

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor June Player has requested that the application be determined by the Development Control Committee for the following reasons:

- The height of the buildings exceeds that in the BWR masterplan;
- The design has been softened, but being in the 'bowl' of Bath tall buildings will stand out greatly;
- Detrimental impact upon amenity of occupiers of nearby properties;
- Planting on roof could increase in height further;
- Issues of light pollution to nearby properties and along the river corridor.

In accordance with the Council's scheme of delegation the application has been referred to the chairman who has decided that the application should be determined by the Development Control Committee.

DESCRIPTION

This application relates to two parcels of land on the south side of the river within the Bath Western Riverside area. The first parcel lies just to the west of Victoria Bridge and the second parcel lies to the east of the Destructor Bridge. Both parcels fall within the World Heritage Site and flood zone 2 and both also lie adjacent to the Bath Conservation Area.

There are a number of designated heritage assets that are in close proximity to the site including the Grade II* Victoria Bridge and Royal Victoria Park. The River Avon is also designated as a Site of Nature Conservation Importance.

The Bath Western Riverside (BWR) site was granted outline consent in 2010 (06/01733/EOUT) which included the provision of three 'landmark' buildings of 8 or 9 storeys on the river's edge. This application is for reserved matters (scale, appearance and landscaping) relating to the erection of two of these buildings (blocks B5 and B16).

The proposals include 97 residential dwellings 750 square metres of ground floor commercial uses, erection of bin and cycle stores, plant, and associated external and

rooftop landscaping.

Block B5 (8 storeys) is situated adjacent to Victoria Bridge and comprises 45 residential units with a mix of 1 and 2 bedroom apartments and a ground floor restaurant and cafe uses.

Block B16 (9 storeys) is adjacent to Destructor Bridge and comprises 52 residential dwellings with a mix of 1 and 2 bedroom apartments and a ground floor restaurant use.

RELEVANT HISTORY

13/04574/ERES - PERMIT - 4 February 2014 - Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of 38 residential dwellings (blocks B6 and B12), erection of associated bin and cycle stores, on-street car parking, associated landscaping works and extension of underground tunnel link.

The outline planning application was an environment impact assessment application and an environmental statement was submitted to the planning authority at that time (06/01733/EOUT).

13/03929/ERES - PERMIT - Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of 259 residential apartments within four buildings (blocks B11, B13, B15a and B15b) of four to seven storey height surrounding a central courtyard, which includes play space, gardens, landscaping and exterior lighting.

13/01649/ERES - PERMIT - 3 July 2013 - Approval of reserved matters with regard to outline application 06/01733/EOUT for the demolition of existing Destructor Bridge and construction of replacement bridge and steps.

12/05590/ERES - PERMIT - 18 April 2013 - Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of three and four storey buildings comprising 26 houses and apartments and 1 commercial unit (A3 cafe/restaurant), vehicular access to Victoria Bridge Road, parking and landscaping.

12/05387/ERES - PERMIT - 19 April 2013 - Approval of reserved matters with regard to outline application 06/01733/EOUT for the erection of a six storey building comprising

55no. apartments and 1no. commercial unit, erection of a cycle store, vehicular access from Midland Road, parking, landscaping and formation of temporary car park.

11/03189/FUL - PERMIT - 11 November 2011 - Erection of temporary sales office, associated feature entrance walls, car parking and landscaping

11/02586/RES - PERMIT - 16 April 2012 - Approval of reserved matters with regard to outline application 06/01733/EOUT for 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

11/05440/RES - PERMIT - 4 May 2012 - Approval of reserved matters with regard to application 06/01733/EOUT for the change of use of former Wessex Water Building to an Energy Centre, erection of a chimney and extensions (first floor and single storey), external alterations, alterations to the means of enclosure and associated works.

07/02879/EFUL - PERMIT - 22 June 2010 - Planning application for enabling site works

06/04013/EFUL - PERMIT - 23 December 2010 - Phase 1A of Bath Western Riverside Western Quarter on land at former Stothert and Pittworks, comprising of 299 residential homes and apartments (Class C3) shops (Class A1) construction of roads, footways and cycleways, associated infrastructure and facilities, accommodation works and landscaping

06/01733/EOUT - APPROVED - 23 December 2010 - 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.

The site has also been subject to numerous applications for the approval of matters reserved by condition full details of which can be found on the Council's website.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summaries of all consultation responses are provided below. The full text of all comments received is available on the Council's website.

HEALTH AND SAFETY EXECUTIVE

The HSE has not been informed by Bath and North East Somerset Council that the hazardous substances consent for the Windsor Gas Holder Station has been revoked. Advise against granting permission unless condition 12 of 06/01733/EOUT is reapplied.

