the wider green infrastructure network along the river. However, this is a relatively thin screen which makes the soft river edge adjacent to the site relatively vulnerable.

The river corridor is identified in the Core Strategy as an important strategic green infrastructure corridor through the urban area. Policies CP7 of the Core Strategy and NE1 of the Placemaking Plan require that development proposals demonstrate that they have maximised opportunities preserve and enhance the green infrastructure network. However, the position of the proposed western building and route of the STR leaves very limited room available for large trees to be planted on secure and level land.

It is also relevant to note that the proposed replacement trees shown within the verge to the east of the site are not within the ownership of the developer and they therefore have no control over whether these replacements can actually be delivered. Given the position on highways verge, close to a substation, there may well be underground utilities present which may prevent planting in this area. The application does not include any investigation to determine whether replanting in this area is feasible.

Section 3.5 of the Planning Obligations Supplementary Planning Document provides a mechanism to secure contributions towards replacement planting off site. However, there are limited sites within the vicinity in which to provide compensatory planting and, given

the importance of the strategic green infrastructure corridor adjacent to the site, it is considered that the proposals should first be seeking to provide on-site replacements to bolster the soft edge of the river corridor before resorting to off-site replacements.

In light of the above, it is considered that the proposals do not demonstrate due consideration of policy CP7 of the Core Strategy and policies NE1 and NE6 of the Placemaking Plan.

10. ARCHAEOLOGY

The application has been submitted with a desk-based archaeological assessment. This has been reviewed by the Council's Archaeologist who agrees with its assessment that the site has relatively low archaeological potential. There is no archaeological objection to the proposals and no need for further investigations.

11. CONTAMINATED LAND

The application site is identified as a site of potential concern in respect of contaminated land. The application has been submitted with the following report: Phase 1 and 2 Geo-Environmental Investigation. This has been reviewed by the Council's contaminated land officer who has raised no objection subject to conditions requiring an investigation and risk assessment, a remediation strategy and a verification report.

12. SURFACE WATER DRAINAGE

The site currently discharges its surface water into the River Avon via a public surface water sewer that crosses the site. The proposed development intends to continue this existing arrangement with the post development surface water entering the public sewer at the same point.

The surface water runoff for the site would be collected and attenuated to achieve a minimum 30% reduction in runoff rates below the existing situation. Some of the roofs on the site would be green roofs and as such there would be some interception of the first 5mm rainfall. The drainage strategy has been reviewed by the Flood Risk and Drainage Team who have raised no objection, subject to conditions requiring the acceptance of the sewerage company of the runoff rates and details of the ownership and maintenance of the drainage system.

13. PLANNING OBLIGATIONS

In accordance with the planning obligations SPD, a development of the scale proposed would be required to provide a site specific targeted recruitment and training obligation.

It is a requirement of the developer to provide a method statement following a template and guidance produced in partnership with the B&NES Learning Partnership that will outline the delivery of the TR&T target outcomes. The developer will also be required to

participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership that will have the overall responsibility of delivering the outcomes. This could be secured as part of a s106 legal agreement.

The Planning obligation SPD also confirms that contributions towards replacement trees off-site will be required where trees are removed on-site and not replaced.

A contribution towards fire hydrant installations is also required as per the planning obligations SPD.

14. COMMUNITY INFRASTRUCTURE LEVY AND NEW HOMES BONUS

The proposed development for new dwellings is liable for CIL which is charged at £100 per square metre of floorspace. The proposed dwellings will generate a CIL liability of an estimated of £460,000.

It will also provide additional Council tax revenue in the form of the New Homes Bonus.

15. SUSTAINABLE DESIGN, CONSTRUCTION AND ENERGY

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

The application has been submitted with a sustainable construction checklist and an energy statement. These include a range measures that have been incorporated into the design and list renewable energy technologies (e.g. solar PV) utilised to achieve the reduction in carbon emission required by SCR1. The energy statement proposed design exceeds the 10% CO2 reduction through renewable energy required by SCR1 and achieves an improvement over the baseline emissions of 19% meeting CP2.

The site falls within a District Heating priority area and is subject to policy CP4 of the Core Strategy. The proposed gas boiler plant room is located on the ground floor of the development allowing connection to any future district heating networks. The plant room has sufficient space to allow the installation of a Plate heat exchanger to connect to a future district heating network. The proposed development is therefore considered to meet the requirements of policy CP4.

16. AIR QUALITY

The application has been submitted with an air quality assessment. The report highlights that part of the development is within the air quality management area (AQMA). This report has been reviewed by the Environmental Monitoring team who accept its findings. The report concludes that the development itself is unlikely to cause a significant impact on air quality.

The report also recommends mitigation to minimise potential dust arising from the demolition and construction phases of the development.

There is therefore no objection to the proposal on air quality grounds, subject to conditions requiring the minimisation of dust during construction/demolition and the installation of an electric vehicle charging point as part of the scheme.

17. PLANNING BALANCE

Public benefits

There are a number of public benefits and material considerations which weigh in favour of the application.

