

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **29th June 2022**

AGENDA
ITEM
NUMBER

--

RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

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 Head of Planning 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.

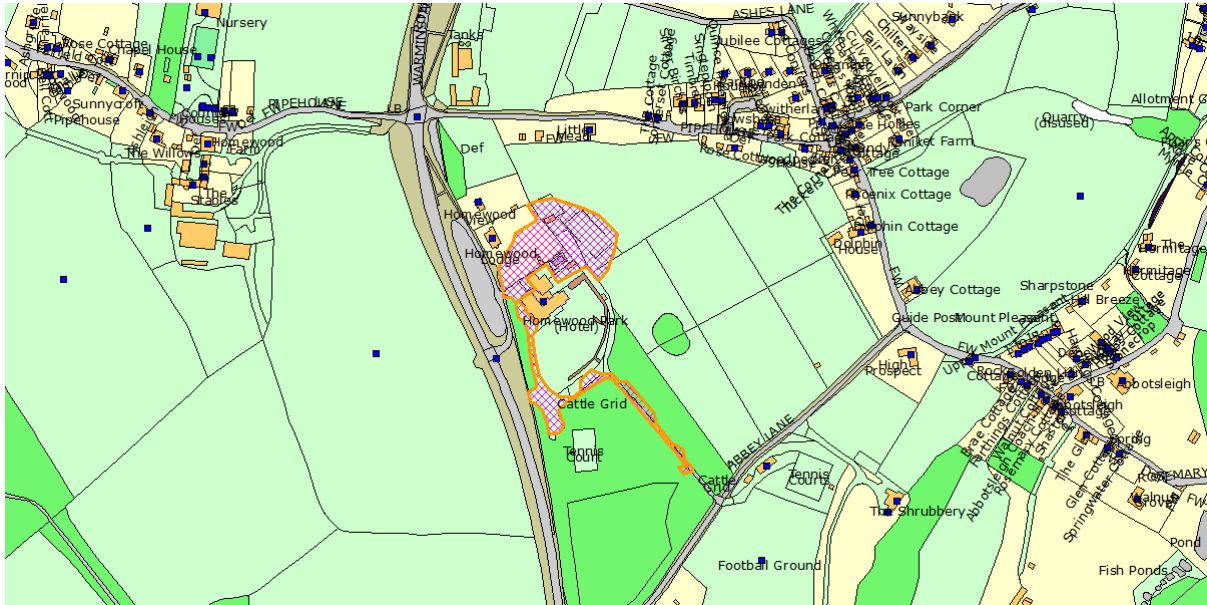
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	21/04590/FUL 8 June 2022	Homewood Park Limited Homewood Park Hotel, Homewood, Hinton Charterhouse, Bath, Bath And North East Somerset Erection of rear, side and front extension to existing spa, 6no new guest suites, new meeting / events space, admin office and ancillary accommodation following demolition of existing stables, garage and other outbuildings. Provision of additional on- site car parking, soft landscaping and associated external works, drainage and services provision.	Bathavon South	Isabel Daone	PERMIT
002	21/00677/FUL 3 June 2022	Ian Betts and Anthony Perry Proposed Development Site, Lansdown View, Twerton, Bath, Bath And North East Somerset Erection of seven new dwellings with access improvements and associated external works.	Southdown	Chris Griggs- Trevarthen	Delegate to PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 21/04590/FUL
Site Location: Homewood Park Hotel Homewood Hinton Charterhouse Bath Bath
 And North East Somerset



Ward: Bathavon South **Parish:** Hinton Charterhouse **LB Grade:** N/A

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Erection of rear, side and front extension to existing spa, 6no new guest suites, new meeting / events space, admin office and ancillary accommodation following demolition of existing stables, garage and other outbuildings. Provision of additional on-site car parking, soft landscaping and associated external works, drainage and services provision.

Constraints: Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

Applicant: Homewood Park Limited

Expiry Date: 8th June 2022

Case Officer: Isabel Daone

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

REPORT

REASON FOR COMMITTEE:

The application has been referred to the Chair and Vice Chair of the Planning Committee given objections from the Parish Council, neighbouring Parish Council and committee call-in requests from Ward Councillors.

Both the Chair and Vice considered that the application should be debated at and decided by the Committee commenting as follows:

CHAIR:

I have reviewed this application and note the many comments and objections, including those from Hinton Charterhouse PC, Freshford PC and the local ward councillors. The officer has done a great deal of work with the applicant during the course of assessing this proposal. Many revisions have been made and conditions attached, to address the issues raised. Notwithstanding this, I believe the proposal would benefit from public debate. I therefore refer it to the planning committee for consideration.

VICE CHAIR:

I have studied this application carefully & all related comments from third party & statutory consultees including the Ward Cllrs planning committee request. The Officer has worked with the applicants to modify the plans to address points raised; the application has been assessed against relevant planning policies & clearly some issues are now policy compliant however I recommend the application be determined by the planning committee allowing debate regarding on the principle of development in the Green Belt to be discussed fully in the public arena as some aspects remain controversial.

Details of location and proposal and Relevant History:

The application refers to an existing hotel and its ground, located within the parish of Hinton Charterhouse but in close proximity to the village of Freshford. The site is within the Green Belt and AONB.

Planning permission is sought for the erection of rear, side and front extension to existing spa, 6no new guest suites, new meeting / events space, admin office and ancillary.

Relevant Planning History:

96/02270/FUL

PERMIT - 10 July 1996

Single storey extension to kitchen

08/02609/FUL

PERMIT - 10 September 2008

Erection of new poolside spa facilities consisting of changing rooms, steam sauna, plunge pools and treatment rooms (Resubmission)

09/00344/FUL

PERMIT - 31 March 2009

Conversion and demolition of existing outbuildings and greenhouses to create two new bedroom suites in the gardens of the existing hotel

18/02730/FUL

RF - 30 October 2018

Erection of a temporary marquee for 5 months each year for the next 3 years.

18/04794/FUL

PERMIT - 20 December 2018

Change of use from residential to additional 10 bed hotel accommodation with replacement of conservatory and provision of internal access road

19/01385/FUL

PERMIT - 13 June 2019

Alterations to approved scheme (18/04794/FUL) for 10 additional hotel rooms with erection of extension

19/01943/FUL

PERMIT - 4 July 2019

Extension to garden terrace and erection of single storey outbuilding.

19/04935/FUL

PERMIT - 16 December 2019

Alterations to the approved scheme (19/01385/FUL) to include a first floor extension and minor internal alterations.

19/05080/FUL

PERMIT - 22 January 2020

Works to two basement areas with associated external works to form a new function space and an additional bedroom with ensuite bathroom.

21/00444/FUL

PERMIT - 23 March 2021

Construction of new conservatory with associated external works

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

LANDSCAPE:

2nd April 2022: The LVIA has been professionally produced to an appropriate level of detail, acknowledges the landscape sensitivity of this site within the Cotswold AONB and Green Belt, has considered a suitable range of viewpoints, and employs appropriate methodology. The revised scheme proposals have been informed by the LVIA as well as by further additional supporting information. The latest design changes should significantly reduce light spill, and also reduced visual impact within the landscape setting of the site. Subject to appropriate conditions to secure hard and soft landscaping details, I consider the revised proposals acceptable.

ARBORICULTURE:

25th November 2021: No outright arboricultural objection, however a decision on whether the special engineering solutions are required or not for the installation of the car parking

should be determined via the recommended explorative excavations under arboricultural supervision prior to a determination on the application.

5th April 2022: No further information submitted to address previous comments. Undertaking excavations would provide some comfort that the simplest and cheapest option would not automatically be pursued at the expense of tree health and retention.

ECOLOGY:

16th November 2021: Objection, more information required. The findings of the bat survey are acceptable. The compensatory roost should be modified, and an outline bat mitigation strategy provided. Further lighting information is required to inform a Habitat Regulations Assessment

21st April 2022: The newly submitted information is acceptable. The bat mitigation is satisfactory, and a bat mitigation licence will need to be secured from Natural England. A Habitats Regulations Assessment (HRA) is appended which concludes that there is not a credible risk of significant negative impacts on the Bath and Bradford-on-Avon SAC based on the submitted details. A bat & wildlife protection and mitigation scheme; an ecological management plan; an ecological compliance report, and sensitive lighting will need to be secured by condition if consent is granted.

NATURAL ENGLAND:

6th May 2022: No objection subject to appropriate mitigation being secured.

ENVIRONMENTAL PROTECTION:

8th November 2021: No objection.

B&NES HIGHWAYS:

28th October 2021: Additional information required

3rd November 2021: Comments on two objections received about a double fatal crash at Friary Wood cross roads.

4th May 2022: No objection to the revisions, subject to conditions.

HIGHWAYS ENGLAND:

11th November 2021: No objection

28th March 2022: No objection

FRESHFORD PARISH COUNCIL:

14th December 2021: Objection

Volume - The proposed extensions will further extend the property beyond the one third of the 'original' volume guidance for what is more likely to be considered acceptable in the Green Belt. The extensions are therefore considered disproportionate and as such harmful to the Green Belt.

Loss of amenity to Freshford residents - In terms of visual impact, light pollution, noise and privacy. Given the position of Homewood Park Hotel within the valley, light and noise pollution from Homewood Park Hotel already have an impact across Freshford village and the wider area. It's felt that these proposals would significantly worsen this impact.

Harm to the AONB and local ecology - Due to the inappropriate design, the high visibility from the surrounding area and light pollution.

Highways safety - The expansion of the Hotel will put added pressure on the A36 turning on to Abbey Lane

Freshford Parish Council and B&NES have both declared Climate and Ecological/Nature Emergencies; the UK government is making commitments to protect the natural environment. There is no recognition within this application of the environmental impact of these proposals and there appears to have been no consideration given to measures to reduce the impact on the local or wider environment with regard to achieving zero carbon by 2030.

HINTON CHATERHOUSE PARISH COUNCIL:

16th November 2021: Objection.

HCPC has made site visits to meet the applicant and hear presentations about their application. HCPC Councillors have also visited neighbouring properties that are already affected by the site, and would be affected further by the proposed development. The Chairman of the Council reiterated the principle that HCPC supports local businesses, on the condition that they do not adversely affect neighbouring residents or the environment; and HCPC has consistently made this position clear to the owners of Homewood Park from the outset.

However, this application, and the overwhelming local response, has firstly brought to light that there may be breaches of existing planning conditions by the owners of Homewood Park - which HCPC believes should be investigated by B&NES Planning Department before this application is even considered further. In particular the removal of vegetation screening the spa buildings, which was a condition set by B&NES itself within the planning permission granted in 2008; the intention being that the spa would never be visible to the north or east. Secondly the recent creation of new parking areas extending outside the original boundaries of Homewood Park's grounds. HCPC Councillors have assessed the proposed designs and their impact on the local environment, and have found that the public objections from affected neighbours confirm their conclusions.

1. As a general over-arching point HCPC would point out the UK Government has made a legally binding commitment to halt the decline in the natural environment. Nothing within this application recognises this point.