WESSEX WATER

No comments

NATURAL ENGLAND

No objection - Concurs with the view of the Council's Ecologist that on the basis of lighting information submitted can conclude that there is no likely significant effect on bats from the SAC. Lighting mitigation must be secured by condition.

ENGLISH HERITAGE

Outline Consent has already been granted for a total of three tall 'towers' next to the river thereby accepting the principle of development of a scale and height that will be conspicuous within this part of the city and the World Heritage Site (WHS). However, we are concerned that the design will be discordant to the more formal architectural regularity of Bath and wish to investigate with the applicants whether there is any scope for further amendments to this proposal. The height of the final scheme also needs to be fully understood, together with a more detailed picture of the landscape in which these structures will sit.

ENVIRONMENT AGENCY

No objection

ARCHEAOLGY

No objection

HIGHWAYS OFFICER

No comment

ECOLOGY

No objection - The proposal, using internal lighting design to reduce light spill from the buildings (internal designed achieving 40% below standard lux specification), combined with provision of a 1.2m solid panel fence along the river front to provide a screening effect as additional mitigation, now demonstrates the ability to achieve a dark corridor on the river that is considered to meet ecological requirements.

URBAN DESIGN

The Urban Designer has concerns about the overall height, volume and massing of these buildings in cityscape views for example in visualisations from viewpoints 13, 17, 26, 30 and 33. They also have concerns that the roofscape is not adequately articulated for a building of such height and that the buildings have a poor interface with the public realm, examples are given of walls and service uses on public frontages.

The Urban Designer states that the conceptual ideas behind the building design appear well grounded in the elemental qualities of the city such as use of high quality materials like natural Bath stone and designing well-articulated elevations. Incorporating ceramic elements, green walls and roofs are welcome to help break down the massing of the buildings from long distance views, providing architectural interest and outside space for apartments. However, they have concerns that this is not enough to reduce the negative impact of the bulk of the buildings.

AVON AND SOMERSET POLICE

The Crime Prevention Design Advisor has made a number of comments in relation to the scheme's ability to meet Secure by Design. Concerns are raised about the use of sliding doors to form the main entrance doors to the atriums. Further comments are provided

about the standard of doors required, secured glazing to be used on the exterior of the commercial properties, CCTV and lighting.

LANDSCAPE OFFICER

Building B5 - The terracing around the west side of the building works well and is an attractive feature. The SW end of the retaining walls has an awkward junction with the ramp and this would be better if they met at right angles. Likewise, the detailing of these walls is critical to avoid a grass cutting issue at the base. The choice of paving materials is a little confusing. It generally dictates what is 'public' and what is 'private', yet access to the ramp is denoted as 'private'.

Building B16 - The terracing to the east side of B16 is too narrow and separates itself from the adjacent open space. The steps need to be much more curving and wrap themselves around the building and out onto the main ramped feature in a broad sweeping curve. This would be relatively easy to achieve and would set this end of the space as more of an amphitheatre type space. At present the space would be dominated by the large retaining wall and it is queried whether it could be split as it is with B5.

CONSERVATION OFFICER

Both blocks will be clearly evident in views within the World Heritage Site and inevitably have impact, but their location and height is pre-determined by the outline permission. The form of the blocks does appear somewhat unrelieved with a lack of articulation which will emphasise their visual bulk. The public realm treatment at ground level will be essential.

BATH PRESERVATION TRUST

The Bath Preservation Trust objects to the application on the basis of concerns about the height of the building, but consider that the overall design quality contributes to the mitigation of harm. They wish to see that the highest standard of architectural detailing is maintained throughout the build. They commend the level of technical building detail presented, but hold reservations about the stone thickness around the curves of the building. The concept of green walls is welcomed, but more details are requested on

species. They also comment on the lack of details for the parkland between the two buildings. The disguise/mitigation of the rooftop plant and atrium roof by the surrounding gardens is welcomed, but clarity is required on actual height and maintenance. The approach to advertising for the commercial units is welcomed.

THIRD PARTIES/NEIGHBOURS

3 letters of objection have been received including letters from the Federation of Bath Residents' Association. The main points raised were:

- The buildings are over the maximum height set out in the outline consent;
- The service towers and roof garden cover 80 % of the roof;
- Proposed buildings are inappropriately high;
- These buildings would be extremely prominent from all around Bath and inappropriate in the World Heritage Site;
- Concern about the impact of commercial units and bin stores in relation to odours and noise impacts upon nearby residents;
- Possibility of impact upon BWR residents if appropriate restrictions are not placed upon the commercial premises.

