

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **28th August 2024**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

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.

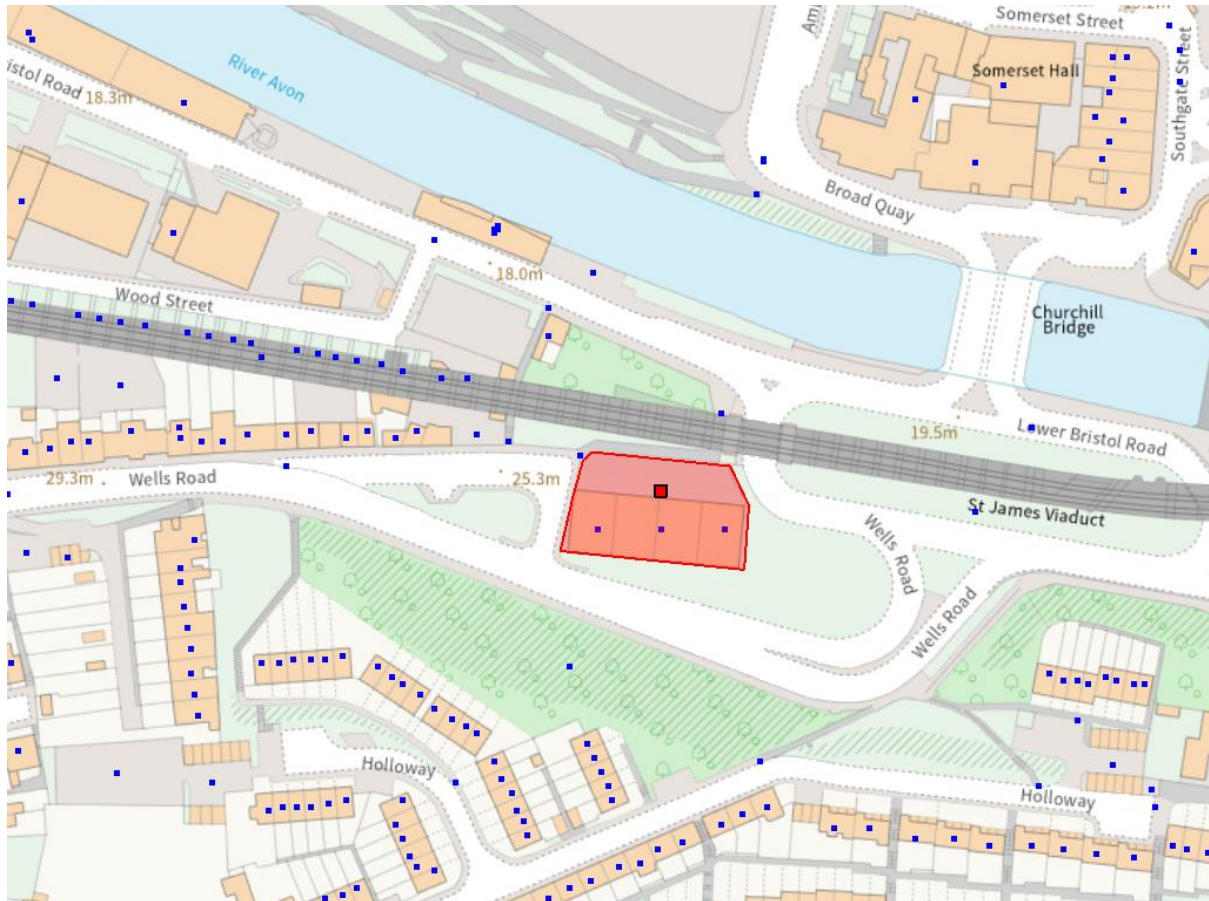
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	23/02012/FUL 30 August 2024	Kosy Co Living Bath Limited Unit 1-4, Wells Road, Lyncombe, Bath, Bath And North East Somerset Demolition of existing commercial industrial building and development of a new 4-storey mixed-use building, comprising 2 no. commercial units (hybrid use class E and B8 uses) and residential co-living use (sui generis) including 77 no. studios with ancillary co-working areas, communal residential accommodation of kitchens, living rooms, gym, rooftop outdoor amenity area, plant, laundry, bin storage and cycle parking as well as car parking, landscaping and associated development (Resubmission).	Widcombe And Lyncombe	David MacFadyen	Delegate to PERMIT
02	23/04136/RES 30 August 2024	SR Catchers Ltd 37 Coombend, Radstock, Bath And North East Somerset, BA3 3AN, Approval of reserved matters with regard to outline application 20/03800/OUT (Proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings (1no. 3 to 4 bedroom detached and 4no. 3 bedroom terraced) at Coomb End Garage, Coomb End, Radstock, BA3 3AN (Outline Application to determine access with all other matters reserved)).	Radstock	Danielle Milsom	PERMIT
03	23/03465/FUL 12 July 2024	Mr Ryan and Bradley Saunders Nuholme , Wick Lane, Stanton Wick, Bristol, Bath And North East Somerset Change of use and extension of an existing workshop and land to form a dwelling.	Chew Valley	Christine Moorfield	PERMIT

