

# DELEGATED REPORT

**Application 08/00485/FUL**

**Address : Twerton Mill Lower Bristol Road**

**Case Officer: Sarah James**

**Details of proposal:** This application seeks to erect a mixed use development (within the A2 and C3 Use Classes) comprising of residential units and commercial offices. The commercial use would be the predominant use along the Lower Bristol Road street frontage. Residential uses would comprise a mix of studio, 1 bed and 2 bed units. The Gross site area would be 0.447 ha (1.1 acres) resulting in a Gross residential Density of 237 dw/ha. There would be 1472 m<sup>2</sup> (inc circulation space) of commercial floorspace.

The site is located directly adjacent to the Lower Bristol Road (A36), approximately 200m from the centre of Twerton. The site is bound by Lower Bristol Road to the south, Rackfield Place to the west, Weirside Works to the east and the River Avon to the north. Currently the site comprises of three commercial properties (Huggett Electrical, Astra Circuits and Avalon of Bath Garage). Avalon Garage provides a car repair and servicing centre, while Astra Circuits and Huggett Electrical are specialist electrical manufacturers. The premises of Astra Circuits and Huggett Electrical are currently in partial use with a number of vacant buildings.

The application site is located on the outer part of the built up area of Bath. The general area is characterised by commercial and residential uses between the River Avon and Lower Bristol Road. Historically the site was occupied by a mill buildings (Carrs Mill). The site is located adjacent to a listed building and within the Bath Conservation Area and World Heritage Site.

The development comprises of fairly unbroken built form varying from 5-8 stories on the riverside and 4-6 stories on the Lower Bristol Road side.

The applicant has submitted an archaeological appraisal, a noise assessment, a flood risk assessment, a tree report, an ecology report, a design and access statement, a landscape report with photoviewpoint, and a historic building appraisal with this application.

## **Relevant history:**

08/00490/CA Demolition of existing buildings – pending Consideration

## **Consultation/Representations:**

Full consultee comments are available within the application files and the comments below are summaries of comments received.

**Contaminated Land Officer:** no building work should commence until a full site investigation is undertaken, this should include any previous investigations.

**Highways:** Objection - A number of concerns are raised relating to car parking and access for refuse and emergency vehicles and servicing and the sites location which may encourage car use. The section of Lower Bristol Road fronting the site is included within Policy T.17 of the Bath & North East Somerset Local Plan as a safeguarded route for road improvements. Future road proposals affecting this section of Lower Bristol Road, would be prejudiced by the proposed development and the proposal is therefore contrary to Policy T.17 of the Bath & North East Somerset Local Plan, in that it conflicts with the safeguarded land for a highway improvement scheme along Lower Bristol Road.

**Heritage Officer:** Objection The site is adjacent to a grade II listed building and lies within a designated conservation area and the world heritage site. Some aspects of the demolition works proposed are unacceptable.

**Urban Design Officer:** Objection The proposals constitute overdevelopment of this site.

**English Heritage:** While we believe that there is scope for the sensitive redevelopment of this site, we also believe that this can also only be achieved by adopting a fundamental review of the approach taken. As the application stands we would endorse any decision by your authority to refuse this application.

**Environment Agency: Objection** The application fails to address flood risk management and contamination concerns. Contrary to PPS 1, PPS 23 and PPS 25.

**Environmental Health Officer:** Objection There are reservations over the suitability of the site for residential accommodation. The noise report puts one side of the site in NEC D and the other in NEC C, but by adjusting the distance of the boundary, the report proposes that the whole site will then be in NEC C. With the current level of information, I am not satisfied that the proposals adequately address the noise issue and it is not clear what internal noise levels the development will achieve.

**Landscape Officer:** Objection This proposal is overdevelopment and should be refused. Key problems are the hard urban environment inappropriate in this location with limited opportunities for amenity and planting. The level of information submitted is regarded to be inadequate.