2. Development in the Green Belt and AONB can only be authorised in exceptional circumstances if special dispensations can be made. No where in the application is a case made for exceptional circumstances. As far as HCPC are aware there are no special dispensations for hoteliers.

3. There does not appear to be any attempt in the application to promote a special design.

4. The demolition of the stable block, kennels etc and their replacement with the proposed buildings represents a change of use which is not consistent with B&NES policy.

5. The rural style buildings that would be lost are currently not lit and are relatively unobtrusive in the landscape. The replacement designs are bulky and will be highly visible, degrading the open nature of the landscape over the Freshford valley and be visible even from the other side of the Avon valley.

6. The proposed north east frontage amounts to something like 77 square meters of glass and balconies, as well as approximately 72 square meters of roof terrace overlooking the houses and gardens of local residents and impacting on their amenity. The application makes the point that it will enable hotel users to enjoy views over the extensive landscape to the north and east - which itself indicates that the proposed buildings will themselves be widely visible from the north and east.

7. The proposed buildings and associated works will be lit, and even with time limits on some lighting, will become highly visible - again marring the landscape. HCPC has consistently made the point that it regards the excessive lighting at Homewood Park as degrading the rural nature of the landscape. Light spill is scientifically proven to be detrimental to both human and wildlife health. It also degrades the night sky. HCPC supports the Cotswolds AONBDark Skies initiative.

The Council strongly believes that this application is inconsistent with Government and B&NES policies at many points and should not be permitted in its current form. The Council represents the community of Hinton Charterhouse, as well as being mindful of neighbouring residents in Freshford, and the consistent and overwhelming consensus has been an objection to the expansion of Homewood Park in this form. Finally, HCPC reiterates that B&NES Planning Department should investigate the potential breaches of existing planning conditions before considering this application further.

Representations Received :

COUNCILLOR NEIL BUTTERS:

This application was discussed by Freshford PC on Monday and they have asked for our support in referring it to Committee to determine, in the event that you are minded to approved. Reasons include -

Volume calculation still appears to be based on existing volumes rather than pre-1948.

Loss of amenity to local residents: visual impact, light pollution, noise, privacy

Harm to the AONB and local ecology

I am happy to endorse these concerns.

COUNCILLOR MATT MCCABE:

15th November 2021: If you are minded to approve this application I would like it to be considered by Committee.

Firstly, on if the key reasons for the permission granted under 08/02609/Ful was to retain existing trees and planting in order to minimize the impact on the green belt and AONB, given the prominent nature of the site (see condition 3).

The current request to extend the spa facilities into the field requires the destruction of the green infrastructure that has kept the building hidden since its construction. The removal of this green infrastructure, which has already taken place, undoubtedly harms the green belt and AONB given the prominent position of this site. To permit this application would be to condone its removal. In that sense, we should not even be considering this application, and it should be a matter of Planning Enforcement to ensure this green infrastructure is replaced.

Secondly, whilst it is accepted that change of use from agricultural barn to hotel has been granted in the past, that is a change of use of the existing building and should not result in the destruction of that building as this would surely be against policy.

Thirdly, even if the destruction of the wooden barn was allowed, the glass frontages proposed would be overlooking the neighbouring properties. The prominent position of this development would mean views directly into those properties, as well as loss of amenity.

Fourthly, there has been considerable development on this site already, including a large amount of hard-standing being use as a car park, seemingly without planning permission. Allowing further development out into the green belt doesn't juts represent overdevelopment, the loud and reflective surfaces cause undoubted harm to both the Green Belt an AONB.

Thank you for your consideration of these points. My view is that we should not be considering this application at all, and instead we should be sorting the breaches of planning that currently exist on site.

14th February 2022: Homewood Park. Given the size and scale of this development, the failure to adhere to previous planning conditions, its impact on the green belt, and its overbearing impact on neighbours, I would request that this application be referred to committee.

CPRE:

The principle reasons and headings for our firm objection are as follows:

1, Setting. The development is in the Green Belt and the southern extension of the Cotswolds AONB. As such it is wholly inappropriate in scale and impact on what are protected environments. It stretches any interpretation what is permitted when repurposing existing agricultural (or equestrian) buildings to a completely unacceptable degree.

2. Design. Over and above that general point, the actual design is wholly inappropriate, being multi storey, predominantly of very modern materials and highly visible. It is wholly out of keeping both with the original hotel and with the local vernacular. Were any

development to be permitted it should be of a totally different design, in keeping with its setting.

3. Climate Emergency. In addition to the local environmental impact, the nature of the building seems to us to be incompatible with B&NES "climate emergency" policies and priorities. The amount of lighting and heating and energy consumption required by a building of this scale and design is potentially very great - excessive in fact.

4. Light Pollution. We are also deeply concerned by the fact that a predominantly glass fronted structure on this scale will result in significant additional light pollution in an area where "dark skies" are still a much loved, and ecologically important asset.

5. Traffic and Safety. Finally, we endorse but would greatly strengthen the reservations expressed about the impact on highways, traffic and especially road safety given that access is onto a stretch of the A36 already notoriously dangerous. If any development is permitted this will need to be accompanied by far more extensive - and expensive - safety measures which the developer must be required to fund in full and in advance.

49 objections and 8 comments have been received; the following is a summary of the points raised:

- Concern over traffic increase
- Highway's safety concerns
- Impact to climate emergency
- Traffic pollution
- Noise pollution concerns
- Light pollution concerns
- Spoilt peace and tranquillity
- Harm to residential amenity via overlooking
- Contrary to D6
- Overbearing impact
- Visual amenity impact
- Harmful to the Green Belt
- Disproportionate addition
- Materially larger
- Overdevelopment of the site
- Adverse impact to AONB
- Previous authorised works or planning condition failure
- Lack of consultation to local residents
- Impact to character and rural setting
- Loss of vegetation
- Harm to local wildlife
- Harm to green infrastructure
- Inappropriate location
- Harm to openness
- Proposal will be visible
- Encroachment
- Landscape harm
- Screening needed
- No sustainability information

- Design quality is lacking
- Enforcement matters not addressed

One comment of support was received.

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 Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

CP2: Sustainable Construction
 CP3: Renewable Energy
 CP5: Flood Risk Management
 CP6: Environmental Quality
 CP8: Green Belt
 DW1: District Wide Spatial Strategy
 SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.5: Building design
 D.6: Amenity
 GB1: Visual amenities of the Green Belt
 NE2: Conserving and Enhancing the landscape and landscape character

NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
RE1: Employment uses in the countryside
ST7: Transport requirements for managing development
SCR5: Water efficiency
SU1: Sustainable drainage policy

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Character and appearance
- AONB
- Residential amenity
- Highways matters
- Arboriculture
- Ecology

GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

The main hotel accommodation on site is provided within the Homewood Hotel building and the Homewood Lodge Building. The rest of the buildings on site provide ancillary accommodation, such as the spa. Previous pre-apps/ applications have confirmed their ancillary nature.

The scheme proposes to demolish and replace some of the built form while extending other areas. For clarity, listed below are all of the current buildings on site. The submission has helpfully lettered each building on corresponding plans, and for clarity the same lettering will be used throughout this report. The lettering is as follows;

Homewood Hotel (A)
Garden rooms (B)
Spa (C)
Kennels (D)
Store 1 (E)
Stables (F)
Barn (G)
Homewood Lodge (I)
Garage Store (J)
Store 2 (K)
Driveway building (M)
Terrace Gazebo (N)

The application works pertain to buildings C, D, E, F, G, and J only.

The proposal involves the demolition and replacement of buildings D, E, F, G, and J. These will be re-built to form a new fitness suite (that will be linked to the spa), new guest accommodation and meeting space. The proposal also seeks to extend building C (spa) to include a day lounge, and reception and treatment room which will link with the fitness suite.

Paragraph 149 of the National Planning Policy Framework states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. There are two relevant exceptions that it goes on to list;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The proposals result in replacement buildings and extensions and different elements of the scheme must be determined against the appropriate exception.

Exception C - extensions and alterations:

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

Exception C of the NPPF is to be read together with the relevant development plan; in this case the B&NES Core Strategy and Placemaking Plan. Policy GB3 of the Placemaking Plan states that proposals to extend a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building. In relation to extensions or alterations to existing buildings, the Placemaking Plan states that the Supplementary Planning Document (SPD) entitled 'Existing Dwellings in the Green Belt' (2008) should continue to guide decisions. The SPD states that limited extensions may be acceptable, providing that they do not represent a disproportionate addition over and above the size of the original. It advises that extensions up to about a third the size of the original property are generally considered acceptable. Extensions greater than this are considered inappropriate development.

The existing spa building has a volume of 851m³. The planning statement and plan 1398 125 A shows that the reception and treatment extension, the day lounge extension and the fitness suite extension would result in 407m³ of additional volume. This would result in a 48% volume increase which is significantly above the 33% which is generally permissible in the Green Belt.

However, it is noted that in the volume and footprint calculations the proposed fitness lounge has been treated as a further extension to the spa as it will now be attached to the spa building, rather than as a replacement of building (d) which will be demolished to make way for the fitness suite.

As such, officers consider that this element of the scheme can be treated as replacement built-form under exception (d) of paragraph 149 of the NPPF as opposed to exception (c) (even though it will be joined to the spa building as a result of the proposed). Using this exception, the extensions to the spa building would be reduced to approximately 34.5%. This is considered to be around a third and in this regard is considered acceptable.

As such, the extension elements of the spa are considered to fall within the parameters of exception (c) of paragraph 149 of the NPPF and are considered to be appropriate.

Exception D - Materially larger

It has been raised that the proposed buildings will, in some cases, be in a different use to the existing building. Attention has been drawn by third parties to the existing "stable building". This building is not used for equestrian purposes and instead is used for storage as part of the hotel complex; a site visit by the case officer confirmed that the building was being used ancillary to the hotel. As such, the buildings on the site are considered to be within hotel use or are ancillary to the use of the hotel. The proposed buildings will remain in hotel or ancillary hotel use; therefore, this element is acceptable.

What constitutes a materially larger building is not quantified in the NPPF or within the Placemaking Plan, but it is considered to be assessed on the basis of spatial and visual impact. It is considered that the spatial aspect is made up of three main elements, footprint, volume and building height.

It has been raised that building G (a barn) has already been demolished and therefore cannot count towards the Green Belt assessment. Officers consider that this has been demolished recently, following discussions and with the site owner within the previous year. As such, as the passage of time since the demolition is so small, officers are content to include it within the calculations. Again, this building is considered to be an ancillary building to the hotel and therefore not in a different use.

It has additionally been raised that the submission considers these buildings as existing, rather than original. An assessment as to whether something is materially larger is based on the existing building, not the original as is the case with extensions.

As above, building D will be demolished and replaced with the fitness suite attached to the spa. This element of the scheme is considered to have a similar footprint and massing to the existing building D. Additionally, visually it will occupy a similar space to the existing

built form and fill in existing gaps within the hotel footprint. This element of the scheme is not considered to be materially larger.

