

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **3rd May 2017**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/05504/OUT 5 May 2017	Eagle One Estates Limited 34 - 35 Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset, BA2 3AZ Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure following demolition of existing building	Widcombe	Chris Gomm	Delegate to PERMIT

REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No:	01
Application No:	16/05504/OUT
Site Location:	34 - 35 Lower Bristol Road Westmoreland Bath Bath And North East Somerset BA2 3AZ



Ward: Widcombe

Parish: N/A

LB Grade: N/A

Ward Members: Councillor I A Gilchrist Councillor Jasper Martin Becker

Application Type: Outline Application

Proposal: Erection of two buildings to provide residential accommodation for students (up to 204 bedrooms) with ancillary accommodation and facilities and external courtyards, alterations to existing pedestrian and vehicular access, and associated infrastructure following demolition of existing building

Constraints: Affordable Housing, Agric Land Class 3b,4,5, Article 4, Bath Core Office Area, British Waterways Major and EIA, Contaminated Land, Flood Zone 2, Forest of Avon, Hotspring Protection, LLFA - Flood Risk Management, MOD Safeguarded Areas, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, World Heritage Site,

Applicant: Eagle One Estates Limited

Expiry Date: 5th May 2017

Case Officer: Chris Gomm

REPORT

This application has been referred to the committee by the Group Manager due to the conflict between the officer's recommendation and the objection to the application received from the Council's Economic Development Team.

Background

This application seeks outline planning permission for the demolition of the Pickfords self-storage building on Bath's Lower Bristol Road and its replacement with two buildings of purpose-built student accommodation. Only landscaping is reserved for subsequent approval and therefore the proposed means of access as well as the development's appearance, layout and scale form part of the current application.

The proposal involves the provision of 204 student bedrooms the majority of which will be within cluster flats of various sizes. The proposal includes 3 townhouses with frontage to Lower Bristol Road as well as communal spaces and other ancillary facilities including a laundry, gym and study rooms.

The existing building on site is of a substantial size and provides covered storage facilities (Use Class B8) operated by the storage/removal company 'Pickfords'; it is understood that the building was constructed in the mid-1980s.

The application site is located within the Bath Core Office Area, it is also within the Bath Central Area as identified in the emerging Placemaking Plan. The site is identified by the Council as a Site of Potential Concern in respect of land contamination. The site is located within the World Heritage Site and Hot Springs Protection Area. The site is outside of the Bath Enterprise Area and the conservation area.

This application has been screened in order to ascertain whether the proposal constitutes EIA development (Environmental Impact Assessment) and it has been concluded that it is not; the submission of an Environmental Statement is therefore unnecessary. The proposal's impact on the environment is unlikely to be significant in EIA terms.

There is no relevant recent planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses

Ward Member Councillor Ian Gilchrist: Objection

"My request for a DMC hearing is based on the need, as I see it, to protect the WHS status of the city which includes the views across the valley to the northern side of the city including the Royal Crescent. This is a view particularly enjoyed from the Wells Rd, and which I think would be damaged by the construction of the building as currently proposed. This I think is something which members of the DMC should be given an opportunity to consider from the two angles of:

1. Is that view something which is worth trying to preserve?

2. Would the proposed development damage that view to an unacceptable extent?

You'll notice that I am not basing my objection on the principle of PBSA per se, nor on the loss of employment space, nor indeed on the general appearance of the proposed development, which is arguably an improvement on the current building".

Councillor Karen Walker: Objection

"Pickfords have served as a removal and storage company for many years. My residents living in Peasedown St John also use this for storage and find Pickfords to be easy and convenient for their requirements".

B&NES Landscape: Objection

- o The Design and Access Statement fails to recognise the typology and historic significance of the site;
- o The proposed developments materials should take account of the nearby listed building and the predominance of Bath stone and slate within the World Heritage site;
- o The existing trees on site are of sufficient quality to warrant their consideration as a design constraint;
- o The historically open nature of the site and the current 'rhythm' of the Lower Bristol is ignored;
- o U block forms should have been considered as these would afford greater opportunities for creating an appropriate landscape setting and improve the public realm.
- o The build form and the materials of the proposed development are not acceptable in their current form as they would not preserve or enhance the landscape and visual character of the lower Bristol Road, the setting of the Grade II listed Newark Works or the World heritage site.

B&NES Archaeologist: Comments - A Roman villa has been discovered 45m to the south. A pre-determination evaluation will be difficult however due to the depth of the overburden, archaeological conditions are therefore suggested.

B&NES Conservation Officer: No objection

- o The existing modern industrial buildings possess no architectural merit and detract from the setting of the Bath Conservation Area and WHS. Therefore the principle of re-development is supported;
- o Overall the design approach and use of materials is regarded as appropriate and responds to the industrial character of this part of the city;
- o The area surrounding the site is characterised by a variation of material use including natural stones (pennant and limestone), brick and concrete. Therefore the use of brick is regarded as entirely acceptable in this instance;
- o The use of a traditional brick bonding pattern that is an appropriate traditional detail that will assist in assimilating the development with the surrounding historic buildings; The use of metal cladding on a number of side elevations and also the roof is likewise regarded as appropriately industrial in character;
- o The fenestration is suitably modest and understated with a generous reveal that is another traditional detail that assists in assimilating with the development with existing historic buildings;
- o Concerns regarding the height of the 5-storey south range, which is excessive and of a scale not redolent of the historic industrial building to the south of the site some of which are listed, namely Newark Works and may have a negative impact on their setting;
- o This part of the development is also discordant with the more domestic scale of the buildings adjacent to the site and also clearly influences, impacts and impedes views particularly from the south;
- o It is understood that the planning balance that has to be considered in assessing development proposals such as these which requires the weighing of negative elements against the positive aspects of the proposed development.

B&NES Planning Policy: Objection:

Regarding the application of Policy ED2B, the Placemaking Plan para 494 states that 'Un-named estates, smaller industrial clusters and standalone premises are subject to Policy

ED2B. They are still subject to protection to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher value uses, but to a lesser degree.' The overall economic contribution made by Bath Universities is understood however, the economic contribution of the provision of additional purpose built student accommodation is not demonstrated or quantified. With regards to its current use and as evidenced in the Industrial Market Review (Lambert Smith Hampton, December 2015), within the Bath area there is a strong demand for smaller units and more modern premises along with a lack of such premises. The application site is well located and capable of responding to such demand in Bath as it is currently occupied by Pickfords. The intention of Pickfords is not clear from the evidence provided alongside the application.

Policy B1 facilitates a managed reduction of industrial floorspace. This is not a 'first-come, first served' policy, applications will be assessed on their own merits. In this case, the industrial land which Pickfords currently occupies is part of very important and limited industrial land supply within the city. There are strong economic reasons why this change of use is inappropriate. If the applicant provides evidence of unsuccessful marketing as required by Policy ED2B, then this will be taken as evidence that there is not a strong economic reason for refusal.

Wessex Water: Comments - general technical comments provided and conditions suggested in respect of a surface water drainage and foundation method statement (due to an existing trunk sewer running beneath the site)

B&NES Highways Team: No objection subject to off-site works and conditions

- o No objection in principle, the site is well located to the centre of Bath;
- o There is a need to ensure that a comprehensive Travel Plan is formally agreed before first occupation of any units;
- o Travel Plan work should investigate whether addition cycle parking is required;
- o An electric bike station should form part of the Travel Plan;
- o Pedestrian connections are of a good quality and the footway is of a sufficient width;
- o Students must be able to safely cross the Lower Bristol Road to reach the bus stop;
- o A pedestrian crossing facility (of Lower Bristol Road) must therefore be provided;
- o The proposed Bath Quays Bridge will significantly improve cycle connections;
- o There is concern that the proposed 50 cycle parking spaces is insufficient;
- o The bus stops are substandard and should be upgraded to provide raised kerbs and live bus time information;
- o No car parking is proposed and there should not be significant issues relating to students parking elsewhere due to existing controls on the road network;
- o There is no objection to the servicing arrangements;
- o A comprehensive Student Management Plan (dealing with the start and end of each term) should be submitted for approval;
- o there is a significant reduction in the number of parking spaces provided, and there will be a much reduced peak hour impact;
- o Regular movements by heavy goods vehicles will also be removed.