Firstly, the proposal would provide 95 dwellings which would contribute towards meeting the housing need in the district. The objectively assessed need for housing in Bath over the plan period to 2029 is 7,020 as identified in the Core Strategy including 3,300 via large sites in the Central Area and Enterprise Zone and 1,150 through small scale intensification distributed throughout the existing urban area. Against these targets the proposals provide a notable number of dwellings on a windfall site. The provision of residential accommodation on this site is therefore a clear benefit of the scheme which accords with the housing aims of policy B1 and B3 of the Core Strategy.

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

The application claims that the delivery of the STR could potentially generate economic benefits of around £7.5million over a ten-year period. However, the application does not actually propose the delivery of the STR, it merely provides part of the route through the site and leaves the wider STR to delivery by another party. The economic benefits of the STR derived from the application proposals themselves are therefore limited.

The scheme would generate CIL contributions of over an estimated £460,000 which can be spent on infrastructure on the Council's regulation 123 list. The proposals will also generate additional Council Tax income through the New Homes Bonus. This weighs in favour of the application.

Less than substantial harm vs public benefits

The proposed development results in harm to the Bath World Heritage Site and Bath Conservation Area. This harm has been identified as 'less than substantial', but is still considered to be reasonably significant in terms of impact.

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. It also states that the more important the asset, the greater the weight should be and goes on to list World Heritage Sites as heritage assets of the 'highest significance'.

The harm identified to the World Heritage Site relates to its impact upon several of the attributes of the OUV of the City of Bath: Georgian town planning; Georgian architecture; and, the green setting of the City. The OUV of the World Heritage Site indicates its importance as a heritage asset of the highest significance. The harm which has been identified to the key attributes of the OUV should therefore be given very great weight indeed.

The harm identified to the Bath Conservation Area is also considered to be relatively significant. Whilst not a heritage asset of the same level of significance as the World Heritage Site, the NPPF still directs that great weight should be given to its conservation.

It is not considered that the public benefits identified above, either individually or cumulatively, outweigh the harm that has been identified to the WHS and 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 B4 of the Core Strategy.

Overall balance

The following main harms resulting from the proposed development have been identified:

1. Loss of industrial use

- Existing business using the site
- Good quality premise with potential to be used more productively
- Strong market demand and interest for industrial uses
- Limited industrial land/floorspace available in the city and no new floorspace planned;
- The loss of further industrial floorspace (other than that identified in the Placemaking Plan allocations) is contrary to the economic development aims of policies B1 and B3 of the Core Strategy
- Contrary to policy ED2.B of the Placemaking Plan

2. Lack of Affordable Housing

- Proposal provides no affordable housing
- Viability assessment demonstrates that the scheme would be viable with 18% affordable housing
- Contrary to policy CP9 of the Core Strategy

3. Design including scale, height and massing

- Height, scale and form at odds with the local context
- Form, height, massing, bulk, footprint and size are not of a human scale
- Materials not associated with the character of the city
- Inadequate setting for buildings of this scale

- Limited interaction with the public realm
- Poor legibility, permeability and lack of connectivity
- Lack of outdoor amenity space for occupiers
- Contrary to CP6 of the Core Strategy
- Contrary to policies D1, D2, D3, D4, D5 and D10 of the Placemaking Plan

4. Local Landscape Character

- Fails to conserve or enhance local landscape/townscape character
- Contrary to CP6 of the Core Strategy
- Contrary to policy NE2 of the Placemaking Plan

5. Impact on Bath World Heritage Site

- Intrudes into long views across the city
- Fails to respect the hierarchy of the Georgian City
- Adversely affect the relationship between the city and its green setting
- Harm to the attributes of the OUV of the World Heritage Site
- Not outweighed by public benefits
- Contrary to policies B4 and CP6 of the Core Strategy
- Contrary to policy HE1 of the Placemaking Plan
- Contrary to NPPF, particularly paragraphs 132 and 134

6. Impact on the Bath Conservation Area

- Harm the character and sense of tranquillity along the river corridor
- Intrudes into and distracts from views in/out of the Conservation Area
- Not outweighed by public benefits
- Contrary to CP6 of the Core Strategy
- Contrary to policy HE1 of the Placemaking Plan
- Contrary to NPPF, particularly paragraphs 132 and 134

7. Highways Impact

- Insufficient parking provision (49 spaces short on requirement)
- Harm to highways safety and residential amenity associated with additional on-street parking
- Contrary to policy ST7 of the Placemaking Plan

8. Trees and Green Infrastructure

- Compromises the retention of T1 (alder)
- Failure to take opportunities to enhance green infrastructure
- Proposed replacements potentially not feasible
- Contrary to policy CP7 of the Core Strategy
- Contrary to policies NE1 and NE6 of the Placemaking Plan

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

1. Provision of 95 dwellings

- Assists with meeting housing target
- Provision of housing is in accordance with the housing aims of policy B1 and B3 of the Core Strategy.