The current built footprint of the remaining buildings to be demolished (E, F, G and J) is 367m². The proposed footprint of the replacement buildings is 382m². This represents an increase of 15m² or 4% over the existing footprint. This is considered to be a small increase which is not materially larger.

The current built volume of buildings E, F, G and J (to be demolished) is 1295m³. The proposed volume of the replacement buildings is 1504m³. This represents a volume increase that, when viewed purely on volumetric terms, could be considered materially larger. However, the volume must be considered in conjunction with other spatial aspects (height and footprint).

Height is another aspect to the spatial assessment. The existing buildings to be replaced range in height, but all remain subservient to the main hotel building. The tallest building proposed will be the guest suite 'barns' replacing the stables. These buildings will be around 1m taller than the existing. The roofs are also more steeply pitched. The further elements will all be lower in height than these barns. As such whilst some of the proposed buildings are slightly taller than those, they replace this is not significantly so and they remain proportionate and subservient to the main hotel host building. It is considered that the height of the proposal is not materially larger.

Visually, the proposal will reduce the spread of built form on the site and the proposed building will be read in context together with the existing hotel structures. In some instances, the buildings will fill in existing gaps within the existing spread of built form. Visually, the proposed replacement buildings will read as part of the existing site and officers are therefore satisfied that the proposal will not appear materially larger.

Although there is a volumetric increase which could be considered materially larger purely on these terms, the proposal must be looked at in regard to all spatial and visual aspects. When taken cumulatively, it is concluded that the proposals will not be materially larger.

Given that these elements of the development are not considered to be inappropriate development, there is no requirement to assess their impact upon openness.

Additional car parking:

The proposal sees the addition of further car parking spaces within the site, which will be constructed of Grasscrete and located along the existing entrance track. It is considered that these car parking spaces fall within exception (b) of paragraph 150 of the NPPF which provides that engineering operations are appropriate development, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The Grasscrete itself is not considered to have an impact on openness. However, the inclusion of cars parked in these areas as physical form does have the potential to impact upon openness. Whether something does in fact impact upon openness such that it fails to preserve the openness of the green belt or conflicts with the purposes of including land within it is a matter of planning judgement. Officers consider that given the placement of the spaces, within the existing boundaries of the hotel and within the context of the site, they would not in fact have such an impact upon the openness of the Green

Belt or conflict with the purposes of including land within it and this part of the scheme is therefore appropriate development in the Green Belt.

Green Belt Conclusion:

Overall, Officers are satisfied that through the combination of exceptions C and D the proposal results in appropriate development within the Green Belt. The small level of car parking falls within exception (b) of paragraph 150 of the NPPD. As such, the proposal is considered to accord with policies GB1, GB3 and CP8 of the B&NES Local Plan and Part 13 of the NPPF.

CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

The main hotel building provides the context for the site and is a large traditional building of character, however the site has been developed over the years and there are some more modern elements such as the spa building.

The proposal essentially comprises; three new guest suites, a meeting/ events space and extension to the spa building.

In response to concerns raised by officers and third-parties, the applicant has revised the proposals to try and address these. The key changes are as follows:

- The guest accommodation has been revised to reduce visual impact
- The spa roof terrace has been removed and the buildings existing east façade will be timber clad
- Enhanced landscape proposals
- Interior and exterior lighting revised

The proposed guest suites will replace the existing stable building, which is used ancillary to the hotel for storage. Three suites are proposed, and appear as small, linked barns on a footprint close to the existing building. The first floor accommodation has been redesigned to exclude the east facing balcony. Instead, balconies within the roof pitches are proposed. Additionally, the level of glazing has been reduced by 65% on the east elevation, to a small, thin window. This has the advantage of reducing the visual impact of the building. The proposed barn style is considered to have derived from the buildings it will replace and this approach is acceptable. A materials schedule will be secured, but the general approach of charred timber and stone is considered appropriate in the setting. The proposed suites remain subservient to the main hotel building and the gables have taken design cues from it. These buildings will undoubtedly appear contemporary but will provide a juxtaposition against the more traditional existing hotel building. In this more isolated, rural setting this is considered an appropriate approach.

The works to the spa are also considered acceptable. The roof terrace has been removed which again, reduces the visual impacts of the proposals. To the east elevation, which is

currently rendered, charred black timber is proposed. This is considered to be a visual improvement over the existing render which does not fit well with the setting. It is noted from comments that a stone wall should screen the spa elevations, but this is not in situ. Whether a previous consent has not been complied with is a matter for enforcement and if the current scheme were to be refused, appropriate action would be assessed. However, officers must assess the proposals before them and the design approach in regard to the eastern elevation is considered acceptable and reflective of the existing site and its setting.

These buildings will undoubtedly appear contemporary but will provide a juxtaposition against the more traditional existing hotel building. In this more isolated, rural setting this is considered an appropriate approach. The use of high quality, natural materials is supported again, a condition will secure a full materials schedule.

Overall, the design is considered acceptable.

AREA OF OUTSTANDING NATURAL BEAUTY:

The site is, as mentioned, located within the Green Belt and Cotswolds Area of Outstanding Natural Beauty. These designations underscore the important landscape setting of the site.

The NPPF makes clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. Bath and North East Somerset Council's Local Plan Policy NE2 infers that in order to be permitted, development needs to conserve or enhance local landscape character, landscape features local distinctiveness and important views and that development should seek to avoid or adequately mitigate any adverse landscape impact. Policy CP8 states that the openness of the Green Belt will be protected in accordance with national planning policy and Policy GB1 notes that the location, design and materials use in the construction of new development should enhance rather than prejudice the visual amenities of the Green Belt.

A number of third parties have raised concerns regarding the impact to landscape character and the AONB. In response to these concerns the scheme was revised and a Landscape Visual Impact Assessment was submitted. The site is located in a relatively rural location surrounded mainly by fields, although the A36 runs to the west of the site and the village of Freshford is located not far to the north. The hotel is relatively sheltered from wider views given the number of trees on and surrounding the site and the lie of the land. There are however glimpsed views of the buildings from the wider area particularly to the north and east from lanes, properties and footpaths.

The submitted LVIA has been professionally produced to an appropriate level of detail and it acknowledges the sensitivity of the site within the Cotswolds AONB and Green Belt. The Council's Landscape Officer has assessed the submission and considers the viewpoints and methodology employed are acceptable.

The revised scheme has been informed by the LVIA, as well as further supporting information. The latest design changes will significantly reduce the levels of light spill, and also reduce visual impact within the landscape setting of the site.

It is considered that the proposed new buildings and extensions will be read in the context of the existing hotel site considering their siting within the area of already built form. The views will not be significantly altered.

Subject to appropriate conditions securing a hard and soft landscaping scheme, the revised proposals are considered acceptable and will conserve the landscape character of the AONB in this location.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

A number of concerns relating to residential amenity have been raised by third-parties including noise and light pollution and overlooking.

The site of the hotel is in a sensitive location and the Environmental Protection Team has had a history of complaints associated with functions in previous years. Concerns were raised by members of the Planning Committee on 1st June 2022 in relation to noise and it was queried whether a noise assessment should be submitted. It is not considered that a noise assessment would achieve anything except to identify the background noise levels at the current time. A further response was sought by the Case Officer from the Environmental Protection Team. The submitted documentation suggests that the event space will be used between 7am and midnight. The premises licence for the site allows the sale of alcohol and the playing of music indoors until 1am. Officers do note however that the events space could be used beyond 1am, although music could not be played, nor alcohol sold. As such, a condition is recommended which controls the hours of use of the events space; these hours are in accordance with the licence which is considered reasonable. If Environmental Protection received noise complaints going forward, they would investigate in accordance with policy. If the premises was found to be creating unreasonable impact, then we could take appropriate action at that time. The hotel can already hold events at the site. It is therefore not considered that the proposals would cause significant noise and disturbance over and above the current use.

The proposed roof terraces on both the spa and guest suites have been removed from the scheme. The proposed buildings/extensions are located some 80m (approx.) from the residential properties in Freshford to the north. Whilst it is accepted that the views of the hotel from these properties will change, the distance is considered sufficient to mitigate impacts of overlooking from these buildings.

It has also been raised that the hotel garden area is encroaching into land which is not part of the curtilage of the hotel. The land in question is part of the hotel and is planted as an orchard/grassed area directly to the rear of the spa; evidenced on the site visit by the case officer. This area could conceivably be used by the hotel at present. The inclusion of a hedge and other landscaping in this area is considered a betterment and will screen the hotel building from the residents to the north, thus improving their residential amenity to some degree. The reduced levels of glazing will also protect residents from light spill.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

The Design and Access Statement (DAS) provides a summary of the vehicular and pedestrian access as well as parking and drop-off provision. Officers note that both the main entrance and driveway, as well as the secondary access off the A36 Warminster Road, will be retained with modifications made to create an on-site turning area. IMA Transport Planning have assessed the likely parking demand based upon the operational requirements of the proposed facilities and it is noted that the proposed arrangement will accommodate 75 off-street, car parking spaces, a net increase of 17.

The parking is proposed to be located along the existing driveway and, as some of the new spaces would be some distance from the hotel reception, the demand for drop-off and/or pick-up of luggage from outside reception is likely to increase. Officers note that, at present, there is limited space to turn a motor vehicle at reception and the applicant proposes highway signage to direct guests to the service area, which is immediately adjacent, to turn their vehicle. Additional information has been supplied in regard to this. Paragraph 4.4 of the Transport Statement (TS) confirms that some of the proposed parking for the hotel will be removed from the hotel reception, and as such it is likely that demand for pick-up and collation will increase. The applicant therefore proposes to introduce signage to direct vehicles in the designated turning area. Appendix 5 of the expanded TS demonstrates that a standard design vehicle with dimensions of 2m by 4.8m can successfully turn within this designated area by way of a Swept Path Analysis and this is accepted by Highways Officers.

The DAS advises that there is a designated space for blue badge holders close to the hotel reception area and another adjacent to the events venue in the reconfigured parking / turning area.

The original TS submission reviewed Personal Injury Collision (PIC) data for the most recently available 5-year data for the local highway network at the time of producing the TS. This included a review of a single collision in the vicinity of the A36/Abbey Lan junction, which concluded that there was no pattern or common causation factors of collisions at the hotel access and this conclusion has been accepted by Highways Officers.

Further to information submitted by National Highways (NH), Highways Officers are aware that there has been a "double fatal" collision on the A36 near to the application site. NH are still investigating the collision, however Highways Officers are not aware of any established causation factors. The applicant has acknowledged the collision within the

expanded TS, however the TS also states that one further collision occurring at a different point on the highway network to the previously reviewed PIC, and one unrelated to the hotel accesses, is not considered to alter the conclusions as outlined in the TS. Highways Officers accept this conclusion, acknowledging that the double fatal collisions occurred a sufficient distance from the site access and that the increase in the traffic associated with the proposals are minimal.

National Highways have no objection to the proposals, on any grounds in relation to Highway Safety and Highways Officers consider that the proposals will not impact upon Highway Safety in an unacceptable manner.