Wales & West Utilities: Comment that they have apparatus in vicinity which may be affected. The developer is advised to contact them prior to works commencing on site.

B&NES Economic Development: Objection

Current projections losses of industrial floorspace in Bath, including Bath Press, Herman Miller, Roseberry Place and Polamco amount to over 34,000sqm. The current application would add a further 4,700sqm to this total and together with further losses in relation to the redevelopment of brownfield sites in the Enterprise Area, suggest that the figure in Core Strategy policy B1(2)(e) could be substantially exceeded.

The Place making Plan makes no provision for new industrial sites in Bath and the Industrial Market Review study carried out in 2015 confirmed that there is little or no industrial land or floor space available in the city where vacancy rates are less than 1%.

Given this economic and policy context and to show the lack of any "strong economic reason" under PMP Policy ED2B for objecting to the loss, the applicant was asked at pre-application stage to provide evidence of how the loss of current facility can be managed within the scope of Core Strategy policy B1(2)(e) and what efforts have been made to relocate the Pickfords facility and associated employment locally. No such evidence has been provided.

B&NES Urban Design: Unacceptable in its current form:

The variety in rooflines and approach to reducing the massing of the large block to the south is welcome. Further reduction of height is however necessary.

The height of the central block is too high from southern view-points in particular. Drawings and visualisations demonstrate that the massing and building line of the slender block of 'townhouses' is at odds with the morphology of the surroundings and presents a blank frontage to the main Lower Bristol Road elevation. The contribution to the public realm is poor in this regard.

Historic England: No objection

- o The proposed development would clearly have varying degrees of visual impact upon various attributes of the Outstanding Universal Value (OUV) of the World Heritage Site (WHS), including the Georgian architecture, town planning and green setting, this does not necessarily equate to harm;
- o The proposed development will be partially visible within the context of The Royal Crescent and the ring of green hills behind. However, within such a limited contextual view, this is not considered to be harmful to the OUV of the WHS;
- o The impact upon views from North Quay and the northern side of the River Avon would be limited, and not sufficiently pronounced as to cause unnecessary harm;
- o The proposed development will have its greatest visual impact upon the setting of the Conservation Area and WHS from the north side of Wells Road;
- o Highest central block sitting just below the horizon of hills extending westwards from the principal Avon valley;
- o The building will be higher and bulkier than the existing warehouse but its impact upon the legibility of the 'green bowl' or other attributes of OUV of the WHS, will not be unacceptably harmful or cause Historic England to object;

- o The height of the shallow block that fronts Lower Bristol Road has been reduced by approximately 800mm. This will marginally reduce the immediate impact of this block on the street scene and setting of the conservation area and Newark Foundry, but will not affect any reduction of impact upon the wider WHS;
- o Some considerable thought has been given to the concept of the brick construction; most notably the proposed use of varied bonds, bespoke wider brick units, and the effect of modifying the brick colour from building plinth to eaves level;
- o If thoughtfully executed, this could result in an innovative and positive addition to the site, taking a legible steer from the industrial character of the area in a contemporary idiom;
- o The application meets the requirements of the NPPF, in particular paragraph numbers 128, 132 and 137 of the NPPF.

Natural England: No objection subject to:

- o The two mature Hornbeam trees on the Lower Bristol Road boundary should be retained;
- o Landscape planting should use native species;
- o External lighting should be kept to a minimum, particularly to the rear of the buildings;
- o The car park to the rear should be kept as dark as possible and if possible, there should be mature native planting along the boundary with the railway.

Environment Agency: No objection subject to conditions securing implementation and compliance with the approved Flood Risk Assessment and remediation of the site should contamination be found. Application of the Sequential, and if necessary the Exception Test are a matter for the local planning authority.

B&NES Environmental Monitoring: No objection on air quality grounds but this is subject to two conditions requiring mechanical ventilation and a Construction Dust Environmental Management Plan.

B&NES Drainage and Flooding Team: Not acceptable in its current form.

- o The submitted Flood Risk Assessment states that surface water will discharge to the public surface water sewer but the submitted drawing shows a connection to the public foul sewer;
- o Surface water attenuation is shown as being located above the public foul sewer; this will need to be altered if this does not meet with the approval of Wessex Water. Confirmation of their approval is required or alternatively amendments to this arrangement;
- o Calculations in relation to the volume of the proposed attenuation tank are required.

Network Rail: No objection; general comments provided in relation to construction activities, layout and health & safety matters.

B&NES Parks Department: No objection

- o The proposal is entirely reliant on off-site green space provision to serve the increased demand generated by new residents. There are deficits of greenspace facilities

in the Widcombe ward and limited existing provision of Parks & Recreation Grounds accessible within 600m from the development;

- o It is Green Park that has the potential to serve the demand for green space generated from this development. The role of Green Park within this section of the enterprise area will change, becoming increasingly important as the density of surrounding residential dwellings increases;
- o There is a need to upgrade Green Park from its current typology as an amenity open space to a fully functional Neighbourhood Park & Recreation Ground to accommodate the impact from this development and others in the vicinity. This will be funded through Community Infrastructure Levy contributions.

B&NES Arboriculture: Not acceptable in its current form

- o The Tree Survey fails to identify and categorise trees within but on the boundary of the neighbouring properties to the sites east and west that could potentially be adversely affected by the development proposals;
- o The indicative trees shown on the site plan are inadequate;
- o There are two mature Hornbeam trees within the site boundary. These trees could be graded as 'A2' rather than 'B1'; and are therefore worthy of consideration as a design constraint.

B&NES Waste Services: Comment:

The submitted assumptions are considered to be incorrect so further discussions will be needed, in order to ensure that waste and recycling provision is adequate. Additionally the current level of detail is insufficient to be able to confirm a collection point.

B&NES Contaminated Land: No objection subject to conditions requiring site investigation and if necessary subsequent remediation.

B&NES Environmental Health: No objection subject to a condition ensuring the development is constructed in accordance with the submitted noise assessment.

Representations

104 members of the public have commented on the application of which 93 are objections; 9 are comments and; 2 support. In addition 4 local interest groups (Bath Preservation Trust, Bath Heritage Watchdog, Widcombe Association and The Federation of Bath Residents Associations) have objected to the proposals.

Bath Preservation Trust: Objection to student accommodation use but support the design:

- o This is a prime location for residential accommodation;
- o The need for student accommodation on key city centre site is questioned;
- o This type of accommodation is expensive and therefore does not address the HMO issue;
- o The units should be constructed such that future residential use is possible;
- o The overall architectural design is supported;
- o The design is grounded, strong and connected to its location;
- o The semi-industrial aesthetic is clearly felt in the design and roof forms;

- o The Lower Bristol Road frontage should be more enlivened and active;
- o The schedule of materials is commended.