04	24/02125/VAR 30 August 2024	Mr Nick Wilson Parcel 2727, Kingshill Lane, Chew Stoke, Bristol, Bath And North East Somerset Variation of condition 16 (Plans List (Compliance) 22/04892/FUL (Erection of a rural workers dwelling in association with the equestrian business on site following the removal of a temporary mobile home). Condition Number(s): 16 Conditions(s) Removal: Please refer to the submitted Covering Letter for more information. Variation to the approved Plans List	Chew Valley	Danielle Milsom	PERMIT
05	24/01160/FUL 29 August 2024	Mr & Mrs Melbourne 11 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset, BA1 5TU Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.	Lansdown	Ed Allsop	PERMIT
06	24/01819/VAR 9 July 2024	Mr Walters & Miss Thorneywork 6 Squire Lane, Ubley, Bristol, Bath And North East Somerset, BS40 6PP Variation of condition 2 (Plans List) of application 23/01552/FUL (Erection of two storey rear and side extension).	Chew Valley	Angus Harris	PERMIT
07	24/02110/FUL 31 July 2024	Steve George 10 Berkeley Place, Walcot, Bath, Bath And North East Somerset, BA1 5JH Installation of nine solar pv panels on garden studio roof and the erection of a timber pergola in garden.	Walcot	Angus Harris	PERMIT
08	24/02257/FUL 7 August 2024	Saskia Heijltjes 23 Ringswell Gardens, Lambridge, Bath, Bath And North East Somerset, BA1 6BN Installation of 1 no. air source heat pump to the side elevation.	Walcot	Angus Harris	PERMIT
09	24/02742/TCA 2 September 2024	Mr Paul Crossley Orchard Rise , Sham Castle Lane, Bathwick, Bath, Bath And North East Somerset T1 - T4 - Ash - Dismantle to a height of one metre.	Bathwick	Jane Brewer	NO OBJECTION

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 23/02012/FUL
Site Location: Unit 1-4 Wells Road Lyncombe Bath Bath And North East Somerset



Ward: Widcombe And Lyncombe **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Alison Born Councillor Deborah Collins

Application Type: Full Application

Proposal: Demolition of existing commercial industrial building and development of a new 4-storey mixed-use building, comprising 2 no. commercial units (hybrid use class E and B8 uses) and residential co-living use (sui generis) including 77 no. studios with ancillary co-working areas, communal residential accommodation of kitchens, living rooms, gym, rooftop outdoor amenity area, plant, laundry, bin storage and cycle parking as well as car parking, landscaping and associated development (Resubmission).

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing, Flood Zone 2, HMO Stage 1 Test Area (Stage 2

Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, NRN Woodland Strategic Network Policy NE5, NRN Wetland Strategic Network Policy NE5, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Kosy Co Living Bath Limited

Expiry Date: 30th August 2024

Case Officer: David MacFadyen

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

REPORT

Reason for Planning Committee Decision:

The Ward Members for Widcombe and Lyncombe, Councillors Alison Born and Deborah Collins have objected to the application and requested that the application is referred to Planning Committee. The application was referred by the Case Officer to the Chair and Vice Chair of Planning Committee who have agreed the application should be decided by the Committee.

Site Background

The application relates to an industrial/commercial business premises known as Units 1-4 Wells Road, located at the bottom of Wells Road (A367), Bath. The site is in Widcombe and Lyncombe ward, adjacent to Oldfield Park and Kingsmead wards. The site lies immediately to the south of the city centre, with the city centre boundary under Policy CP12 (Centres and Retailing) of the Local Plan being 70m north of the site.

The existing premises were developed in the early 1980s following demolitions and re-planning of highways in the area for the Churchill Bridge and gyratory in the 1960s. The existing building comprises 4 no. industrial/commercial units, most recently used by 2 businesses (Units 1-2 Designability Charity, Units 3-4 The Great Wine Co. formerly Great Western Wine). The building is positioned to the south of the site and a car park is located to the north. The building has an industrial form and construction, with full height roller shutter doors, a flat roof and sheet metal cladding.