Highways Officers sought clarification regarding the use of the events space. The expanded TS has clarified that events will not occur simultaneously in the restaurant and proposed small event space, and that the events in the small event space are likely to be smaller than those currently occurring within the restaurant space. The traffic associated with the new events facility is considered to be an acceptable level.

A Travel Plan (TP) has also been provided. The TP will be conditioned as part of any consent. A "final" TP will be required pre-occupation of the proposed development, which will set targets and refine measures based on the outcomes of an initial travel survey.

The TP does include management of travel demands, reduction of single-occupancy vehicle commuting trips, management of parking and promotion of sustainable travel modes. The TP aims to influence both hotel visitor and staff travel but acknowledges that the applicant/operate has greater influence over staff travel and this is accepted.

The TP outlines draft targets for a 10% reduction in car-commuting trips, offset via an increase in non-car travel modes. Paragraph 4.3.1 outlines that a 29% increase in non-car commuting will be sought over the five-year lifespan of the TP. It is not clear how a 29% increase in non-car trips can equate to a 10% reduction in single-occupancy vehicle trips. Highways Officers require the increases in non-car modes to be realistic and in accordance with the targeted decrease in single-occupancy vehicle trips. Highways Officers accepts that the targets, including the discrepancy outlined can be adjusted in the final TP, following confirmation of baseline staff travel patterns.

The site operator will appoint a Travel Plan Co-ordinator to manage on-site implementation of the TP and they will be appointed prior to the occupation of the development. The name and contact information of the TPC will be secured by condition.

The TP outlines a series of measures, which appear to be realistic, practical and suitable for the scale of the proposed development for the current stage of the TP. Highways Officers requests that the applicant update the TP measures following baseline surveys. The final TP should also identify remedial measures to be implemented should the TP targets fail to be met.

The TP includes a commitment for annual monitoring comprising informal monitoring and formal monitoring. Highways Officers acknowledge that the informal monitoring will be undertaken day-to-day by the TPC and will include monitoring of cycle parking demand as well as other items. Formal monitoring will be undertaken by way of a formal staff travel survey.

Highways Officers do not raise an objection on highway grounds and the proposal is considered to comply with Policy ST7, subject to conditions.

TREES:

The application incorporates works which impact on trees within the grounds which contribute to towards the green infrastructure, which extends beyond the curtilage of the property. The application is supported by an arboricultural report which includes a tree survey, arboricultural impact assessment and method statement in response to previous arboricultural comments. No objection is raised to the removal of the cherry identified as T73, which is more than compensated for by the planting of the orchard. Compliance with the arboricultural method statement and tree protection plan should limit any damage to retained trees.

The Arboricultural Officer has noted that investigative excavations are proposed in view of the applicants' desire for the new parking to be level with the existing drive. It is the view of the Arboricultural Officer that this should be undertaken prior to the determination for the application, and this would remove doubt surrounding whether no dig construction is required. However, the Arboricultural Officer has not provided an outright objection to the scheme and has, indeed, recommended compliance conditions. As such, even in the absence of this information, it is not considered that the proposal is refusable on these grounds.

ECOLOGY:

Following comments from the Ecology Officer in November 2021, a revised Ecological Impact Assessment and Lighting Calculation Report has been submitted.

Habitats:

The assessment now provides an inspection with results of the wooden shed known as Building K. The structure is considered to provide negligible bat roost potential, and this is accepted.

Table 4.4 of the assessment provides an assessment for the potential of the dry-stone wall to support roosting bats. The "wall lacked crevices that were deep or sheltered enough to provide potential roosting features" and was therefore considered to offer negligible bat roost potential. This result is accepted.

Bats:

The compensation roost (proposed next to the field shelter) is located a moderate distance (approx. 255m) from the existing roost, however it is acknowledged that the compensation roost is in proximity to a likely horseshoe commuting route (an existing line of trees). This is acceptable.

Although greater horseshoes were not recorded roosting on site, regular activity was recorded, as

such, it was felt a precautionary approach to mitigation for this species was reasonable in this case. The Bat and Swallow Shelter plan (Drawing 1398 152 A) produced by Aaron Evans Architects, demonstrates that the external access feature to the compensation roost has been

enlarged so it is now accessible to greater horseshoes. The internal access feature (that leads into the roof void) has been reduced in dimension, so it is now only accessible to lesser horseshoes. Therefore, separate provision (within the same structure) has been provided for both species which is considered acceptable in this instance. In addition, a shield has been added to the external access feature, to discourage use by birds (of this section of the building) this is welcomed.

The outline bat mitigation strategy now provided within Table 5.1 of the assessment is considered appropriate.

Building F supports a small night roost for lesser horseshoe. As such, a European Protected Species (EPS) licence will be required and the LPA must be confident, prior to issuing any consent, that the proposal will meet the "three tests" of the Habitats Regulations. These are assessed below.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public benefits should be commensurate with the level of impact. The current buildings are not considered to fulfil the needs of the current hotel business model. The proposal will enhance the visual appearance of the hotel through the proposed landscaping, improving the site setting. The proposal will have an economic benefit. Although a moderate benefit, the proposal result in the creation of construction jobs. The test can be said to be passed.

Test 2 - There is no satisfactory alternative.

The development proposes the expansion of the hotel. The existing form and construction of the buildings on site would not lend itself to conversion, and therefore the demolition is considered unavoidable. Additionally, conversion could also result in the loss of the roost, Therefore, it is considered that there is no satisfactory alternative which would achieve the aims of the proposal..

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species.

The report includes details of a bat mitigation and compensation scheme and proposes works should proceed under a bat mitigation licence. This approach and the proposed mitigation and compensation measures are acceptable. Based on the proposed mitigation the Council's Ecologist would consider that the proposal will not harm the conservation status of the affected species and that this test of the Habitats Regulations will be met.

The bat mitigation and compensation scheme must be strictly adhered to and secured by condition. It should be noted that the works must not commence until the bat mitigation

licence has been confirmed, licenced bat worker has been commissioned to provide on-site ecological supervision and all other mitigation measures are in hand.

The bat mitigation and compensation scheme must be strictly adhered to and secured by condition. It should be noted that the works must not commence until the bat mitigation licence has been confirmed, a licenced bat worker has been commissioned to provide on-site ecological supervision and all other mitigation measures are in hand.

Lighting:

The revised Lighting Calculation Report produced by BJP Consulting Engineers dated February 2022 now provides information on external lighting, as well as internal lighting.

The Site Plan Showing Proposed Built Areas and Volumes (Drawing 1398 125 A) shows the location of the proposed buildings along with corresponding names. Lux contour plans have now been provided for the New Guest Accommodation, Meeting/Event Space, Fitness Suite, Reception/Treatment Room, Day Lounge and Car Park. The Spill Light Site Layout plan (drawing 21/1837E/08) demonstrates:

i) An area of species-rich grassland with orchard planting is proposed, to provide enhanced foraging habitat for bats particularly horseshoes. The reduction in glazing on the rear of the guest accommodation now minimises light spill onto this newly created habitat to the north-east, to 0.5 lux at 3m and will result in no light spill above 0.5 lux onto the tree line located to the north-west. The sensitive light proposal for the front of the guest accommodation minimises the area subject to light spill >0.5 lux (to 0.5 lux at 3.6m) and will result in no light spill above 0.5 lux onto the nearby woodland located to the south-west. Whilst the guest accommodation includes first floor terraces, only a single wall-mounted LED light is proposed (on each terrace) and the terrace will be clad which will contain light spill inside the terrace area.

ii) The meeting/event space will utilise sensitive lighting proposals that will minimise light spill to 0.5 lux at 7m (for north-west elevation) and to 0.5 lux at 1.5m (for the south-west elevation), which will result in no light spill above 0.5 lux onto the nearby woodland located to the southwest.

iii) The fitness suite will utilise sensitive lighting proposals that will minimise light spill to 0.5 lux at 11m (from the south-west elevation), however, due to placement of glazing this will only result in light spill onto existing buildings (not semi-natural habitat).

iv) Whilst a lux contour plan has not been provided for the reception/treatment room, the use of

recessed LED ceiling lights, LED tape and incorporation of roof light blind on photosensors (as per Drawing 1398 147 A), will ensure light spill from internal sources is minimised. In addition, no external lights are proposed on the north-west elevation of the reception/treatment room.

iv) The day lounge will have an 8pm curfew (as stated in EclA report), incorporate internal blinds on photosensors (as per drawing 1398 147 A) and will utilise sensitive lighting proposals, to limit the extent of orchard area lit to >0.5 lux. Light spill from the day lounge will be 0.5 lux at 3m however, this will fall onto an area of patio.

v) The use of bollard lighting in the spa/new guest accommodation car park will result in no light spill above 0.5 lux onto the nearby woodland located to the south-west.

Habitats Risk Assessment (HRA):

The Council, as the competent Authority, has completed and appended a Habitats Regulations Assessment (Appropriate Assessment) for the site. Based on the information provided, the HRA concludes that there is no risk of significant negative impacts on the Bath and Bradford-on-Avon Bats Special Area of Conservation, providing mitigation commitments are met. Natural England have agreed the outcome of the HRA, subject to conditions which secure the mitigation measures.

Other Matters:

The Land Use as Existing and Proposed plan (Drawing 1398 129 A) is welcomed and broadly shows which habitats will be impacted by the proposals.

The EclA now provides an assessment of the lime (T65), magnolia (T94) and apple (T95) trees for potential to support roosting bats (Table 4.4 refers). All three trees were considered to offer negligible bat roost potential, these results are accepted. It is disappointing that no further information has been provided about shrubs/trees H1, T2 and CP1 (referred to as T97, in my previous response), however, it is accepted that these were felled prior to submission of the current planning application

Paragraph 2.3.13 of the assessment provides justification for why bat activity surveys were not deemed necessary, based on the quality and modest area of habitat removed or impacted.

Swallows were recorded nesting in Building F, Drawing 1398 152 A demonstrates how compensatory nesting provision for this species will be provided. This is considered acceptable.

The measures to protect trees, hedgerows, nesting birds, reptiles and badger as set out in Table 5 of the assessment are supported and should be secured through an appropriately worded planning condition.

The Soft Landscape Plan (NPA 11124 500 C02) now show that the new species-rich hedgerow will be managed to at height of at least 2m, this is fully supported. The plan also identifies that a further seven field trees will be planted, which is welcomed.

Net Gain:

The inclusion of a species-rich hedgerow, an orchard, species-rich grassland, a sedum roof (as per Section 8 of DAS) and bat/bird boxes are welcomed. A detailed Ecological Management Plan should be secured by condition if consent is granted.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 26% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore, the proposed development is compliant with policy CP2 in this instance.

ENFORCEMENT MATTERS:

A number of concerns relating to enforcement matters have been raised. At the Planning Committee on 1st June 2022 a specific query was raised in regard to Condition 3 of application 08/02609/FUL which was approved 18th September 2008. The condition reads as follows:

"No site works or clearance shall begin until a scheme for protection of trees and other existing or proposed landscape areas to British Standard 5837:2005 has been submitted to and approved in writing by the Local Planning Authority. The approved protection scheme shall be implemented before the development is begun and shall not be removed until the development has been completed. Protected areas shall be kept clear of any buildings, plant, material, debris and trenching. Existing ground levels maintained within protected areas. There shall be no entry to protected areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site."