Bath Heritage Watchdog: Objection

- o This is likely to have an adverse impact upon the Outstanding Universal Values of the World Heritage Site;
- o The setting of the conservation area and listed buildings will be damaged;
- o Gross overdevelopment; the scale, height, mass and form are inappropriate;
- o Loss of much needed and valued facility with resultant loss of jobs;
- o If housing is to be built here it should be affordable or social housing;
- o The existing building adds open character to the location and does not draw attention to itself;
- o There is nothing to indicate where, if anywhere, Pickfords will relocate;
- o Just about every available brownfield site is being utilised for purpose-built student accommodation;
- o The development will create residential and amenity issues;
- o The use does not off-set the harm caused;
- o There is concern that this is overspill for the South Quays development;
- o The residential is a mask for more student accommodation;
- o Achieving a specific number of rooms only equates to excessive height, scale, mass and built-line;
- o In combination with South Quays, the development will dwarf and enclose the Newark Works site
- o The building is too close to the road;
- o The design does not respect local character or distinctiveness;
- o The taller block is set on a higher level and will impact on the character and wider setting when viewed from such locations as Wells Road, views from the train will be destroyed;
- o The key driver appears to be accommodating an arbitrary number of rooms rather than providing a quality development;
- o The north block is strangely narrow, it is overbearing and dominant with poor elevational treatment;
- o The H block behind is almost prison-like; its height and scale are too great for its location, its elevational treatment is also poor;
- o Residential amenity will be poor in terms of landscaping and limited natural light;
- o The multi-patterned brick bonding are confusing and haphazard; it does not gel;
- o Natural stone with a slate roof should be utilised;
- o The use of copper/metal roofing is opposed.

Widcombe Association: Objection

- o There is concern that the development is not accurately depicted;
- o There are discrepancies in the drawings in relation to relative heights of existing and proposed buildings;
- o Proliferation of student accommodation where there is a severe shortage of affordable housing;
- o The site should be retained as an employment site or safeguarded for mixed-use

The Federation of Bath Residents' Associations: Objection

- o Questionable bulk, height, unappealing architectural aesthetics and loss of a most useful amenity;
- o Bath is becoming like Dodge City;
- o Hungry developers fight for every site that becomes available for the more financially rewarding development of PBSA;
- o Development Management sit back and impotently observe;
- o The sack of Bath by the universities continues;
- o The Council should encourage the universities to build accommodation on their campuses;
- o Is the Council not able to cap the number of students;
- o Is the Council not able to encourage more development of mixed-use accommodation

Objections to the scheme (from members of the public) are summarised as follows:

- o There should be no more student accommodation;
- o The amount of student accommodation is out of control;
- o There needs to be a limit on the number of students;
- o Student flats should be constructed at the university;
- o Students have led to increased rubbish and smashed glass;
- o The city needs affordable housing
- o Existing employees within Bath must travel from outside of the city;
- o The social mix/dynamic of the city is changing detrimentally;
- o Students are transient and do not support the city in the same way;
- o There will be a reduction in the quality of life due to noise and anti-social behaviour;
- o More office space is needed;
- o Office development is being crowded out;
- o Serious disruption will be caused when students are dropped off/collected;
- o The city is already gridlocked;
- o The building is huge; the use of red brick is questioned;
- o The building's height is questioned;
- o Concern re. the impact on local amenities (e.g. retail, healthcare, bars/restaurants);
- o The development will not lead to a reduction in HMOs;
- o The Council should satisfy itself that there is a proportionate decrease in HMOs;
- o Pickfords is a much used local facility and is in a good, accessible location;
- o There will be a loss of employment;
- o There should not be more student accommodation close to the river;
- o CIL charge must be increased on student housing;
- o The submitted street scenes have missed key viewpoints;
- o The Council should be doing more to prevent the universities growth;
- o The car-free nature of this development will not be delivered;
- o Over development;
- o This use is incompatible with the Bath Quays South development;
- o There should be affordable rents for the average student;
- o They are trying to turn Bath into London;
- o Bath is becoming a giant university campus;

Support for the scheme (from members of the public) is summarised as follows:

- o The universities bring so much to Bath, it would be a much poorer place without them;
- o Bath is always in need of more student accommodation;
- o Student accommodation has less impact than even the most anti-car development

Comments (from members of the public) are summarised as follows:

- o The height of the proposed building is unclear;
- o Photomontages have differing degrees of zoom;
- o Has the impact on local amenities been assessed;
- o Has the impact on HMOs been monitored;
- o The Council should be doing more to control PBSA;
- o 'No car' promises are a fantasy;
- o There should be a bus capacity study;
- o Bus stops should be taken off the road;
- o Social housing should be constructed first;
- o Council have a duty to protect their student population from blatant exploitation;
- o Rent must be affordable;
- o Everything is based around students in this city;
- o Affordable starter homes are needed;
- o Parking must be provided;
- o When is this continuing expansion going to end?
- o What will the impact be upon local services?

POLICIES/LEGISLATION

Policies/Legislation:

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- o Core Strategy
- o Saved Policies in the B&NES Local Plan (2007)
- o Joint Waste Core Strategy
- o Neighbourhood Plans (where applicable)

The following Core Strategy policies are relevant:

Policy DW1: District Wide Spatial Strategy
 Policy B1: Bath Spatial Strategy
 Policy B2: Central Area Strategic Policy
 Policy B4: The World Heritage Site and its Setting
 Policy B5: Strategic Policy for Bath's Universities
 Policy SD1: Presumption in favour of Sustainable Development
 Policy CP2: Sustainable Construction
 Policy CP5: Flood Risk Management
 Policy CP6: Environmental Quality
 Policy CP13: Infrastructure Provision

The B&NES Local Plan policies that are replaced by policies in the Core Strategy are outlined in Appendix 1 of the Core Strategy. Those B&NES Local Plan policies that are not replaced and remain saved are listed in Appendix 2 of the Core Strategy.

The following saved Local Plan Policies are relevant:

Policy IMP1: Planning obligations
Policy D2: General design and public realm considerations
Policy D4: Townscape considerations
Policy ES3: Development involving gas and electricity services
Policy ES4: Adequacy of water supply
Policy ES5: Foul and surface water drainage
Policy ES9: Pollution and nuisance
Policy ES10: Air quality
Policy ES12: Noise and vibration
Policy ES13: Safety hazards
Policy ES15: Contaminated land
Policy WM.4: Waste recovery and recycling in new development
Policy NE.13A: Bath Hot Springs
Policy BH.2: Listed buildings and their settings
Policy BH.6: Development within/ affecting Conservation Areas
Policy BH.12: Important archaeological remains
Policy BH.13: Significant archaeological remains in Bath
Policy BH.22: External lighting
Policy T.1: Overarching access policy
Policy T.3: Promotion of walking and use of public transport
Policy T.5: Cycling Strategy Improved facilities
Policy T.6: Cycling Strategy: cycle parking
Policy T.9: Railways: safeguarding of existing network and use of former railway land
Policy T.20: Loss and provision of off-street parking and servicing
Policy T.24: General development control and access policy
Policy T.25: Transport assessments and travel plans
Policy T.26: On-site parking and servicing provision

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report.