POLICIES/LEGISLATION

At the meeting of the full Council on the 10th July 2014, the Bath and North East Somerset Core Strategy was adopted. From the 10th July 2014 the Development Plan for Bath and North East Somerset comprises:

- o Bath and North East Somerset Core Strategy (July 2014);
- o Saved policies from the Bath and North East Somerset Local Plan (2007);
- o West of England Joint Waste Core Strategy (2011).

CORE STRATEGY

CP2: Sustainable construction

CP3: Renewable Energy

CP4: District Heating

CP5: Flood Risk Management

CP6: Environmental Quality

CP9: Affordable Housing

B1: Bath Spatial Strategy

B2: Central Area Strategic Policy

B4: World Heritage Site

LOCAL PLAN

IMP.1: Planning Obligations

D.2: General Design and public realm considerations

D.4: Townscape considerations

ES.5: Foul and surface water drainage

ES.10: Air Quality

ES.13: Safety Hazards

GDS.1: Site allocations and development requirements

NE.10: Nationally important species and habitats

NE.15: Character, amenity and wildlife value of water courses

BH.2: Listed buildings and their settings

BH.6: Development within or affecting Conservation Areas

T.1: Overarching access policy

T.24: General development control and access policy

SUPPLEMENTARY PLANNING DOCUMENTS

Bath Western Riverside SPD (adopted 2008)

City of Bath World Heritage Site Setting SPD (adopted 2013)

The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations. The following sections of the NPPF are of particular relevance:

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

OFFICER ASSESSMENT

The Bath Western Riverside (BWR) site received outline planning permission 06/01733/EOUT) in December 2010 for a mixed use development comprising up to 2,281 homes and apartments, student accommodation, a primary school, shops, restaurants and other community services and facilities. The land use plan (1268/P/112 rev E) identified the application sites of B5 and B16 as residential blocks with a commercial use at ground floor level.

The reserved matters application refers to those matters not dealt with at outline stage which are scale, appearance and landscaping, although it is noted that condition 6 of the outline planning permission requires that the reserved matters are substantially in accordance with the development parameters set out in that permission, including the maximum number of storeys and the maximum building heights.

It should also be noted that a significant amount of the landscaping of the BWR site is being dealt with under conditions attached to the outline permission, including the landscaping of the parkland which lies between B5 and B16.

The main issues to consider are:

1. Height
2. Design and appearance
3. Landscaping
4. Residential amenity
5. Parking
6. Ecology

HEIGHT

A number of concerns have been raised about the height of the two proposed buildings.

The siting and layout of both buildings is as indicated within the outline indicated within the

outline planning permission. The outline planning permission indicates B5 and B16 should be eight and nine storeys respectively and also sets out the indicative maximum building heights (46.20m for B5 and 48.70m for B16).

The submitted plans for the reserve matters application achieve the eight and nine storey buildings envisaged by the outline planning permission and the proposed building have maximum finished floor heights which meet the indicative parameters set out in condition 6 of the outline planning permission. However, the proposals also indicate that there are a number of elements of the buildings' plant, atriums and rooftop gardens which exceed these parameters. The maximum projection above these parameters is 1.8m which relates to the condenser units required for the commercial extracts, but other elements include the atriums which exceed by 1.1m and the terrace planters which exceed by 1m.

Although the increase of the building height parameters is relatively minor in the context of these large buildings, it is recognised that, due to the position of the BWR site along the valley floor and the general lack of tall buildings within Bath, the site is in a prominent location and the overall height is a sensitive issue.

The height of the building must be viewed in the context of several other factors including the massing of the proposed buildings, the impact of the roofscape and the floor-to-ceiling heights.

The development parameters set out in outline planning permission which set out the footprint and the maximum height of the building allow for a block which would have considerable mass which would appear bulky and would fail to respond positively to the surrounding context. The proposed buildings have adopted a softer design approach utilising a curved footprint and stepping back the storeys as the buildings rise. This results in a tapering of the building which has the effect of reducing its overall massing and sense of bulk.

The elements of the buildings which exceed the height parameters include much of the plant which are necessary to enable these buildings to function. The inclusion of a rooftop

garden helps to mask the unattractive plant and add visual interest to what would otherwise be a very large flat roof.

The floor-to-ceiling heights of the proposed buildings are approximately 2.4m and are not considered to be excessive. The unusual shape and tapering of the buildings means that it would be extremely difficult to reduce the floor-to-ceiling heights any further. In any case, a further reduction to the floor-to-ceiling heights would comprise the design, appearance and living standards of these landmark buildings.