It has been raised that vegetation has been removed/pruned and that this is a breach of this condition. The case officer has reviewed these matters with the Planning Enforcement Team. This condition did not secure the retention of planting in perpetuity and nor does it seek that no vegetation shall be pruned going forward from the time of the permission. The scheme referenced in the condition was submitted under application reference 09/04433/COND. The submitted plan again does not reference vegetation being retained in perpetuity. Therefore, going forward from this there was no planning condition which would have meant that trees/vegetation could not be removed or pruned. As such, officers do not consider that there has been a breach of this condition at this time.

The above has no bearing on the submitted planning application. It would not prevent the permission of the planning application before the planning committee. Other matters pertaining to enforcement are currently being investigated. This application, again, has no bearing on these matters. These enforcement matters do not preclude officers from taking a decision on this application.

OTHER MATTERS:

It has been raised by third-parties that they have not been properly consulted on the proposals. The Council considers it has consulted in accordance with the Development Management Procedure Order. The case officer has also re-consulted on the revised scheme.

PUBLIC SECTOR EQUALITY DUTY:

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010.

The impact upon neighbouring residents has been fully assessed. Conditions, recommended as part of the permission, are considered to ensure that the impact to the amenity of nearby occupiers is minimised. Additionally, the proposal has been assessed in regard to its impact upon any future users of the site. It is considered that the application would not cause significant harm to any affected party and, as such, the Council has complied with its Public Sector Equality Duty during the assessment of this planning application.

CONCLUSION:

Officers understand and acknowledge the concerns of residents. However, it is considered that the revised scheme has worked hard to address as many of the concerns as possible. There are no outstanding objections from consultees and officers consider that the proposals are compliant with the relevant planning policies. As such, the proposal is recommended for permission, subject to the conditions below.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Bat and Wildlife Protection and Mitigation Scheme (Pre-commencement)

No development shall take place until full details of a Bat and Wildlife Protection and Mitigation Scheme have been submitted to and approved in writing by the local planning

authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in Table 5 of the Ecological Impact Assessment report dated 1st March 2022 produced by Nicholas Pearson Associates including:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to trees, hedgerows, bats, nesting birds, reptiles and badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works
- (ii) Full details and method statement of proposed bat mitigation and compensation scheme, including installation of only bitumen type 1F felt in the compensation roost; and
- (iii) Detailed proposals for implementation of the wildlife mitigation measures of the approved ecological report.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm to roosting/foraging bats, trees, hedgerows, badger, reptiles & nesting birds in accordance with Policy NE3 of the Bath and North East Somerset Local Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

3 Ecological Management Plan (EMP) (Pre-occupation)

Landscaping shall demonstrate compliance with the approved Soft Landscaping Plan (drawing NPA 11124 500 C02) dated 10th February 2022 produced by Nicholas Pearson Associates. No operation of the development hereby approved shall take place until full details of an Ecological Management Plan, have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) A list of long-term wildlife conservation aims and objectives, to include: habitat-specific; species-specific; and issue-specific objectives (as applicable). Detailed proposals for implementation of ecological enhancement measures including wildlife-friendly planting / landscape details; provision of a sedum roof; and provision of bat & bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable;
- (ii) Proposed management prescriptions and operations; locations, timing, frequency, duration; methods equipment and personnel as required to meet the stated aims and objectives;
- (iii) All details, locations, boundaries of habitats and management units / areas shall be shown on a plan;
- (iv) A list of activities and operations that shall not take place and shall not be permitted within the EMP Plan area (for example use of herbicides, waste disposal, inappropriate maintenance methods, storage of materials);
- (v) All required measures shall be incorporated into and compatible with the wider scheme, and shown to scale on all relevant plans and drawings including landscape design and planting plans; and

(vi) Proposed monitoring and reporting scheme, to include ongoing review and remediation strategy All works within the scheme shall be carried out and the land managed and maintained and utilised thereafter only in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: in the interests of avoiding net loss and proving net gain of biodiversity, birds in accordance with Policy NE3 of the Bath and North East Somerset Local Plan.

4 External and Internal Lighting (Bespoke trigger - requires approval of details prior to installation of new lighting)

Lighting shall be installed only in accordance with approved drawings 21/1837E/02, 21/1837E/04 A, 21/1837E/06 A, 21/1837E/07 A, 21/1837E/08 and Table 5 of the Ecological Impact Assessment report (Nicholas Pearson Associates, March 2022). No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority, details to include:

- i) proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan;
- ii) details of predicted lux levels and light spill (light spill onto the newly created habitat and north-western & south-western boundary habitats must be below 0.5lux); and
- iii) details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto existing trees and boundary vegetation and adjacent land to avoid harm to bat activity and other wildlife.

The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with Policies NE3 and D8 of the Bath and North East Somerset Local Plan.

5 Ecological Follow-up Report (Bespoke trigger)

Within 6 months of completion of the development hereby approved a report produced by a suitably experienced professional ecologist (based on post-completion on-site inspection by the ecologist) confirming in writing and demonstrating, using photographs, full adherence to and completion of all bat and wildlife protection, mitigation and enhancement measures in accordance with approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the bat and wildlife protection, mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and Policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

6 Parking (Pre-occupation)

No occupation of the development shall commence until 78 parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 Turning Space (Pre-occupation)

No occupation of the development shall commence until the turning space shown on drawing number IMA-19-216-10 has been completed in accordance with the approved details. The turning space shall be kept clear of obstruction and available for use as a turning space at all times.

Reason: To ensure that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

8 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 10 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

9 Travel Plan (Pre-occupation)

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 ST1 of the Bath and North East Somerset Placemaking Plan.

10 Arboricultural Compliance (Bespoke Trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan (Brynley Andrews September 2021). A signed compliance statement shall be provided by the appointed Arboriculturalist to the local planning authority within 28 days of completion of all works.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE6 of the Placemaking Plan.

11 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours

2. Means of enclosure
3. Car parking layouts
4. Other vehicle and pedestrian access and circulation areas
5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

Reason: To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design, in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

12 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

13 Sustainable Construction (Pre-occupation)

The development hereby approved shall be completed in accordance with all measures within the Sustainable Construction Checklist approved with the application, or with measures agreed in writing by the Local Planning Authority. At all times the development shall achieve at least a 19% reduction in regulated emissions compared to that required by the Building Regulations.

No occupation of the development shall commence until a Sustainable Construction Checklist (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) for the completed development has been submitted and approved in writing by the Local Planning Authority. This shall include:

1. The completion of all relevant tables (see indicated tracks/thresholds in the checklist);
2. All relevant supporting documents/evidence (see indicated tracks/thresholds in the checklist).

Reason: To ensure that the approved development complies with Policy CP2 of the Bath and North East Somerset Core Strategy (sustainable construction).

14 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

15 Hours of Operation (Compliance)

The event/meeting space (labelled "meeting space" on drawing no. 398 137 A hereby approved shall not be used outside of the following hours:

Monday-Sunday (inclusive): 07:00 to 01:00 hours the next day.

Reason: In the interests of the residential amenity of the surrounding occupiers.

16 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 relates to the following plans:

1398-125 A Site Plan as Proposed - Built Areas and Volumes
1398-129 A Land Use as Existing and Proposed
1398-135 A Site Plan as Proposed
1398-136 A Site Plan Car Park Plan as Proposed
1398-137 A Hotel Block Plan as Proposed

1398-139 A Hard Landscape Plan as Proposed
1398-142 A Ground Floor Plan as Proposed
1398-143 A First Floor Plan as Proposed
1398-144 A Roof Plan as Proposed
1398-145 A New Guest Accommodation - Elevations as Proposed - Sheet 1
1398-146 A New Guest Accommodation - Elevations as Proposed - Sheet 2
1398-147 A Spa Elevations as Proposed
1398-148 A Site Elevations as Proposed
1398-150 A Site Sections AA and BB as Proposed
1398-151 A Site Sections CC and DD as Proposed
1398-152 A Bat and Swallow Shelter
1398/SK/138 P1 NE Elevation of Guest Accommodation - Glazing Reduction
1398/SK/139 P1 Proposals Plan within Wider Site Context.
1398_20220210 P2 Site Views Comparison Document
NPA 11124 500 C02 Proposed Soft Landscape Plan
1837-E08 Spill Light Site Layout
1837-E02 Proposed Lighting and Alarms Layout-GF Gen Areas
1837-E04 Proposed Lighting and Alarms Layout-GF Guest Accommodation
1837-E06 Proposed Lighting and Alarms Layout-FF Guest Accommodation
1837-E07 Proposed Electrical Services, Car park, Ramp and Paved Areas

All received 22nd March 2022

1308 120 Site Location Plan. Received 11th October 2022

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

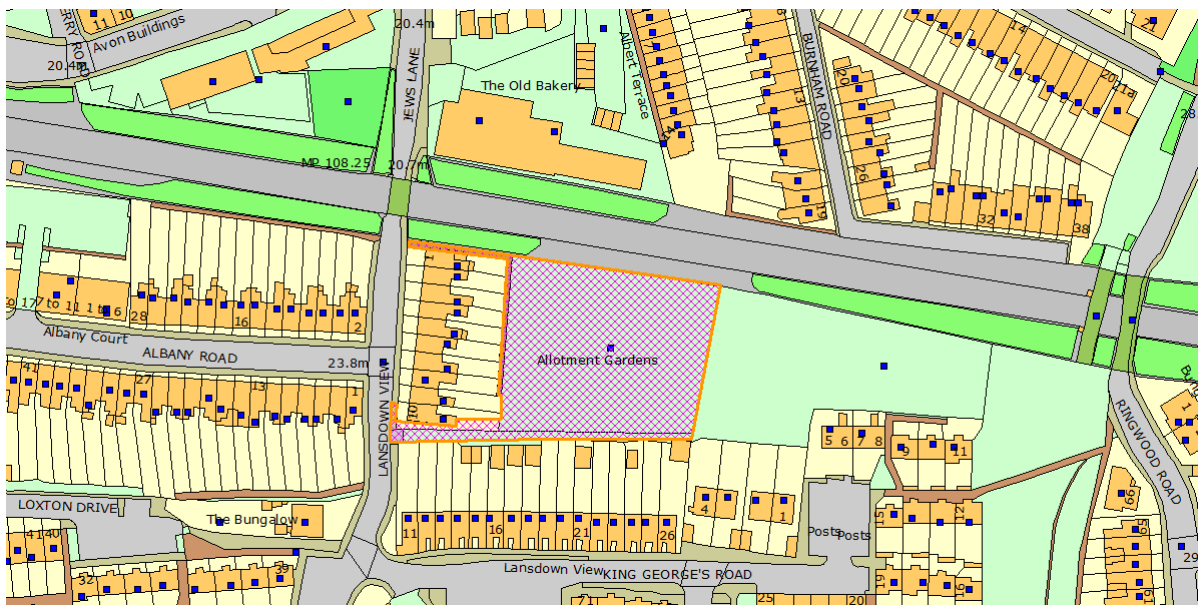
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No: 002
Application No: 21/00677/FUL
Site Location: Proposed Development Site Lansdown View Twerton Bath Bath And North East Somerset



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero
Application Type: Full Application
Proposal: Erection of seven new dwellings with access improvements and associated external works.
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Railway, SSSI - Impact Risk Zones,
Applicant: Ian Betts and Anthony Perry
Expiry Date: 3rd June 2022
Case Officer: Chris Griggs-Trevarthen
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING TO COMMITTEE

Councillor Dine Romero and Councillor Paul Crossley have both requested that the application be referred to committee if it is recommended for approval. In accordance with the scheme of delegation, the application has been referred to the chair/vice chair of Planning Committee. They have decided that the application should be determined by committee and have made the following comments:

Chair, Cllr. Sue Craig

"I have looked at this application carefully including the history of the site, I note comments from third party and statutory consultees including the Ward Cllrs reasons for requesting it be determined by the planning committee. The points raised have been assessed and amendments made to the initial plan to address concerns however although statutory consultees seem to agree with the changes it is now acceptable, I recommend the application be determined by the planning committee so the changes to site meaning it is brought back into a productive use can be debated in the public arena."