The following policies have substantial weight

Policy SCR1: On-site renewable energy requirement
Policy SCR5: Water efficiency
Policy SU1: Sustainable drainage policy
Policy D1: General urban design principles
Policy D2: Local character and distinctiveness
Policy D3: Urban fabric
Policy D4: Streets and spaces
Policy D5: Building design
Policy D6: Amenity

Policy D10: Public realm
Policy NE4: Ecosystem services
Policy NE5: Ecological network
Policy PCS1: Pollution and nuisance
Policy PCS3: Air quality
Policy PCS5: Contamination
Policy PCS7A: Sewage Infrastructure
Policy PCS8: Bath Hot Springs
Policy LCR1: Safeguarding local community facilities
Policy LCR7B: Broadband
Policy ED2B: Non-strategic industrial premises
Policy B4: The World Heritage Site
Policy BD1: Bath Design Policy

The following policies have significant weight

Policy D8: Lighting
Policy HE1: Historic environment
Policy NE3: Sites species and habitats
Policy PCS2: Noise and vibration
Policy ST7: Transport requirements for managing development
Policy B1: Bath Spatial Strategy
Policy B5: Strategic policies for universities and private colleges

City of Bath World Heritage Site Setting SPD (August 2013)
Bath City-Wide Character Appraisal SPD (August 2005)
Planning Obligations SPD (April 2015)
Bath Building Heights Strategy (September 2010)

OFFICER ASSESSMENT

Principle

The Bath spatial strategy (Policy B1 of the adopted Core Strategy) is clear that, in order to facilitate the growth of the city's two universities, both on and off campus purpose-built student accommodation in Bath is supported in principle subject to compliance with CS Policy B5. CS Policy B5 restricts off-campus student accommodation within the Central Area, the Enterprise Area and on MOD land where this would "adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to housing and economic development". The application site is very close to both the Enterprise Area and the Central Area but crucially it is not within either of those designations nor is it former MOD land; the restrictions imposed by Policy B5 are therefore not applicable.

CS Policy B1 acknowledges that there will be a contraction in the demand for industrial space in Bath from around 167,000m² in 2011 to around 127,000m² in 2029 (i.e. 40,000m²). The policy seeks to plan for this contraction whilst sustaining a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base; it states that it seeks to do this by retaining a presumption in favour of industrial land in the Newbridge riverside area.

The application site is situated outside of a Core Business Area as designated in the saved Local Plan; Core Business Areas are known as Strategic Industrial Estates in the emerging Placemaking Plan (and have been reduced in number). Emerging Placemaking Plan Policy ED2B sets out the Council's policy in respect of industrial premises which are located outside of Strategic Industrial Estates; this policy has substantial weight as no objection was raised to it during the Placemaking Plan examination. The policy is clear that non-strategic sites, such as the Pickford's site, are not afforded the same degree of protection as strategic sites and that there is a presumption in favour of residential redevelopment unless there is a strong economic reason why this would be inappropriate.

Saved Policy ET3 of the Local Plan sets out, amongst other things, the criteria against which proposals involving the loss of industrial space outside of Core Business Areas (i.e. the application site) are judged. This policy requires such proposals to be judged against the level of progress being made in achieving a reduction in industrial floor space as well as whether the site is capable for continued business use (or similar); whether the continued business use of the site would perpetuate an unacceptable environmental or highway problem; or whether the community benefits of an alternative use/mix would outweigh the economic advantages of the existing/similar use.

The National Planning Policy Statement (NPPF) states at Paragraph 51 that, "they [local planning authorities] should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate".

The Council's Economic Development Team has raised an objection to the application and considers there to be a strong economic reason for refusal. The Economic Development Team recognise that the aforementioned Core Strategy Policy B1 states that allowance should be made for a managed reduction of approximately 40,000sqm of industrial space in Bath during the plan period but have stated that current evidence suggests that this figure could be substantially exceeded. This position is supported by the Council's Planning Policy Team.

Monitoring data shows that in the five years between 2011 and 2016 15,300sqm of industrial floor space has been lost in Bath and further projected losses which include Bath Press, Herman Miller and Roseberry Place will amount to over 25,000sqm; there is also expected to be further losses in respect of additional brownfield sites within the Enterprise Area. The ED team therefore have significant concerns that the figure of 40,000sqm could be substantially exceeded. Further concerns expressed by the ED team include the fact that the Placemaking Plan makes no provision for new industrial sites in Bath and the Industrial Market Review study carried out in 2015 confirmed that there is little or no industrial land or floor space available in the city where vacancy rates are less than 1%. It has been highlighted that the existing building accommodates a total of 4,700sqm of B8 use and that the site provides 9 jobs at present. It has been calculated by the ED team that the current use provides an estimated GVA input of £502,167 per annum; furthermore the site has the potential to deliver a range of different industrial uses and types of employment and potentially could provide approximately £10.5 m in GVA.

The ED Team conclude that in redeveloping this site the potential to intensify its present use class (B8) is lost together with the estimated £3.6m of GVA to the local economy, as is the potential to significantly increase its potential GVA input with alternative industrial uses. The ED team have also highlighted that the site has not been marketed to assess the market interest in the site. Feedback from local agents has suggested that this site is well suited to 'B' class employment uses and is in very high demand.

The agent argues that there is nothing of particular economic merit or value in the Use Class B8 floor space that will be lost. It is highlighted that the storage use has an extremely low employment density (less than 10 employees) and that the footprint of the building is limited in area (1460sqm). It is argued that the 4,700sqm total floor space is due to the insertion of mezzanine floors which provide storage volume without generating additional jobs; it is stated that the ceiling heights of these mezzanines are too low for these floors to be used for non-storage purposes and therefore in a practical sense the useable floor space of the building is just 1460sqm.

The agent has further highlighted that the objective set out in the Core Strategy - which is to plan for a decline in industrial floor space has not been superseded. It is argued that if the Council now takes a different view in the light of new evidence, then that is a matter for the forthcoming Core Strategy review.

Officer's Assessment of this Issue

The starting point is that Policy B1 of the adopted Core Strategy states that the strategy for Bath is, amongst other things, to plan for a contraction in the demand for industrial floor space by 40,000m² between 2011 and 2029 whilst sustaining a mixed economy by retaining a presumption in favour of industrial land in the Newbridge Riverside area. This protection is carried forward to the emerging Placemaking Plan in the form of Policy ED2A. It is considered that given the diminishing weight of the saved Local Plan and the ever-increasing weight of the emerging Placemaking Plan, the emerging Placemaking Plan carries greater weight.

The application site is not within the Newbridge Riverside area nor is it within any other area singled-out by Policy ED2A for special protection; accordingly Policy ED2B is instead applicable. This policy states that the redevelopment of non-strategic sites (such as Pickford's) for residential purposes should normally be approved unless there is a strong economic reason why this would be inappropriate. There is therefore a clear presumption in favour of the residential redevelopment of such sites unless the local planning authority can clearly demonstrate that significant/strong economic harm will result justifying an exception to the presumption in favour to be made. Student accommodation is considered to fall within the definition of 'residential' for the purposes of Policy ED2B/NPPF; the broad term 'residential' is used as opposed to the more specific dwelling houses or Use Class C3 (dwellings). Given the clear presumption in favour of residential redevelopment the onus is on the LPA to demonstrate the strong economic reason for refusal; there is no onus on the applicant to demonstrate the absence of one.

It is evident that the planned contraction of industrial floor space (40,000m²) in Bath must take place on the sites not protected by Policy ED2A i.e. those sites to which Policy ED2B applies such as Pickfords. It is therefore inevitable that a number of the non-strategic

industrial sites within Bath, such as Pickfords, will have to be lost to facilitate that contraction.

The ED team's concern that a number of industrial sites have already been lost in Bath and that the 40,000m² figure could therefore be exceeded are noted but this can only be afforded limited weight. Planning applications must be assessed and determined in respect of the current situation rather than on the basis of speculation (albeit potentially accurate speculation) in respect of what may or may not happen in the future. At present the 40,000m² figure has not been exceeded and based upon the current rate of losses it will be several years before that figure is reached. The application is contributing positively towards the planned contraction of industrial floor space in Bath and as such in that respect is compliant with Policy B1 of the Core Strategy.