**Tree officer :** The key issue here is to ensure that any development of the site allows for sufficient space for landscaping with consideration of future tree growth (taking into account ultimate size, canopy spread/density and proximity to buildings) - refer to Landscape Architects comments. G0855 Sycamore and T0856 Ash are the only trees stated as worthy of retention. These trees should be shown on the site layout plan. Other trees may be of ecological importance which would need to be covered by the Ecology survey.

**Archaeology :** A pre-determination archaeological field evaluation is required.

**Housing:** There are a number of key affordable housing outputs required in order to satisfy the local plan and other affordable housing policies which need to be secured through the planning system. No detailed negotiations have taken place to date between the applicant and Strategic Housing Development to ensure that the affordable housing element satisfies the planning obligation. The application is silent on percentages, tenure split, location of affordable housing units and other affordable housing policy requirements. Strategic Housing Development will assume that all the required outputs as set out in the recommendations below and as detailed in the Housing Development Officer's full report will be met and will form part of the Section 106 agreement.

**Representations:**

Bath Heritage Watchdog – Object – issues raised are in relation to setting, design, loss of historic fabric

In addition 1 letter has been received which says they would support the application if historical features are preserved.

**Policy:**

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. This plan together with RPG10 and saved policies from the Joint Replacement Structure Plan comprises the development plan for the district.

Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

including Minerals and Waste Plan area:

Policy SC1 Settlement Classification  
Policy HG1 – Housing need  
Policy HG4 Residential Development  
Policy HG7 Density  
Policy HG8 – Affordable Housing  
Policy D.2 General Design and Public Realm Considerations  
Policy D.4 Townscape Considerations  
Policy T1 – Access Policy  
Policy T24 General Development Control and Access policy  
Policy IMP1 Planning Obligations  
Policy ES5 - Drainage  
Policy ES9 Pollution and nuisance  
Policy ES15 Contaminated Land  
Policy NE1 – Landscape Character  
Policy NE4 – Trees and woodlands  
Policy NE12 Natural features  
Policy BH1 World Heritage Site  
Policy BH2 – Listed buildings and their settings  
Policy BH3 – listed building demolition  
Policy BH6 Development in Conservation areas  
Policy BH7 – Demolition in conservation areas  
Policy BH12 - Archaeology  
Policy BH22 External lighting  
Policy ET2 – Office Development  
Policy GDS1 – Site allocations

**Other relevant documents**

Bath City Wide Character Appraisal adopted SPD - Character area 7.

**Officer Assessment:**

**Principle**

This site is part of an allocated General Development Site (B12 land at Lower Bristol Road) The full site comprises of 7.05 hectares. The policy requires a mixed use development including at least 3 hectares of land for business uses B1, B2, B8 , about 50 dwellings, enhancement of the riverside and Lower Bristol road, on and off site transport infrastructure, small scale local needs shopping. The entire allocated site comprises of two separate areas and this application relates to a portion of the site approximately 0.45 hectares of land within the middle of the western portion of land. The proposal is therefore a departure from policy and in this case whereby there is no Masterplan for the wider site consideration has been given to whether it has been acceptably demonstrated that the wider policy objectives for the site would not be prejudiced. In this case it is concluded that on the basis of the information supplied that has not been demonstrated and it is therefore the case that this application is unacceptable in principle.

**Highways**

The application has been considered in relation to servicing access and car parking and concern has been expressed. However from a highways perspective the key concern relates to the impact upon land safeguarded for road improvements. The need for road improvements is part of the requirements of the general development policy and in this regard the application conflicts with both the principle policy as

well as transportation policy.

### **Design**

In design terms there are a number of concerns with regard both to the extent of demolition and the scale and massing of the proposal. This application fails to demonstrate that the extent of demolition proposed is acceptable and this is the starting point for considering this scheme. In addition the very significant level of built form proposed is regarded to constitute overdevelopment of the site by virtue of the scale height and massing of the buildings.

### **Conservation / listed building**

There is a statutory requirement that sets out the need to preserve or enhance the Conservation area.. This proposal which suggests an inappropriate level of demolition and scale of development does not meet with that test. In addition there is a duty to have special regard to the desirability of preserving the setting of the adjacent listed building and in this case it is considered that the proposals would have a harmful impact upon the listed buildings adjacent to the site.