In light of the above, it is considered that the elements which slightly exceed the development parameters are beneficial to the overall appearance of the proposed buildings and do not substantially depart from the outline planning permission.

DESIGN AND APPEARANCE

The outline planning permission identifies B5 and B16 as 'Riverside Buildings' and condition 7 of that permission specifically excludes them from the requirement to be in accordance with the Design Codes set out in the Bath Western Riverside SPD. However, the SPD does also recognise that a change in the architectural style to the prevailing context in the BWR site may be appropriate for these landmark buildings. The architectural detailing presented for these buildings as part of the outline planning permission was similar to the treatment of the other terrace blocks within BWR. Officers at the time considered the design rationale for this approach to be insufficiently robust.

The current proposal departs from this previous approach and creates buildings with a visually distinctive appearance that abandons the neo-classical proportions and repetitive forms of the other terraces within BWR. The asymmetric plan form and rounded corners of the building therefore emphasise its difference with other parts of BWR adding to its distinctiveness and strengthening its status as 'landmarks'. However, there are also elements within the design which help tie its appearance to the rest of BWR and acknowledge the wider character of Bath. These include the consistent use of Bath stone, the incorporation of windows with a vertical emphasis and the use of metal railings for

balconies.

There are also a number elements, such as the use of ceramic elements, green walls and green roofs, which help to break down the massing of the buildings from long distance views, provide architectural interest and additional outside spaces for proposed apartments.

The commercial use to the ground floor satisfies the need for active frontages as identified in the SPD and maintains a link between the buildings and the public at street level. Some elements such as the bin and cycle stores do create blank frontages. However, these are unavoidable due to the design of the building having 4 elevations and no obvious rear of service yard in which to locate these facilities. Furthermore, the impacts of these have been mitigated through the provision of green walls along the outside of the building.

Overall it is considered that the proposed buildings achieve a high quality, contemporary design which clearly distinguishes them as 'landmark' buildings whilst not appearing out of place within the context of BWR or the wider setting of Bath. The proposals are therefore considered to preserve the character and appearance of the Conservation Area and World Heritage Site.

LANDSCAPING

The main landscaping proposals, specifically species, density, etc. will be considered under the landscape conditions attached to the outline approval, these include a masterplan and a detailed schedule of densities, materials, species, size for each phase and stage of the BWR development.

The drawings submitted with the application show a new riverside park situated between the two proposed buildings. It should be noted that details of the park in the application are indicative and fall outside of the red line boundary of the current application. The detailed design of the landscaping in this area will be dealt with through the submission of details in relation to conditions attached to the outline planning permission

The landscaping under consideration as part of this application is the urban squares at the

foot of each of the buildings and their respective terraces. The landscaping also includes the rooftop gardens and 'living green walls' proposed as part of B5 and B16.

The proposed terrace arrangement for part of the land around B5 and B16 steps down into the area of the proposed Riverside Park. This provides an appropriate setting for the buildings, particularly the ground floor commercial uses, to engage with the Riverside Park and is considered acceptable.

The management and maintenance of all areas of landscaping will be controlled via a condition of the outline planning permission.

RESIDENTIAL AMENITY

As already discussed, the proposal falls broadly within the parameters of the outline planning permission and as such does not raise any significant new issues relating to residential amenity.

The proposed buildings are adequately separated from other blocks within BWR so that all residents can enjoy a reasonable level of privacy and outlook. Due to the height and size of the two proposed buildings, there will be some shadow over the surrounding areas. However, given the adequate separation distances, this will not significantly diminish the amenity of any of the other blocks in BWR or any local residents on the north side of the river.

Some comments have been raised in relation to odour and noise impacts arising from the proposed commercial units at ground floor level. The extraction plant for these units is located at the roof level of both proposed buildings which are above the level of surrounding properties. Given the height of the extraction and the separation between the proposed buildings and surrounding dwellings, it is considered that the proposed extraction will not give rise to any harmful odour or noise impacts.

PARKING

Parking provision for the proposed dwellings will be in the undercroft parking area below the blocks B3/B7/B8, the tunnel link below B6/B12 and the undercroft parking below

B11/B13 and B15. This provision is in accordance with condition 51 of the outline planning permission which requires an average ratio of not less than 0.7 spaces per residential dwelling across the whole site. The Highways Officer has raised no objection and it is therefore considered that the proposal provides adequate parking provision.