Vice Chair, Cllr. Sally Davis

"I have reviewed this application and note the many comments and objections from 3rd parties and the local ward councillors. The officer has worked hard with the applicant to address the issues raised and, subject to conditions as detailed, has brought the proposal to a good level of policy compliance. However, given the number of issues raised and the fact that Highways still has some reservations, I believe that this proposal would benefit from debate in a public forum and consideration by the committee."

The application was deferred at the 1st June Planning Committee to enable members to undertake a site visit. This report incorporates some minor amendments following questions received from the planning committee. The main changes are:

1. Update to condition 26 (North-west footpath)
2. New condition 27 (Site Access)
3. Minor update to proposed site plan replacing short section of steps with ramp

Details of location and proposal and Relevant History:

The application refers to a site located in a predominantly residential area in Twerton. The site is bounded by Nos 1-10 Lansdown View to the west; the Bath-Bristol railway line to the north; allotments owned by the Council to the east; and the continuation of Lansdown View to the South. It is understood that the site was once used as private allotment land but has been disused since 2001.

Planning permission is sought for the erection of seven new dwellings with access improvements and associated external works.

Relevant Planning History:

13/03835/FUL - REFUSED - 20 January 2014 - Erection of 11 houses and 10 flats following the demolition of half of an existing apartment building.

14/00045/RF - APPEAL DISMISSED - 22 September 2014 - Erection of 11 houses and 10 flats following the demolition of half of an existing apartment building.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ARBORICULTURE: No objection, subject to conditions

CONTAMINATED LAND: No objection, subject to conditions

DRAINAGE AND FLOODING: No objection, subject to conditions

ECOLOGY: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

HIGHWAYS: No objection, subject to conditions

NETWORK RAIL: No objection

WESSEX WATER: No objection

B&NES ALLOTMENTS ASSOCIATION: Objection

The B&NES Allotments Association objects in principle to the development of this site. The Association has included this site for designation as a Local Green Space in its submission to the New Local Plan, which has unfortunately been delayed. It has amenity and ecological value and augments the tranquility and natural setting for the adjacent allotments. On points of detail, it is noted that some food growing spaces are shown on the plan, but unless these are brought into Council management, they could easily fall into disuse and there would be little that the Council could do to enforce their continued use. The Council should also ensure that the access to the allotments is protected at all times as this route into the adjacent site is the only way disabled users can access the plots.

COUNCILLOR PAUL CROSSLEY: This application is, in my view, totally unacceptable and should the case officer reach a different conclusion and recommend permission then this objection is also a formal request that the final determination of the application is determined in public by committee. In summary, this site is not suitable for development as a housing site because of:

1. Dangerous access onto Lansdown View
2. Overdevelopment of the site and the area
3. Loss of amenity to residents
4. Unsuitable provision for emergency access
5. Potential impact on soakaway provision for current residents
6. Loss of an important wildlife habitat

COUNCILLOR DINE ROMERO: To my mind it is overdevelopment of this piece of land and will result in a range of additional negative impacts on residents in the surrounding terraces including access to Lansdown View, and to their garages. It will also destroy a pocket of valuable wildlife habitat. A further consideration must be on where water from the springs will be rerouted to, and if this will increase a risk of flooding to nearby homes. If you are minded to grant permission please would you take this email as a request to bring this to the planning committee for their say in the decision.

NEIGHBOURS/THIRD PARTIES: A total of 45 objections have been received from third parties, the following is a summary of the points raised:

- Concern in regard to proposed access
- Access not safe or suitable
- Access not suitable for emergency or refuse vehicles

- Highway's safety concerns
- Too many junctions
- Pedestrian safety concerns
- Congestion
- Construction concerns
- Traffic disruption
- Impact to clean air zone
- Noise and pollution concerns
- Drainage issues
- Overdevelopment of the site
- Design not in keeping with local character
- Proposal is too high
- Not environmentally friendly
- Loss of trees
- Loss of wildlife
- Impact to GI corridor and green space
- Loss of natural habitat
- Light pollution
- Loss of privacy
- No utilities
- Concern over consultation period
- Encroachment onto neighbouring land
- Concerns about subsidence
- Concerns about utilities

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 Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan
- o Made Neighbourhood Plans

Core Strategy:

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

- B1 Bath Spatial Strategy
- B4 The World Heritage Site and its Setting
- CP2 Sustainable Construction
- CP3 Renewable Energy
- CP5 Flood Risk Management

CP6 Environmental Quality
CP9 Affordable Housing
CP10 Housing Mix
SD1 Presumption in favour of sustainable development

Placemaking Plan:

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

D1 General urban design principles
D2 Local character and distinctiveness
D3 Urban fabric
D4 Streets and Spaces
D5 Building design
D6 Amenity
D7 Infill and backland development
HE1 Historic environment
NE2 Conserving and Enhancing the landscape and landscape character
NE2A Landscape setting of settlements
NE3 Sites, species and habitats
NE5 Ecological networks
NE6 Trees and woodland conservation
ST7 Transport requirements for managing development
H7 Housing accessibility
SCR1 On-site renewable energy requirement
SCR5 Water efficiency
SU1 Sustainable drainage policy
LCR8 Protecting Allotments
LCR9 Increasing the provision of local food growing
PCS5 Contamination

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Supplementary Planning Documents:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

BACKGROUND:

The application is for full planning permission for construction of seven new dwellings with access improvements and associated external works.

The site was subject for a previous application 13/03835/FUL for the erection of 11 houses and 10 flats (22 dwellings in total) with access from King George's Road formed by demolition of half an apartment building. This previous application included Council owned land to the east (0.41 hectares) and so had a larger site area than the current application site (0.3 hectares). The application was refused on grounds including inadequate access, over development of the site and impact on residential amenity.

The decision was appealed and dismissed by the planning inspectorate. It was found that while the effect of the scheme on the living conditions of neighbours and on the character and appearance of the area was unacceptable, the proposal would have an acceptable effect on the safety of pedestrians using the highway. The Inspector did not raise any objection to the principle of development, or technical matters relating to ecology or tree loss.

The main issues to consider are:

1. Principle of development
2. Character and appearance
3. World Heritage Site
4. Residential amenity
5. Highways and parking
6. Flooding and drainage
7. Contaminated Land
8. Trees
9. Ecology
10. Affordable Housing
11. Community Infrastructure Levy
12. Housing Accessibility
13. Sustainable construction and Climate change
14. Public benefits
15. Other matters
16. Planning balance and conclusion

1. PRINCIPLE OF DEVELOPMENT

Former Allotment Land

The site is not identified as a formal allotment on the proposals map and there is no current allotment use taking place on the site. However, records indicate that the site was previously in use for a maximum of 12 private allotments during the period 1971-1999. In 2001, it is understood the number of private allotments reduced to 2 users and the site was vacated shortly thereafter.

Policy LCR8 states that development resulting in the loss of land used for allotments (or land evidenced as last used as allotments) will not be permitted unless the importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible alternative provision is made elsewhere within a reasonable catchment area.

The site and surrounding area have been identified as having contamination potential due to WW2 bomb damage. The council owned land immediate to the east of the site, but this was never used for cultivation due to the concerns about contamination. It was considered that decontamination cost for allotment provision would be excessive.

The current application site was previously considered for acquisition by the Council for use as statutory allotments, but this was rejected because of concerns over the costs of overcoming soil pollution.

The site is now overgrown with scrub and self-seeded trees and is completely disused. Given this period of disuse and the identified contamination issues, it is considered that the site does not have any significant community value as an allotment site. Furthermore, the cost of remediating the land has previously been considered and would be excessive given the relatively low land value for an allotment use. It is therefore considered that there is no reasonable prospect of the land being brought back into use as allotments which further diminishes the community value of this former allotment site.

The community value of the site as allotments is therefore afforded limited weight. The importance of the development is considered to outweigh this community value and is discussed in more detail in the planning balance section of this report.

Given that there is no current allotment use on the site and there is no reasonable prospect of the land being brought back into use as allotments, it is considered that there is no 'equivalent' allotment provision to be made.

The proposed loss of the former allotment land is therefore considered acceptable in accordance with policy LCR8 of the Placemaking Plan.

Proposed residential development

The site is within the built-up area of Bath where the principle of new residential development is acceptable in accordance with policy B1 of the Core Strategy, subject to the other material planning considerations discussed below.

2. CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout.

The proposal is for seven terraced dwellings located centrally within the site. The site is surrounded by terraces and this form of housing is common in this area of Bath. The front elevations are orientated to the north, parking will be located to the north of the site. Each dwelling will have a southern rear garden. Amenity space has been left around the full circulation of the terrace, part of which will become managed landscape. The access road is to the west and follows the route of the existing lane. The proposal is considered to fit comfortably onto the plot and not result in overdevelopment.

The proposed terrace is 3 storey in form, but cut into the slope of the site so that it appears two storey from the south and three storey from the north. The heights are akin to houses to the west due to the cut into the slope. Views of the site will be obstructed in the main by the surrounding set of terraces. The scale and mass of the development is considered acceptable.

The proposals will be relatively deep set and therefore have a double pitched roof. Pitched roofs are characteristic of the area and the double pitch form is considered acceptable. Additional, the solar panels will be located on the internal pitch. The terrace will be uniform in design with the majority of the walls being bath stone with the front lower ground elevations being finished in rubble stone. This will provide a visual break in the massing and distinguish the garage basement area from the upper living accommodation floors. The materials are considered to be high quality natural materials that take cues from the surrounding area. The proposed window style and placement gives the dwellings a more contemporary feel. Overall, it is considered that the proposed dwellings are acceptable.