### **Landscape**

This site is on the edges of the City where it might be expected that there would be a more semi rural character as the City moves toward the rural fringe on the outskirts of the City. The proposed development does not allow for adequate landscaping or relate well to the amenity spaces such as alongside the river due to the inadequate spaces around the built form.

### **Residential amenity**

Along the western boundary of the site there is a row of three storey residential properties. This application presents a very significant mass of built form opposite the adjacent residential terrace within close proximity (9-10 metres) from it. The impact upon the existing development from this proposal is considered to be overbearing and harmful to amenity.

### **Noise**

There appears to be conflict between the plans and the noise report and it has not been demonstrated that the proposals would provide an adequate environment to protect occupants from external noise.

### **Housing**

There would be a requirement for affordable housing to be delivered in accordance with the requirements of the Councils relevant team. It has been advised that detailed discussions have not taken place with the Councils team and if an application were acceptable the relevant affordable housing provisions would need to be agreed and secured by a Section 106. In the absence of any proposals for affordable housing, the proposal is contrary to the adopted Local Plan policy H8.

### **Flood Risk**

The application fails to address flood risk management and contamination concerns and is therefore contrary to the advice and requirements of PPS25 and the relevant policies in the adopted Local Plan.

## **Conclusion**

This application has a very significant number of issues that result in it being unacceptable key of which are the impact upon the delivery of key policy objectives for the wider site, the extent of demolition works, the scale and massing of the proposal, inadequate landscaping, the impact of noise on the proposed occupants, the impact on strategic highway improvements, impact upon residential amenity and flood risk and contamination concerns.

## **Recommendation:**

### **REFUSE**

1. The proposal is contrary to planning policies GDS1 of the adopted BANES Local Plan in that it would result in piecemeal development, which would not enable the Council to fully deliver the objectives set out within Policy GDS1/B12 relating to land along lower Bristol Road which requires a comprehensive development of the allocated site of which the current site forms part.
2. The proposal is contrary to policies D2, D4, BH1, BH2, BH3, BH6, BH7 of the adopted BANES Local Plan in that it would result in an inappropriate form of development which by virtue of its height, scale and massing would constitute overdevelopment of the site that would be harmful to the visual appearance of the area and World Heritage Site would harm the setting of the adjacent listed buildings and would not preserve or enhance the character and appearance of the Bath conservation area.
3. The proposal is contrary to policy BH7 of the adopted BANES Local Plan in that it would result in an inappropriate level of demolition that would harm the setting of the adjacent listed buildings and would not preserve or enhance the character and appearance of the Bath Conservation Area.
4. The proposal is contrary to policy D2 of the adopted BANES Local Plan in that it would have a domineering and overbearing impact upon the occupants of Rackfield Place as a consequence of the height, scale and proximity of the proposed development.
5. The proposal is contrary to Policy T.21 of the Bath & North East Somerset Local Plan in that it conflicts with the safeguarded land for a highway improvement scheme along Lower Bristol Road and would prejudice the Councils ability to improve transportation improvements.
6. The proposed development is contrary to planning policy ES12 of the adopted BANES Local Plan in that it has not been adequately demonstrated that the proposed occupants of the development would be adequately protected against unacceptable levels of external noise.
7. The proposed development does not conform with National Guidance PPS1, PPS23 and PPS25 in that the application fails to address flood risk management and contamination concerns. This would be contrary to Policy ES9 and ES15 of the adopted Bath and North East Somerset Local Plan.
8. Adequate provision has not been made within the site for the parking of vehicles and cycles in a satisfactory manner contrary to policy ET24 of the adopted Bath and North East Somerset Local Plan.
9. Insufficient information has been submitted to demonstrate that the proposal will provide the required level of affordable housing for this scale of development contrary to policy H8 of the adopted Bath and North East Somerset Local Plan.

**Footnote:**

**This decision relates to drawing(s) s 692-PLN-110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 130, 131, 132 & 134 and 6684-100-01, 02, 03, 04ELEV1 & 04ELEV2 date stamped 4<sup>th</sup> Feb 2008.**