The ED team's comments in respect of the value that the existing use contributes to the local economy, and the potential value of the site's contribution should it be repurposed and/or redeveloped for industrial uses are noted but all industrial sites in Bath will have an economic value to the city (both the existing use and potential future uses). It is unclear what is so exceptional about the value of the Pickford's site's contribution such that a decision contrary to the presumption in favour of redevelopment is justified. Ultimately this non-strategic site currently accommodates a warehouse use employing less than 10 individuals. The case that there are 'strong economic reasons' justifying a decision contrary to the normal presumption in favour of residential redevelopment is considered to be weak and likely to be very difficult to defend, and substantiate, at appeal.

Loss of Storage Facility

The Bath Pickfords storage facility is a widely used local service and a number of objections to the application are from customers who use the service and find it very useful.

Paragraph 70 of the NPPF states that planning decisions should, amongst other things, "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs". It is considered that the Pickfords facility, whilst a privately operated business, does fall within the definition of a 'valued facility/service' and therefore the scope of Paragraph 70.

Emerging Policy LCR1 of the Placemaking Plan (which carries substantial weight) also seeks to safeguard local community facilities and qualifies the protection offered by NPPF Paragraph 70. This policy states that the loss of valued community facilities will only be permitted if there are (or will be) adequate alternative facilities of equivalent community value, or if the loss is an integral part of wider improvements by a public service provider.

The existing Pickfords facility provides a valuable local service but it is not the only storage facility within the city; alternative providers include Walcot Self-Storage and Safe Store in Twerton for example. There are also additional storage providers outside of the city. It is evident that the loss of the Pickfords facility, whilst inconvenient to its customers, will not have a significant adverse community impact; its on-going protection is therefore unnecessary.

For the reasons set out above there is no objection to the loss of the Pickfords facility and its redevelopment for purpose-built student accommodation. The application is considered to accord with Policy B1 and B5 of the adopted Core Strategy as well as emerging Policy ED2B and LCR1 of the Placemaking Plan.

Design and Impact on Heritage Assets

The development takes the form of two buildings of student accommodation; a narrow row of 4-storey 'town houses' situated along the site's frontage with Lower Bristol Road and a much larger part 4-storey/part 5-storey building to the rear.

The proposed 'town houses' involve three large units comprising 10 bedrooms each with shared/communal facilities. A bicycle store (50 spaces) and gym will be provided on the lower ground floor of this building serving the whole development. The main building to the rear is 'H' in plan and includes common areas within the building's central core at ground floor level. Elsewhere cluster flats are provided and these typically involve 4 to 8 bedrooms within each unit clustered around a shared kitchen/living area; there are 174 bedrooms in the main building in total.

The proposed buildings are contemporary in style and are to be faced in brickwork to reflect the site's industrial history and the wider industrial context of Lower Bristol Road. A variety of brick bonding patterns are proposed including linear brickwork, Flemish bond and textured brick, the fine details of which can be controlled by condition. It is proposed that the roof will be faced in a metal material and the end elevations of the town houses will be clad in a matching metal material.

The application site is outside of the Conservation Area but is situated in close proximity to it, to both the north and south. The site is within the World Heritage Site (WHS). The former factory buildings of the former Newark Works, situated immediately to the north of the site beyond the Lower Bristol Road, are Grade II listed. Close by to the east are a number of Regency-era terraced houses which are also Grade II listed.

Historic England have opined that the proposed development would have varying degrees of visual impact upon various attributes of the Outstanding Universal Value of the WHS but that this does not necessarily equate to harm. Historic England are satisfied that whilst views from the south will be affected, this is not considered to be harmful to the OUV of the WHS; they have also stated that the impact upon views from the north would be limited, and not sufficiently pronounced as to cause unnecessary harm. Historic England has recognised that the greatest visual impact (upon the setting of the conservation area and upon the WHS) will be from the north side of Wells Road. They have concluded that from this vantage point the proposal would be experienced with its highest central block sitting just below the horizon of hills. The proposed building is higher and bulkier than the existing Pickfords building but Historic England do not consider that the impact of the proposal upon the legibility of the 'green bowl' or other attributes of OUV of the WHS, would be unacceptably harmful or cause them to object to the application. Ultimately Historic England considers the development to be NPPF compliant. The views expressed by Historic England carry significant weight as they are the government's key heritage advisor and a statutory consultee on such matters.

The Council's Senior Conservation Officer has praised the overall design approach as well as the use of materials which is considered to respond well to the industrial character of the area. The modest, understated nature of the fenestration has been supported by the Senior Conservation Officer as is the generous reveal which is considered to be another traditional detail that assists in assimilating with the development with existing historic buildings.

Bath Preservation Trust is also supportive of the scheme's design. They are content that the development will be grounded, strong and connected, both in form and materiality, to its location. Furthermore they are of the view that the proposed development will sit comfortably within the street scene; they have questioned some elements of the scheme but overall are supportive.

The scheme is not without its critics. Bath Heritage Watchdog (BHW) strongly object to the application and has expressed concerns that the proposal is gross over-development of the site. There is concern that the scale, height, mass and form of the proposed buildings are completely inappropriate for this location and that the choice of materials is poor. BHW are concerned that the proposed building in combination with the recently approved Bath Quays South redevelopment, will dwarf, enclose and hem in the Grade II listed Newark Works site and obscure views across the city to the north. There is concern that the proposed development will harm both the World Heritage Site and adjacent conservation area. In respect of the design itself, the industrial approach is understood but considered to fail badly in its execution by BHW.

The Council's Urban Design Team have stated that the scheme is unacceptable in its current form but have stopped short of going one step further and formally objecting to the application. The Urban Design Team's concerns relate to the height of the main building, the impact of that height on views from the south and the elevational treatment of the building at ground level along the Lower Bristol Road (which is essentially blank). A significant number of members of the public have also criticised the design and appearance of the proposed development, in particular its proposed height (see below). These concerns have been repeated by the residents associations.

Officer Assessment of this Issue

Paragraph 132 of the NPPF states that, "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". The site, as stated, is within the WHS which is considered to be a very important designated heritage asset, very significant weight must therefore be given to its conservation. Significant weight must also be given to the conservation of the Conservation Area as whilst the site is outside of it, the development has the potential to impact upon its setting.

In addition 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.' The impact of the proposed

development on the setting of the Grade II listed Newark Works as well as other listed buildings in the vicinity must therefore be given significant and statutory weight.

It is evident that the representations and consultation responses received in relation to this application are mixed and in some cases conflicting. What is clear however is that neither Historic England nor the Council's own Conservation Team object to the application; indeed they are both supportive of the design approach.

The industrial design approach is supported; the saw-tooth style roof is a nod to the site's industrial past as well as its existing semi-industrial location; this will create an interesting contemporary feature within the street scene. The proposed materials palette is welcomed; it is considered that brickwork is an appropriate material along this part of Lower Bristol Road where a number of existing brick-built buildings, both modern and historic, are in place. The Urban Design team's comments in respect of the development's blank frontage to Lower Bristol Road (at street level only) are noted but as stated elsewhere in this report this part of the development is at a high risk of flooding and as such only less vulnerable uses are appropriate at ground floor level - such as the bicycle store. This has implications for the external appearance of the building at this level but given the similar nature of the street scene in the vicinity and given that this building does not occupy the entire site frontage it is not considered that the blank nature of this part of the building will be harmful.

The issue of the building's height has been raised by the Urban Design Team and this has also been referenced by the Conservation Team (although neither has objected on these grounds). Whilst there is a preference for the building to be lower than currently proposed, this is not considered to be a necessity as no unacceptable adverse impacts will result from the proposed building's height. The impact of the building's height is to a large extent mitigated by the local topography (which rises steeply to the rear) as well as the height of the adjacent railway viaduct and the height of a number of neighbouring buildings some of which are comparable. It is considered that the site can satisfactorily accommodate a building of this height and scale without unacceptable adverse impacts resulting. As stated above Historic England have opined that whilst views from the South (along Wells Road etc.) will be affected by the building's height, this impact will not be unacceptably harmful on the so-called green bowl of Bath nor the other attributes of the World Heritage Site's Outstanding Universal Values.