- However, no affordable housing provision

2. Construction benefits

- Local employment opportunities
- Opportunities for local suppliers
- Temporary for duration of construction
- Targeted recruitment and training obligations

3. Provision of STR

- Provides mechanism for relocation of substation and bus stop
- Does not prejudice STR in accordance with policy ST2 of the Placemaking Plan
- However, only provides section through application site with the rest to be delivered by 'others'
- Design of proposed scheme turns it back on route of STR and does not take advantage of opportunities

4. Community Infrastructure Levy

- Estimated to be over £460,000

5. New Homes Bonus

- Additional Council tax income

18. CONCLUSION

There is a clear tension in policies B1 and B3 between the loss of employment use/land on this site and the provision of housing on this site. Taking this issue in isolation, it is considered that the benefits of providing housing on this site could outweigh the harm arising from the loss of the employment use/land. However, as can be seen from the above, there are numerous and significant other conflicts with the Core Strategy, the Placemaking Plan and the NPPF. When considered against the development plan as a whole, the proposals are considered to be contrary to the strategy and vision for the city of Bath and would result in a number of very significant harms including, inter alia, harm to the OUV of the World Heritage Site and the Bath Conservation Area.

In contrast, the benefits of the scheme are relatively minimal and typical of any housing scheme. The only unique benefit is the provision of the STR route through the site. However, whilst this is clearly a benefit of the scheme, the design of the route is considered to be sub-optimal and, in any case, would rely heavily upon other parties delivering the wider STR route for this benefit to be fully realised.

In light of the above, it is considered that the proposed development is contrary to the development plan and material considerations do not indicate that the development should be approved. The application should therefore be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development would provide no affordable housing. The viability evidence submitted does not demonstrate that the scheme would be unviable if affordable housing was provided. The proposal is therefore contrary to the National Planning Policy Framework and the development plan, in particular policy CP9 of the Bath and North East Somerset Core Strategy.

2 The proposed development would provide insufficient on-site parking provision and will 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 National Planning Policy Framework and the development plan, in particular policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 The design of the proposed development, including its height, scale, form, massing, layout, materials, footprint and landscaping, conflicts with a number of key urban design principles, does not respond appropriately to local character and distinctiveness, does not contribute positively towards urban fabric or public realm and fails to conserve or enhance local landscape/townscape character. The proposed development is therefore contrary to the National Planning Policy Framework and the development plan, in particular policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3, D4, D5, D10 and NE2 of the Bath and North East Somerset Placemaking Plan.

4 The proposed development, due to its height, scale, massing and design, will intrude into long views across the city, fail to respect the hierarchy of the Georgian City, adversely affect the relationship between the city and its green setting and harm the character and sense of tranquillity along the river corridor. The proposals will harm the Outstanding Universal Value of the Bath World Heritage Site and the setting of the Bath Conservation Area. The degree of harm is considered to be 'less than substantial' and the public benefits of the proposal do not outweigh the harm identified. The proposed development is therefore contrary to the National Planning Policy Framework and the development plan, in particular policies CP6 and B4 of the Bath and North East Somerset Core Strategy and policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 The proposed development would harm the retention of trees which make a contribution towards the visual amenity of the area and fails to demonstrate the feasibility of the replacement planting. Furthermore, the proposal fails to maximise opportunities to design green infrastructure into the proposed development and fails to contribute towards the enhancement and management of the existing strategic green infrastructure corridor. The proposed development is therefore contrary to the development plan, in particular policy CP6 of the Bath and North East Somerset Core Strategy and policies NE1 and NE6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1871/P/000 E LOCATION PLAN
1871/P/00 J PLAN LEVEL 0
1871/P/01 G PLAN LEVEL 1
1871/P/02 H PLAN LEVEL 2
1871/P/03 H PLAN LEVEL 3
1871/P/04 H PLAN LEVEL 4
1871/P/05 H PLAN LEVEL 5

1871/P/06 G PLAN LEVEL 6 AND ROOF ACCESS EAST BLOCK
1871/P/07 G PLAN ROOF ACCESS WEST BLOCK
1871/P/08 G ROOF PLAN
1871/P/09 G NORTH ELEVATION
1871/P/10 F SOUTH ELEVATION
1871/P/11 E EAST ELEVATION
1871/P/12 G WEST ELEVATION
1871/P/13 G COURTYARD ELEVATION WEST BUILDING
1871/P/14 F COURTYARD ELEVATION EAST BUILDING
1871/P/15 H WIDER CONTEXT ELEVATION SOUTH
1871/P/16 H WIDER CONTEXT ELEVATION WEST
1871/P/17 G SECTION 01
1871/P/18 F SECTION 02
1871/P/50 A LANDSCAPE PLAN LEVEL 0
1871/P/51 A LANDSCAPE PLAN LEVEL 1
1871/P/52 B LANDSCAPE SECTION 01
1871/P/53 B LANDSCAPE SECTION 02
1871/P/54 B LANDSCAPE SECTION 03

DECISION MAKING STATEMENT

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. The Local Planning Authority has engaged with the applicant through pre-application discussions and has outlined its concerns with the application at an early stage. However, for the reasons given above it has not been possible to recommend the application for approval.

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