The use of various hard surface treatment will distinguish the parking and pedestrian areas from the road. Soft landscaping has been incorporated around the entire site. A hard and soft landscaping plan will be secured by condition.

In light of the above it is considered that the proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area.

The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

3. WORLD HERITAGE SITE

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

4. RESIDENTIAL AMENITY

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

Number 1 to 10 Lansdown View run along the western side of the site and numbers 11 to 26 run along the southern side of the site. King George's Allotments are located to the east and the railway line bounds the site to the north. The site slopes down across the site from south to north and rises back up towards the railway line. The proposed dwellings are to be located centrally within the plot.

The orientation of the proposed dwellings mean they sit parallel to 11-26 Lansdown View and perpendicular to 1-10. The rear elevations of the proposed properties are over 20m from the boundary with 11-16 Lansdown View at the least and these properties benefit from gardens around 20m in length. The proposed dwellings are also located downslope. Therefore, it is not considered the proposal will result in any harm to the amenity of these neighbours or future occupiers of the proposed dwellings.

Proposed H1 is the closest dwelling located to 1-10 Lansdown View. It is located around 13m from the rear boundary and around 25m from the rear elevations of the existing properties. Given the distance overshadowing is considered to be minimal. Two small windows, both serving the stairwell at ground and first floor level are proposed in the side elevation. Given their size, use and distance from neighbours it is not considered that this would result in a loss of privacy to warrant refusal.

The garden of number 10 Lansdown view will be reduced in width to increase the access width, nevertheless garden space is retained. There will be increased use of the access as a result of the proposed development, but given the proposed arrangement and low speed nature of the access, it is considered that this will not result in any significant harm to the amenity of 10 Lansdown View.

The application considers the development of an area in close proximity to road and rail networks which could create both noise and vibration concerns for future occupiers

The applicant has submitted an acoustic and vibration report (Reference: 8629/BL/DO). It concludes that with the proposed fabric construction and suitable ventilation provisions contained within that report, the predicted internal equivalent noise levels due to road traffic, rail traffic and commercial noise will be within the recommended BS8233:2014 noise criteria.

The vibration assessment during the daytime and night-time periods also determined to fall within the British Standard 6472 range for a "Low probability of adverse comment" during the night-time and daytime period respectively.

Given the above, the Environmental Protection team have raised no objections, subject to conditions in regard to construction management and sound attenuation.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell,

traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

5. HIGHWAYS AND PARKING

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

Accessibility / Public Transport / Walking / Cycling

Vehicle and pedestrian access are proposed to be taken via a modified lane joining Lansdown View to the south west of the site. A secondary pedestrian route is proposed via an existing path and steps to Lansdown View to the north west of the site which would be upgraded as a result of the development.

The Transport Statement includes a qualitative assessment of the accessibility of the site by sustainable modes of travel. There is also a completed accessibility assessment for the purposes of determining parking requirements. These assessments conclude that the site is located within walking or cycling distance of a range of day to day services and facilities including schooling, convenience food shopping and health services. Footways on both sides of the road are present, however there is a narrow section of footway to the north of the site where Lansdown View passes under the railway line. Cycling will be mainly on-road in the near vicinity of the site, but off road routes are accessibility within a short distance. Regular public transport services operate on Lower Bristol Road with a good standard of facilities. The accessibility assessment results in a low to moderate accessibility rating.

Concern had been raised by the Highways Officer regarding the arrangement of the shared vehicle and pedestrian access onto Lansdown View. The constraints of the site means that there is a pinch point in the access which precludes the provision of an adequate segregated pedestrian footpath. Earlier iterations of the scheme includes a small substandard, non-continuous length of footway which was proposed to serve as a refuge area for pedestrians from passing vehicles. However, the Highways Officer considered this arrangement awkward and likely to be difficult to navigate for those in wheelchairs, with buggies or with visual or mobility impairments, particularly as these users would also struggle to use the stepped footpath to the north-west.

Follow negotiations, this element of the access was revised so as to remove the refuge island to create a fully shared surface area from Lansdown View until the site widens to allow a segregated footway. This shared surface would be defined by a surfacing material which is distinct from the rest of the access, such as block paviers or setts, to visually indicate to drivers the extent of the shared surface.

Maintaining the level surface all the way through the access from the footway to the new properties will provide a more legible and consistent route than was previously proposed. When also considering the ramped pedestrian access way and the improved steps and path to the north of the site it is considered the access arrangements provide an accessible route to and from the site.

Access to the adjacent King George allotment site would not be impeded by the proposed development.

Traffic impact / Junction Capacity

While the development is not of a scale that would require a full transport assessment, the transport statement does include a traffic survey on Lansdown View dated January 2018.

The survey found approximately 280 two-way vehicle movements on Lansdown View in the AM and PM peak hours. Traffic speeds were very close to the posted 20 mph speed limit on average at 21 mph in either direction with the 85th percentile values of 24mph northbound and 24mph southbound.

The TRICS database has been used to identify likely traffic flows associated with the proposed residential development. This indicates five two-way vehicle movements in both highway peak hours and approximately 41 two-way vehicle movements across a 12 hour day. These flows are small compared to the level of traffic on the highway and will not have a significant impact on the operation of the highway.

Access / Layout / Highway Safety

The existing access lane will be widened and provided with visibility splays that accord to Manual for Streets guidance for the recorded traffic speeds. While the junction and access are an irregular design due to the site constraints, the access proposals have been subjected to an independent Stage 1 Road Safety Audit which has not identified any problems. The access lane will continue to provide access garages to the rear of the King George's Road properties and the King George Allotment site to the east.

The access works will require a S278 agreement to work in the highway and will also need to be secured as part of the planning permission. Subject to securing these works, there is no objection to the proposed access on highways safety grounds.

The applicant has confirmed that there is no intention to offer the access road and turning head for adoption by the Highway Authority.

There is no suitable location for a collection point for waste and recycling on the existing adopted highway of Lansdown View, therefore a vehicle would have to enter the access road which is proposed to remain in private ownership. The applicant has confirmed that the development would be served by a private waste collection which would be arranged by a management company which would take responsibility for the development. This can be secured as part of a s106 agreement.

The management company would also be responsible for the maintenance of the internal access road which would remain unadopted.

Car Parking / RPS / Cycle Parking/ EV charging

The site is in the area defined by the B&NES Placemaking Plan as 'Bath Outer Zone' where 3- bedroom homes require a minimum of 2 car parking space and 2 cycle parking

spaces. In addition, 0.2 car parking spaces per dwelling are required for visitors. This amounts to a requirement of 15 car parking spaces and 14 cycle parking spaces.

An accessibility assessment has been completed which identified the site as having to low/moderate accessibility and allows a secondary discount on the parking standard of 0-10%. The proposal to provide 15 car parking spaces is acceptable.

Eight car parking spaces are provided along the north boundary of the site including one visitor space. The remaining seven car parking spaces are in integral garages. As the garages measure 6x3m, provision for cycle parking is satisfied.

An electric vehicle charging point is proposed in each garage and this is welcomed and can be secured by condition.

Construction Management Plan

In order to maintain highway safety and protect residential amenity, a construction management plan will be required prior to commencement of the development and this can be secured by condition.

6. FLOODING AND DRAINAGE

The site is located in flood zone 1 and is not considered to be at significant risk of fluvial or surface water flooding. The tunnel beneath the railway on Lansdown View is, however, at high risk of surface water flooding and therefore it is necessary to ensure that surface water runoff from the development is carefully managed.

The applicant has proposed to manage surface water by way of a private attenuation system and surface water discharges limited to 2l/s. Over the course of the application information has been submitted to provide evidence of infiltration testing. The Flooding and Drainage Team have raised no objection to the scheme. Additionally, Wessex Water have confirmed no objection. These matters can be secured by condition.

7. CONTAMINATED LAND

The application has included the following report: Lansdown View, Twerton, Bath Stage 1 Geoenvironmental Investigation Report, Johnson Poole & Bloomer. Ref: UC479-13A/SAG/TNO January 2021.

As mentioned above, there is significant potential for contamination on the site. Therefore, taking account of the sensitive nature of the development (i.e. residential dwellings) and the findings and recommendations of the Geo-environmental Investigation Report for further investigation, monitoring and risk assessment and likely remedial works, the Contaminated Land Officer has recommended conditions in regards to investigation and remediation.

8. TREES

The application is accompanied by an Arboricultural Report which identifies that 19 individual trees, 1 hedge (containing 6 trees) and 7 groups of trees (containing 74 trees including a significant number of small saplings) would require removal to accommodate the development.

It is accepted that the majority of trees are of average C retention category based on the BS5837:2012 quality assessment.

Two trees are retained on site; a Sycamore (identified as T10 within the submitted tree survey schedule) which has works proposed within a significant amount of the root protection area, and a Goat Willow (T25) being undertaken and three offsite trees would require precautionary measures.

Section 3.5 of the Planning Obligations Supplementary Planning Document provides a mechanism to secure replacement planting. The Arboricultural Officer has confirmed general agreement with the content of 3.2 of the arboricultural report in respect of replacement planting requirements. It is considered unreasonable and not proportionate to expect 108 replacement trees to be provided on-site given that a significant number of the current trees are inappropriately spaced to allow them to flourish.

However, the Council's Arboriculturalist has also raised concerns about the extent of remediation works which may be identified on the site and which could have a significant impact upon tree retention and on-site replacement. Following negotiations, the applicant has agreed that once the remediation strategy is known and an acceptable landscaping scheme has determined the number of meaningful trees which can be replaced on-site, the residual number of required replacement trees will be provided via off-site contributions in accordance with the planning obligations SPD.

Subject to this approach being secured with appropriate conditions and a legal agreement, there is no objection from the Council's Arboriculturalist.

9. ECOLOGY

An ecological appraisal has been submitted (Engain Feb 2021) which identifies presence of habitats on the site that are of value to a range of wildlife, including woodland and scrub, with mature trees and orchard trees forming a substantial component together with a diversity of shrub and tree species.

The proposed development will require removal of the majority of vegetation and trees including a considerable number of mature trees. All scrub will be removed. There will be an unavoidable removal of woodland habitat.

All developments are expected to achieve "no net loss" of biodiversity in accordance with the NPPF and local policy. The Council's Ecologist initially expressed concerns that the scheme would not be able to demonstrate this but following revisions which included reducing the number of proposed dwellings from nine to seven and increasing the area available for landscaping and habitat provision they are satisfied that the proposed ecological mitigation is acceptable.

Details of the proposed ecological mitigation which would include details of the replacement tree planting (both on and off-site) would need to be secured via conditions and as part of a s106 legal agreement. Subject to these matters being secured there is no ecological objection to the proposals.

10. AFFORDABLE HOUSING

The National Planning Policy Framework states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The site is not a major development and not located in a designated rural area as such affordable housing cannot be sought in this instance.

11. COMMUNITY INFRASTRUCTURE LEVY

The site would generate additional residential floor space within the Bath city area and is subject to contributions via the infrastructure Levy in line with the Council's adopted Planning Obligations SPD at £100 per square metre.