The Grade II Newark Works building(s) is situated opposite the application site. Concern has been raised (although not by Historic England or the Council's Conservation Team) that the proposed development will harm the setting of this listed building. Concern has also been raised by third-parties that the impact of the proposed development on Newark Works will be particularly harmful when combined with the impact of Bath Quays South development. As stated above significant statutory weight must be given to such matters.

It is not considered that the proposed development, alone or in combination with the Quays South redevelopment, will harm the setting of Newark Works. The application site is separated from the Newark Works site by Lower Bristol Road. The proposed main building is set back somewhat from Lower Bristol Road and whilst higher than the current Pickford's building it is not substantially so. The site frontage, i.e. the part of the site closest to Newark Works, is to be occupied by the 'townhouses' which are lower in height and less significant in scale. The development, as stated, follows an industrial design approach,

this is intended to be respectful to, and sympathetic to its industrial neighbours including Newark Works. For these reasons the proposed development is considered to be compatible with the Newark Works site and its Grade II listed status; the relationship between the two sites will be a positive one and no harm on the listed building's setting will result. This positive relationship will not be altered by the implementation of the Quays South scheme. The Quays South buildings (office and residential blocks) are too distant from the Pickford's site for any real sense of overbearing or being 'hemming in' to result.

Overall for the reasons set out above, it is considered that the proposed development is of an acceptable design which will preserve the character and appearance of the adjacent conservation area, enhance the setting of nearby listed buildings as well as conserve the Outstanding Universal Values of the World Heritage Site. Great weight has been given to the need to conserve the WHS and significant weight has been given to the need to conserve the conservation area and setting of nearby listed buildings but ultimately it is not considered that the proposed development will cause any harm to these designated heritage assets.

The application accords with Core Strategy Policy B4 which has a strong presumption against development that would result in harm to the World Heritage Site as well as Core Strategy Policy CP6 which, amongst other things, supports high quality design the enhancement of the historic environment. CS Policy CP6 also encourages, in regeneration areas, the imaginative integration of new development with the historic environment. It is considered that the proposed contemporary is indeed imaginative and complies with the objectives of Policy CP6 in this respect.

In addition it is considered that the application complies with emerging Policy BD1 of the Placemaking Plan (Bath Design Policy). Again this policy encourages development which respects, responds to and positively contributes to the character of Bath including maintaining the World Heritage Site and the character and appearance of the conservation area. Finally, the proposals also accord with the general design policies of the emerging placemaking plan (policies D1-D5) which seeks to ensure a high standard of design.

Highway Matters

The application site is situated on the main A36 Lower Bristol Road one of the key vehicular routes through the city. The site is situated within a Controlled Parking Zone (CPZ) which is operational Monday-Saturdays (8am-6pm); parking is restricted to permit holders only. There is an existing bus stop adjacent to the site frontage and the railway station and city centre are within easy walking distance.

This is a car-free development in respect of the student accommodation; three car parking spaces are proposed within the site but these will be used solely by staff and blue badge holders. The development includes 50 cycle parking spaces; these are to be provided within an undercroft storage area beneath the town houses fronting Lower Bristol Road.

A change-over Student Management Plan has been submitted and this deals with the management of student arrivals and departures at the start and end of each term.

The Council's Highway Team has raised no objection to the proposal, including its car-free nature, however some additional off-site improvements are considered necessary in the interests of pedestrian safety. There is a need to ensure that students are able to safely cross Lower Bristol Road in order to reach the bus stop on the opposite side of the road. In the event that permission is granted a pedestrian crossing will therefore need to be provided on this desire line. The Bath Quays South development (immediately to the north) is proposing to provide a pedestrian crossing on this desire line across Lower Bristol Road. Members will recall that the committee resolved to permit the Bath Quays South scheme at April's meeting, timescales for the implementation of that permission are currently unclear and as such it will be necessary to ensure that a pedestrian crossing is delivered by this development prior to occupation in the event that it is not delivered by the Bath Quays South scheme.

The Highway Team has raised concerns in respect of the quantum of cycle parking proposed; there is concern that the proposed provision of 50 spaces is too low. It is recommended that a Travel Plan commits the operator to monitor the need for cycle parking and provide additional cycle parking as appropriate. Visitor/short-stay cycle parking will also need to be provided adjacent to the main pedestrian entrance; this can be secured by condition in the event that permission is granted.

The proposed development will significantly intensify the use of the existing bus stops adjacent to the site's frontage. Currently both of these bus stops are of a low standard with no shelters or raised kerb provision; these stops will need to be upgraded at the developer's expense; this can be secured by S.106 Agreement. The submitted Student Management Plan is considered broadly acceptable albeit lacking in detail; a more detailed plan can be secured by condition.

Subject to the aforementioned planning obligations and subject to conditions securing a Construction Management Plan, Travel Plan and Student Management Plan the application is considered to be acceptable in highway terms and accord with saved policies T24 and T25 of the Local Plan and emerging Policy ST7 of the Placemaking Plan.

Flood Risk Matters

The site frontage is situated in Flood Zone 3; this is an area deemed by the Environment Agency as being at a high risk of flooding. The remainder of the site is designated as Flood Zone 2 (medium risk). In accordance with Para. 103 of the NPPF the local planning authority must be satisfied that there is no alternative land reasonably available for the development in areas of lower flood risk (the so-called sequential test); it is considered that the area of search should be limited to Bath itself as clearly student accommodation serving the city's two universities necessitates a city location.

A Sequential Test report has been submitted by the applicant. Potential sites on the edge of the city (which tend to be Flood Zone 1 - low risk) are not appropriate for other planning reasons including Green Belt restrictions and poor accessibility. Previously developed sites elsewhere in the city tend to be focussed along the River Avon corridor and as such are not considered sequentially preferable in flood risk terms as they too are designated as Flood Zone 2 or 3. It is not considered that at the current time there are any alternative sites for this development reasonably available in a lower flood risk zone in Bath; accordingly the sequential test is considered to be passed.

Following successful application of the Sequential Test, and following national policy set out in NPPF Paragraph 103, the Exception Test must be applied; the local planning authority must be satisfied that the sustainable benefits [of the development] to the community outweigh the flood risk and that the development will be safe for its lifetime. A Flood Risk Assessment (FRA) forms part of the application submission. As stated, the site's Lower Bristol Road frontage falls within Flood Zone 3 (high risk). This part of the site is at a risk of river flooding during a 1:100 year storm event. The scheme has been designed however such that only less vulnerable uses are located within these areas (at ground floor level) for example the bicycle store. The Finished Floor Level of the student accommodation itself (i.e. the cluster flats etc.) is above the 1 in 100 year (plus 30% climate change allowance) flood level plus a further 300mm freeboard i.e. +20.35m AOD. The scheme includes various flood resilient measures and the drainage scheme will be designed to minimise the risk of flooding further. The Environment Agency has raised no objection to the application subject to a number of conditions securing implementation of the FRA and its various mitigation measures (see below). Accordingly it is considered that the development will be safe for its lifetime and in this respect the application passes the Exception Test.

The sustainable benefits to the community will outweigh the flood risk; the development brings with it a number of benefits including the economic benefits association with the construction phase and the benefits in respect of the building's positive impact in design terms. These benefits will outweigh the potential impact of flooding which, for the reasons set out above, will be low. The Exception Test is therefore passed in full.