ECOLOGY

The two proposed buildings lie adjacent to the River Avon which is an SNCI. Light sensitive species of greater and lesser horseshoe bats are known to utilise the river and are likely to be connected with the Bath & Bradford on Avon Bats SAC. The Local Authority must therefore undertake a Habitats Regulations Assessment to determine whether the proposals are likely to have a significant effect on the SAC. The applicants have submitted a lighting report which demonstrates the provision of a dark corridor along the river's edge through internal lighting design to reduce light spill from the buildings (internal designed achieving 40% below standard lux specification), combined with provision of a 1.2m solid panel fence along the river front to provide a screening effect as additional mitigation. The Council's ecologist and Natural England are satisfied that these measures will eliminate the risk of a likely significant effect. These mitigation measures will need to be secured by condition.

This proposal has been considered in combination with other known projects (permitted and plans) to provide confidence that even in combination with the likely effects of other projects, this proposal does not give rise to a risk of a "likely significant effect" on bats of the SAC.

OTHER MATTERS

The outline planning permission was subject to a S106 agreement which secures the delivery of affordable housing across the BWR site. Since the outline planning permission was granted in 2010 the Core Strategy has been adopted and has introduced policy CP9. This has changed the requirements for the provision of affordable housing in the district. However this application is for reserved matters and the affordable housing has already

been secured through the outline planning permission.

CONCLUSION

Overall it is considered that the proposed buildings B5 and B16 are considered acceptable in terms of scale, appearance and landscaping and conforms with the aims and objectives set out within the BWR SPD and the approval granted at outline stage and is considered to preserve the character and appearance of this part of the BWR site, the Conservation Area and the setting of the World Heritage Site.

In reaching the above conclusion, this application for the approval of Reserved Matters has been considered in the light of the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, having regard to the Environmental Statement submitted with the Outline Application for BWR. Officers are satisfied that the current proposal sits within the development parameters considered at the Outline stage, and that there have been no material changes in the environmental context that might give rise to a need to the ES to be renewed or reassessed.

RECOMMENDATION

PERMIT

CONDITIONS

1 Unless otherwise agreed in writing with the Local Planning Authority, the lighting mitigation measures related to building B5 as set out within Scenario 4 of the Hoare Lea Illumination Impact Profile (reference 16-02229-110813-LG-CN IIP-01/P6, dated November 2014) shall be implemented prior to the occupation of any of the dwellings within building B5. Details of the proposed screen along the river edge shall be submitted to, and approved in written by, the Local Planning Authority prior to its construction. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of preventing excessive light spill onto the river and to protect the interests of ecology.

2 Unless otherwise agreed in writing with the Local Planning Authority, the lighting mitigation measures related to building B16 as set out within Scenario 4 of the Hoare Lea Illumination Impact Profile (reference 16-02229-110813-LG-CN IIP-01/P6, dated November 2014) shall be implemented prior to the occupation of any of the dwellings within building B16. Details of the proposed screen along the river edge shall be submitted to, and approved in writing by, the Local Planning Authority prior to its construction. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of preventing excessive light spill onto the river and to protect the interests of ecology.

3 A schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority, prior to the use of any such external material on site. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the character and appearance of this part of the World Heritage Site.

4 Prior to the construction of each of the elements set out below, detailed plans at a scale to be agreed in writing with the local planning authority (and/or written details where appropriate) shall be submitted to and approved by the Local Planning Authority, of each of those elements:-

fenestration,

balconies,

railings, including to external stairways

coursing and pointing of the stone

rainwater goods

Development shall then only take place in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, within the World Heritage Site.

5 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

The following drawings and documents form part of the application:

0193_B16_0010

0193_B16_0010 REV4

0193_B16_0100 REV3

0193_B16_0101 REV3

0193_B16_0102 REV3

0193_B16_0103 REV3

0193_B16_0104 REV3

0193_B16_0105 REV3

0193_B16_0106 REV3

0193_B16_0107 REV3

0193_B16_0108 REV3

0193_B16_0109 REV3

0193_B16_0201 REV2

0193_B16_0202 REV2

0193_B16_0301 REV2

0193_B16_0302 REV2

0193_B16_0303 REV2

0193_B16_0304 REV2

0193_B5_0010 REV 3

0193_B5_0100 REV3

0193_B5_0101

0193_B5_0102 REV.3

0193_B5_0103 REV3

0193_B5_0104 REV3

0193_B5_0105 REV3

0193_B5_0106 REV 3

0193_B5_0108 REV3

0193_B5_0201 REV2

0193_B5_0202 REV2

0193_B5_0301 REV2

0193_B5_0302 REV2

0193_B5_0303 REV02

0193_B5_0304 REV2

0193_B5_1107 REV 3

0193_B5_B16_0001

Hoare Lea Lighting - Illumination Impact Profile - Nov 2014

Design and access statement - May 2014

Updated photomontages for B5 and B16 - EDP167_08a -April 2014

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