12. HOUSING ACCESSIBILITY

Placemaking Plan Policy H7 requires 19% of all new market housing to be provided to enhanced accessibility standards meeting the optional technical standard 4(2) in the Building Regulations Approved Document M. The 19% is based on a 'rounded up' figure. All of the units are proposed to meet the optional technical standards.

13. SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For New build - Non-major schemes a 19% reduction in CO2 emissions is required by sustainable construction. In this case, the submitted SCC shows that a 70.4% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore, the proposed development is compliant with policy CP2 and significantly exceeds the energy reduction targets.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.).

14. PUBLIC BENEFITS

The proposals would deliver several public benefits which weigh in favour of the application. These are briefly summarised below:

Housing

The proposals provide seven new family homes which contribute towards meeting the housing objectives of the Core Strategy (policies DW1 and B1). The new homes are located inside the existing urban area of Bath in a location which can be considered broadly sustainable. This matter can therefore be afforded significant weight.

Economic benefits

The proposals will provide additional jobs and boost to the local economy during the construction of the proposals. Whilst this is a temporary benefit only, it is still afforded some modest weight.

The proposals will also be liable for payment of the community infrastructure levy (CIL). This levy can be spent on local infrastructure identified on the Council's Infrastructure Funding Statement. The limited scale of the development means that these benefits only carry moderate weight.

Sustainability and Climate Emergency

The site is located in an existing residential area, with good access to services and facilities and is therefore considered to be a sustainable site for homes.

The proposals would provide a 70.4% reduction in carbon emissions, exceeding the target set out in policy CP2 and the sustainable Construction Checklist SPD.

Remediation of contaminated land

The site is known to be potentially contaminated and therefore unsuitable for many uses. This has resulted in it remaining derelict and underused for around 20 years. The proposed development provides the incentive and financing to enable the land to be investigated fully and properly remediated, therefore bringing this land back into a productive use, e.g. housing.

15. OTHER MATTERS

Local Green Space nomination

The B&NES Allotment Association have requested that the site is designated as a Local Green Space in its submission to the New Local Plan. Given the stage of the plan, this can only be given limited weight. The association consider that the site has amenity and ecology value that augments the tranquillity and natural setting of the adjacent allotments. There is no specific planning policy seeking to protect the setting of public allotments, but in any case, as discussed in the report above the proposals are considered to have an acceptable impact upon the character and appearance of the area.

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

There is no level, segregated pedestrian access to the site. The north-west footway contains steps and there is insufficient space to introduce a ramp in this location. The main access onto Lansdown View is proposed to be a shared surface for part of the length of the internal access road and this may cause some concern amongst those with a visual impairment or other disability due to the potential conflicts with vehicles accessing the site. However, as referred to in the report above, there is insufficient width due to the site constraints to provide a fully segregated footway. The proposed shared surface solution is considered to be the most appropriate in terms of balancing accessibility and highways safety. Furthermore, vehicle trips and speeds in this location are likely to be low and the use of a visually distinct surfacing material will alert drivers to the nature of this shared space encouraging them to use more caution.

Environmental Impact Assessment

The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It has been concluded that the proposed development does not constitute EIA development.

16. PLANNING BALANCE AND CONCLUSION

Policy LCR8

Policy LCR8 requires that the loss of the community value of the site as allotments is outweighed by the importance of the development for it to be acceptable.

In relation to this, is it considered that the community value of this site as allotments is very limited due to the fact it has been derelict for the past 20 years and there is no reasonable prospect of it being utilised for allotments in the future due to the high levels of contamination.

Against this loss of community value, the proposed development would generate numerous public benefits (see above section) which combine to give significant weight in

favour of the development. Of particular importance, is the fact that the proposed development provides the incentive and financing to enable the contaminated land to be remediated and brought back into productive use (for housing).

It is therefore considered that the limited level of community value offered by this land (i.e the potential for allotments) is clearly outweighed by the importance of the proposed development which will deliver multiple public benefits in line with the adopted Core Strategy and Placemaking Plan.

Conclusion

The proposed development is considered to comply with all relevant planning policies and therefore accords with the adopted Development Plan. It would provide seven new, well-designed family homes on a suitable backland site, would preserve the residential amenity of neighbours and would not prejudice highways safety. Furthermore, it would allow the land to be remediated and brought back into a productive use. Appropriate mitigation can be secured via conditions and a s106 agreement to ensure biodiversity gain and replacement tree planting.

The proposals are therefore considered to comply with the Development Plan and, in accordance with paragraph 11 of the NPPF, should be approved without delay.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

1. Tree replacement contribution
 - a. Amount based upon formula from Planning Obligations SPD and to be determined in light of approved remediation strategy and detailed landscape proposed
2. Details of a Management Company to manage the communal areas of the development
3. Landscape and Ecological Management Plan
4. Implementation of Highways Works

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

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

3 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
2. Photographs of all of the proposed materials;
3. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and policy CP6 of the Bath and North East Somerset Core Strategy.

4 Landscaping Scheme (Pre-occupation)

No occupation of the development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the following:

1. All trees, hedgerows and other planting to be retained;

2. A planting specification to include numbers, size, species and positions of all new trees and shrubs;
3. Details of existing and proposed walls, fences, other boundary treatment and surface treatments of the open parts of the site;
4. A programme of implementation for the landscaping scheme.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

5 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

6 Wildlife Mitigation and Compensation Scheme (Pre-commencement)

No development shall take place until full details of a Wildlife Mitigation and Compensation Scheme have been submitted to and approved in writing by the local planning authority. These details shall meet the minimum commitments of and be broadly in accordance with the approved Biodiversity Net Gain assessment Rev 00 by Engain dated 19th November 2021, which shall have been revised as necessary to ensure the BNG Calculation is correct and up to date, and fully in accordance with the plans (and any revisions to the plans since the approved BNG calculation was completed), and shall include:

(i) Construction Environmental Management Plan comprising Method statement/s for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds, hedgehog, badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of the wildlife mitigation and compensation measures and recommendations of the approved ecological report, and provision of habitats that have been committed to within the approved Biodiversity Net Gain report Rev 00 (Engain, 19 November 2021) with full details of proposed planting, tree replacement and woodland habitat creation; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable;

specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Placemaking Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

7 Ecology Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of the Wildlife Mitigation and Compensation Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the Wildlife Mitigation and Compensation Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Placemaking Plan.

8 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill on both the horizontal and vertical planes;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE.3 and D8 of the Bath and North East Somerset Placemaking Plan.

9 Noise Attenuation (Pre-occupation)

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night-time

respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLA_{max}

Reason: To ensure that occupiers of the proposed development are not subjected to excessive noise in the interest of residential amenity and in accordance with policies D6 and PCS2 of the Placemaking Plan.

10 Arboricultural Method Statement with Tree Protection Plan (Pre-Commencement)

No development shall take place 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 and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority. The statement should also include the control of potentially harmful operations such as soil remediation works should these be necessary; the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking 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.

11 Surface water discharge (Pre-Commencement)

No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

12 Investigation and Risk Assessment (Pre-Commencement)

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:
human health,
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
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 and 15 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.

13 Remediation Scheme (Pre-Commencement)

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 and 15 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.

14 Verification Report (Pre-Occupation)

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 and 15 of the National Planning Policy Framework.

15 Unexpected Contamination (Compliance)

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 and 15 of the National Planning Policy Framework.

16 Sustainable Construction (Pre-occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted for approval to the Local Planning Authority together with the further documentation listed below:

1. Table 2.1 Energy Strategy (including detail of renewables)
2. Table 2.2 Proposals with more than one building type (if relevant)
3. Table 2.4 (Calculations);
4. Building Regulations Part L post-completion documents
5. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy CP2 of the Core Strategy (sustainable construction).

17 Housing Accessibility (Compliance)

The proposed dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M.

Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

18 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Placemaking Plan.

19 Water Efficiency (Compliance)

The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

20 Electric Vehicle Charging (Compliance)

Each dwelling shall not be occupied until an electric vehicle charging point has been installed for that dwelling and is ready for use.

Reason: To ensure each dwelling is served by an electric vehicle charging point in the interests of promoting more sustainable car use and in accordance with policy ST7 of the Placemaking Plan.

21 Dwelling Access (Pre-occupation)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

22 Waste and Recycling (Pre-occupation)

No occupation of the development shall occur until a suitably qualified waste collection contract has been arranged by the development's management company. The approved Waste and Recycling Statement P2 shall be implemented in accordance with the agreed document to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity and highway safety in accordance with policy D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

23 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan No. 1417/P/03 P7 Proposed Site Plan: GA, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

24 Driveway Gradient (Compliance)

The gradient of the access shall not at any point be steeper than 12.5% (1 in 8) fall towards/ 8.5% (1 in 12) fall away from the highway, for a distance of 5.0m metres from its junction with the public highway.

Reason: In the interests of amenity and highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

25 Garages (Compliance)

The garage hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

26 North-west footpath (Pre-commencement)

No development shall commence until details of a scheme to clear and re-surface the secondary pedestrian access to the north of the site (shown on drawing no. 1417/P/03 P8, Proposed Site Plan GA). The pedestrian access shall be cleared and re-surfaced in accordance with the approved details prior to the occupation of any dwelling.

Reason: To ensure that the proposals are served by a suitable segregated pedestrian access and in accordance with policy ST7 of the Placemaking Plan.

27 Site Access (Pre-occupation)

No occupation of the development shall occur until the site access has been completed in accordance with drawing 1417/P/03 P8 (PROPOSED SITE PLAN GA) and all relevant highways technical approvals. Thereafter the site access shall be retained as such for the lifetime of the development.

Reason: In the interests of highways safety and to ensure that an appropriate and safe site access is provided prior to the occupation of the development in accordance with policy ST7 of the Placemaking Plan.

28 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 relates to the following plans:

1417 P LOC P1	LOCATION PLAN
1417/P/03 P8	PROPOSED SITE PLAN GA
1417/P/04 P6	PROPOSED SITE PLAN LEVELS
1417/P/08 P5	PROPOSED SECTIONS
1417/P/01 P4	SITE SURVEY AND CONTEXT PLAN

1417/P/05 P4	PROPOSED HOUSE PLANS: LEVELS 0 AND 1
1417/P/06 P4	PROPOSED HOUSE PLANS: LEVEL 2 AND ROOF
1417/P/07 P5	PROPOSED ELEVATIONS

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges,

interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

6 Local Highway Authority require an agreement (Section 106, Section 278, Section 38)

The Local Highway Authority (LHA) requires the developer to enter into legally binding agreements to secure the Proposed Site Access Arrangements on Lansdown View shown on drawing 20074-GA01. Further information in this respect may be obtained by contacting the LHA.

Private Road

You are advised that as a result of the proposed layout and construction of the internal access road, the internal access road will not be accepted for adoption by the Highway Authority under Section 38 of the Highways Act 1980.

The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980, unless and until you agree to exempt the access road. The exemption from adoption will be held as a Land Charge against all properties within the application boundary. Contact the Highway Authorities Transport Development Management Team at highway_development@bathnes.gov.uk