The Flooding & Drainage Team have raised concerns in respect of the submitted surface water drainage details. The initially submitted drainage plan incorrectly showed a connection to the public foul sewer; this error has since been corrected, surface water will in fact connect to the existing storm water drainage system. Concerns were also raised in respect of a potential conflict between the proposed drainage infrastructure and the existing Wessex Water foul sewer; there was also a lack of information in respect of the volume of the proposed attenuation tank. Clarification has since been provided and the Flooding & Drainage Team reconsulted. This is a minor issue of detail; members will be updated at the meeting.

The application is acceptable in flood risk terms and thus accords with Policy CP5 of the Core Strategy, emerging Policy SU1 of the Placemaking Plan as well Paragraph 103 of the National Planning Policy Framework.

Air Quality

The site frontage is situated within an Air Quality Management Area (AQMA). AQMA are those areas where nitrogen dioxide levels have been found to exceed National Air Quality Objectives and within Bath includes much of the main road network. The location of a site within an AQMA does not necessarily result in a scheme being objectionable for air quality reasons however it is an important material consideration which must be taken into account. The Council's Senior Public Protection Officer has raised no objection to the application subject to those units within the AQMA incorporating mechanical ventilation systems; this can be secured by condition. Accordingly, subject to such conditions, the application accords with emerging Policy PCS1 of the Placemaking Plan.

Contaminated Land

The site is identified in the Council's records as a 'Site of Potential Concern' in respect of contaminated land. The site was historically railway land and included a number of sidings and associated railway infrastructure; this is a potentially contaminative historical use. A Phase 1 Desk Study has been submitted by the applicant and the Council's Contaminated Land officer is content with its findings. A number of conditions securing the investigation, remediation and monitoring of contaminated land are suggested by the Contaminated Land Officer in the event that permission is granted. Subject to these conditions the application accords with emerging Policy PCS5 of the Placemaking Plan.

Impact upon the Railway

The Bristol-Bath Spa-Paddington main line runs in close proximity to the south of the application site. A small decked car park, which is not part of the application site, is situated between the site and the railway embankment. Network Rail have raised no objection in principle to the development but require certain safeguards to be in place to protect their assets (for example any piling to be approved by them prior to commencement); these safeguards can be secured by condition (see below) and/or informatives in event that permission is granted.

Arboriculture/Impact upon Trees

Two semi-mature Hornbeam trees are located at the very front of the site, adjacent to the site's boundary with Lower Bristol Road; they form a highly visible and attractive part of the street scene. The submitted tree survey states that these trees are of a moderate quality with an expected lifetime of a further 20-40 years. The survey concludes that the trees are not worthy as a key design constraint within a future development; the Council's Arboriculturalist disagrees with this assessment and considers that the trees are worthy as a design constraint. Concerns have also been raised in respect of a lack detail regarding other trees on or adjoining the application site. Natural England has also expressed a desire for the Hornbeam Trees to be retained.

It is agreed that the two existing Hornbeams are worthy of retention but be that as it may they are proposed to be felled to make way for the 'townhouses' to be situated on the site's frontage. The Council arboriculturalist, whilst commenting on the quality of these trees, has not formally objected to the loss of them nor has Natural England. The loss of these two Hornbeam trees is unfortunate but it is nevertheless considered necessary to ensure a high quality design (i.e. one with a strong road frontage). If the trees were to be retained, a large part of the site's frontage would effectively be sterilised - this would most likely result in a lower quality development. There is no significant ecological value in retaining these trees.

There are no other trees within the application site but trees situated on neighbouring sites do overhang the site to both the east and west. The lack of any information regarding these trees is unfortunate but ultimately this issue would constitute a very weak reason for refusal given that the main proposed buildings are to be sited some distance from these trees and there is no evidence that the buildings would adverse impact upon them. Furthermore the trees benefit from no formal protection as they are neither the subject of

Tree Preservation Orders (TPO) nor within a Conservation Area. The trees in question are situated at a higher level than the application site behind a retaining wall and therefore are highly unlikely to be adversely affected by this development.

The application accords with emerging Policy NE6 of the Placemaking Plan which does not resist development which has an adverse impact upon trees if it is demonstrably unavoidable (as is the case with the aforementioned hornbeams). To comply with this policy however compensatory tree planting will be required in accordance with the Council's adopted 'Planning Obligations' SPD; this can be secured by S.106 Agreement (see below) should members be minded to grant permission.

Residential Amenity

There are no residential properties situated in close proximity to the application site. The site is in a predominantly commercial area. Office uses are located to both the east and west of the application site and the Bath Quays South development site is situated opposite the site across Lower Bristol Road. The railway is situated to the south. A number of terraced residential properties in Oak Street are situated some 30m (min) to the east and south east. Residential properties are also situated in Thornbank Gardens and The Academy some 50m and 60m to the south respectively (beyond the railway).

There are no residential properties sufficiently close to this development to be adversely affected to an unacceptable degree. The distances described above are sufficient to ensure that the proposed building(s) will not have an unacceptable detrimental impact upon residential amenity through overlooking, overshadowing, visual domination or noise and disturbance. The outlook from the dwellings to the south will be altered by this development but the loss of, or impact upon, a private view is not a material planning consideration and therefore this matter cannot be afforded any weight.

The key residential amenity issue in respect of this application is the potential impact of the adjacent railway on the living conditions of the resident students in terms of noise and vibration. The railway line, at its closest, is situated approximately 23m to the south of the main accommodation block. It has been demonstrated that using standard construction forms, all habitable rooms can have internal noise levels that comply with the recommendations of BS8233: 2014. Typical maxima noise levels have been predicted to comply with the WHO guideline that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night. The application accords with emerging Policy PCS2 of the Placemaking Plan in respect of noise and disturbance considerations as well as emerging Policy D6 in respect of general residential amenity considerations.

Waste/Recycling Facilities

The Council's waste team have raised concerns that the developer's waste/recycling calculations (number/type bins) are incorrect. The waste team cannot be satisfied that the waste and recycling provision serving the development is adequate; furthermore the collection point is unclear.

A substantial waste/recycling store forms an integral part of the main building and is both accessed from within the building and externally via a set of double doors; this is in

relative close proximity to the vehicular access road. Whilst the comments of the Waste Team are noted these issues are not insurmountable and relate to matters of clarification; accordingly it is not recommended that these issues form a reason for refusal. It is evident that the development is well served by waste/recycling facilities in close proximity to a vehicular route.

Summary, Conclusion and Overall Planning Balance

The proposed redevelopment of this site is acceptable in principle. The objections of the Economic Development team are noted but it is considered that the Council would be in a weak position defending an economic-based reason for refusal given the policy context. It is Council policy to plan and make allowances for a significant contraction in industrial land in Bath during the plan period. The emerging Placemaking Plan affords special protection to certain strategic industrial areas but the application site is not within one of those strategic areas. Furthermore it is inevitable, given the high degree of protection afforded to the strategic industrial sites, that some of the planned industrial contraction will have to occur on non-strategic industrial sites such as the application site. Emerging Policy ED2B does offer a degree of protection to the non-strategic industrial sites but only where there are demonstrable strong economic reasons to do so.. Whilst the Economic Development team have put forward a number of reasonable and legitimate reasons for resisting the loss of the Pickford's storage facility, the agent has also put forward a number of reasonable and legitimate arguments in favour of its loss. On balance and given the broader policy context set out above it is not considered that the economic reasons for resisting the development amount to 'strong' reasons as required by Policy ED2B. Furthermore alternative storage facilities are available elsewhere within the city and as such it would be unreasonable to resist the development on the grounds of the loss of a community facility. The redevelopment of the site is therefore supported in principle.

Having accepted that the site may be redeveloped for non-industrial purposes, there are no development plan policies or any other site-specific reasons to resist purpose-built student accommodation in this location.

The design and external appearance of the proposed development, including its scale, height, bulk and massing, is appropriate to its context. No harm will result to the character or appearance of the conservation area and no harm will be caused to the Outstanding Universal Values of the World Heritage Site. The setting of the Grade II listed Newark Works will not be harmed nor will the setting of other heritage assets in the vicinity.

Subject to a number of conditions and planning obligations (secured by S.106 Agreement) as set out below, the application is acceptable in all other respects including in respect of its highway impact and impact on residential amenity. The proposed development accords with adopted development plan policy and there are no overriding material considerations suggesting that a decision contrary to the development plan should be taken. According it is recommended that the application be permitted.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 1. Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

- a) a car-free development;
- b) the installation of a controlled pedestrian crossing of Lower Bristol Road immediately to the north of the application site;
- c) the upgrading of the existing bus stops to include raised kerbs, live bus information and where appropriate shelters;
- d) a financial contribution towards off-site replacement tree planting;
- e) a site specific Targeted Recruitment & Training in Construction obligation

2. Subject to the prior completion of the above agreement, authorise the Group Manager to PERMIT subject to the following conditions (or such conditions as may be appropriate):

1 Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Approval of the details of the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Prior to work commencing on the construction of the building hereby approved (i.e. excluding demolition works) samples of all external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details/samples so approved.

Reason: In the interests of visual amenity.

4 Prior to the construction of any brickwork, a sample panel of the proposed brickwork (measuring a minimum of 1m x 1m) shall be erected on site and shall be approved in writing by the local planning authority. The approved sample panel shall be retained on site throughout the construction phase and the brickwork shall be constructed in accordance with it.

Reason: In the interests of visual amenity.

5 Prior to the commencement of development a method statement detailing how the existing trunk sewer beneath the application site will be protected during the construction phase and permanently thereafter shall be submitted to and approved in writing by the

local planning authority. The trunk sewer shall be protected in accordance with the approved method statement during development works and thereafter.

Reason: To ensure that the trunk sewer is protected during development works and thereafter. A pre-commencement condition is necessary because there is the potential for the sewer to be damaged immediately upon commencement (including during demolition).

6 The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Hydrock dated 7 November 2016 rev 02 ref 035108) and the following mitigation measures detailed within the FRA:

- o Finished Floor Levels of all living accommodation and the electrical substation set at a minimum of 20.35mAOD
- o Only less vulnerable uses (such as bike storage and gym) located on the lower ground floor and this shall be set no lower than 17.96mAOD.
- o Inclusion of resilience measures as detailed on page 25 of the Flood Risk Assessment

The mitigation and resilience measures shall be implemented in full prior to first occupation and shall be maintained thereafter for the lifetime of development.

Reason: To reduce the risk of flooding to the development and future users.

7 No development shall commence above slab level until details of a mechanical ventilation system (including a maintenance schedule) has been submitted to and approved in writing by the local planning authority. The mechanical ventilation system shall be fitted to all units which have an external wall located within the Air Quality Management Area (AQMA) [reference to plan to be inserted] and shall draw air into the applicable building(s) from an area where the annual average nitrogen dioxide concentration is below 40 $\mu\text{g}/\text{m}^3$. The mechanical ventilation system shall be installed and maintained in accordance with the approved details

Reason: To protect occupants from high levels of air pollution associated primarily with the Lower Bristol Road.

8 No development shall commence until a Construction Dust Environmental Management Plan for all works of construction and demolition has been submitted to and approved in writing by the local planning authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect local residents from undue disturbance during the demolition and construction phase. A pre-commencement condition is necessary because the potential adverse impact of dust will be result immediately and particularly during demolition works.

9 No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The statement should include all trees within the site and on the boundary of the site within neighbouring

properties whose canopies and/or Root Protection Areas lie within or encroach upon the site; proposals for tree planting including species, size, and location; the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site; the burning of materials on site; the location of site office; service run locations including soakaway locations; and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE.4 of the Bath and North East Somerset Local Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

10 No development shall commence until a Construction/Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan. This is a condition precedent because any initial construction and demolition works could have a detrimental impact upon highways safety and/or residential amenity.

11 No occupation of the development shall commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy T.1 of the Bath and North East Somerset Local Plan.

12 No occupation of the development shall commence until a Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies T.24 and D.2 of the Bath and North East Somerset Local Plan.

13 The development shall be constructed in accordance with provisions of the noise assessment report, dated 10 November 2016.

Reason: To mitigate the noise impact of the development on neighbouring properties and to offer appropriate protection to future occupants of the development from road traffic noise.

14 No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

15 No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National

Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

16 No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

17 In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

18 Prior to the installation of any drainage infrastructure (foul and surface water), details of that infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details so approved.

Reason: To ensure that the development is served by an adequate system of surface water and foul drainage and to ensure that those systems do not impact adversely upon Network Rail infrastructure.

19 In the event that vibro-compaction/displacement piling plant is to be used in the construction of the development hereby approved, details of such machinery as well as a method statement for such shall be submitted to and approved in writing by the local planning authority in advance of any piling activity commencing. The development shall proceed in accordance with the details so approved.

Reason: To ensure that piling activities do not have an unacceptable impact upon Network Rail infrastructure.

20 Prior to first occupation of the development hereby approved details of visitor cycle parking, including the location and nature of such facilities, shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be installed in

accordance with the details so approved prior to first occupation of the approved development.

Reason: To ensure that secure cycle parking is available on-site for those visiting the site.

21 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision has been taken on the basis of the following plans, drawings and documentation:

- o 3D Site View: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S1010
- o CGIs: Drawing No. S1100
- o Long site sections: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3003
- o Front Block Elevations North & South: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02003 PL02
- o GA Sections - AA & BB: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3001 PL02
- o Site Sections - AA& BB: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S3002 PL02
- o Site Elevations: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-S2006
- o Photographs from the train: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-06007
- o Verifiable Visual Montages: Ref. 10910 EO (Feb 2017)
- o Design & Access Statement Job No. 80554 (1 Oct 2016)
- o Existing Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00002 PL01
- o Site Plan: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-00003 PL01
- o GA Plan Level-01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01001 PL01
- o GA Plan Level 00: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01002 PL01
- o GA Plan Level 01: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01003 PL01
- o GA Plan Level 02: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01004 PL01
- o GA Plan Level 03: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01005 PL01
- o GA Plan Level 04: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01006 PL01
- o GA Plan Roof: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-01007 PL01
- o GA Elevations North & East: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02001 PL01
- o GA Elevations South & West: Drawing No. 80554-STL-XX-ZZ-DR-A-ZZZZ-02002 PL01
- o Site Location Plan: 80554-STL-XX-ZZ-DR-A-ZZZZ-00001 PL01
- o W_01_Surface Water Drainage Strategy_R3)

- o Air Quality Assessment Ref: 442356, RSK, August 2016
- o Archaeological Desk-Based Assessment, Avon Archaeology, September 2016
- o Bat & Protected Species Survey, Malford Environmental Consulting, June 2016
- o Phase 1 Desk Study, GeoConsulting Engineering Ltd, May 2016
- o Flood Risk Assessment, BuroHappold Engineering, November 2016
- o Flood Risk Sequential & Exception Test, Rocke Associates.
- o Noise Assessment Report, Kimber Acoustics, November 2016

- o Planning Statement, Roche Associates
- o Sustainable Construction Checklist
- o Transport Statement, Transport Planning Associates, November 2016
- o Tree Survey, Aspect Tree Consultancy, July 2016

2 You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

3 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.

4 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

5 Network Rail Infrastructure

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur.

The proposal must not interfere with or obscure any signals that may be in the area.

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.