St. James Viaduct (Grade II* Listed) carrying the Great Western Mainline railway runs parallel to the north of the site. A public right of way (BC44/23) under the viaduct runs immediately to the north of the site. Council owned landscaped open space is located to the south and east. A car park and railway arch MOT garage are located to the west, along with terraced buildings fronting Wells Road.

The site is in the 'City of Bath' and 'Great Spa Towns of Europe' World Heritage Sites. The site is also in the Widcombe and the Kennet & Avon Canal Character area of the Bath Conservation Area.

The River Avon is located approx. 40m north of the site and is a Site of Nature Conservation Interest. Beechen Cliff Site of Nature Conservation Interest is approx. 130m south of the site. The site is in Flood Zone 1, at low risk of flooding.

The site is partially within the Bath Major Roads Air Quality Management Area. It is also within Council Parking Permit Zone 4.

Planning History

22/02399/FUL Demolition of existing commercial Units 1 & 2 (Designability) and Units 3 & 4 (The Great Wine Company) and erection of a new 5-storey building, comprising employment floorspace (Use Classes E and B8), co-working business floor space (Use Class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens and living rooms, gym, laundry, plant, bin storage and external landscaping and amenity areas including roof terrace, cycle and car parking provision. Withdrawn by Applicant - 21.10.2022

19/02445/FUL Change of Use for units 1 and 2 to Light Industrial (B1) or Warehouse (B8) or Gymnasium (D2). Withdrawn by Applicant - 01.08.2019

Development

The application seeks full planning permission for demolition of the existing industrial commercial units and redevelopment of the site with a four-storey mixed-use building. This would house 2 no. commercial units, a co-working office use (use class E) and co-living residential accommodation (Sui Generis) comprised of 77 no. studios and communal spaces including kitchens, living rooms, gym, outdoor amenity area, plant, laundry, bin storage and cycle parking as well as car parking, landscaping and associated development.

The proposed building would be sited in a similar position to the existing building at the south of the site. The access and car parking will remain to the north of site. The building would have a rectangular form, measuring 48m in width by 18m in depth. It would be 14m in height to the eaves and 17m in height to the ridge. The roof would have pitched front and rear, with trio of gables to the east and west sides. The walls would be constructed with Bath stone and roofs clad with metal roofing system.

Internally, the ground floor would comprise 2 no. hybrid storage or commercial use units (use class B8 or E), co-working office space (use class E), cycle parking, bin store and plant room. The first to fourth floors would be co-living studios and communal living areas. The fourth floor would be integrated within the roof structure including communal uses such as gym, games room, kitchen/lounge and outdoor amenity space at upper floor level.

It is proposed to incorporate 3 no. Callery pear 'Chanticleer' trees in the car park area to the north of the site. Shrub planting is proposed elsewhere in the car park and surrounding the building.

3 no. car parking spaces are proposed on site for the co-living use. These will be used for disabled parking, car sharing club and servicing and deliveries respectively. 4 no. car parking spaces are proposed for the hybrid storage or commercial units. 77 no. cycle parking spaces for the co-living use will be accommodated within a ground floor cycle parking store. 8 no. visitor cycle parking spaces are proposed within the parking area.

The development will include a mechanical ventilation with heat recovery system, air source heat pumps to provide all water heating demands and a solar PV system to generate renewable electricity on site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Internal Consultation

Planning Policy, Bath & North East Somerset Council:

Loss of industrial floor area so Policy ED2B triggered.

The existing site comprises 4 units, currently occupied by two companies: Great Western Wine (retail) and Designability (light industrial).

Presuming that the case officer is content that units 1 and 2 are lawfully in retail use (with ancillary B8 storage) as set out within the 'Employment Case', the existing light industrial floorspace (use class E(g)iii) at the site equates to 460 sqm.

The proposed development comprises a total of 414sqm of hybrid floorspace in use classes E and B8, split between two units of 214.5sqm and 195.6sqm.

If, as proposed within the 'Employment Case', both of the existing occupiers take on a unit each (reduced in footprint by over 50% compared to their existing premises), one of the hybrid units will become a retail unit serving Great Western Wine, leaving a hybrid light industrial unit of between 195 sqm - 214 sqm. In real terms, this equates to a loss of between 246 sqm - 265sqm light industrial floorspace.

The hybrid use class proposed also provides opportunity for both units to be used for retail (or other Class E uses), which in real terms could equate to a loss of 460sqm of light industrial floorspace.

The 'Employment Case' sets out that because the proposals retain the existing commercial operators on site, they do not equate to the loss of any industrial land or premises. Based on this conclusion, the applicant considers that the criteria set out in policy ED2B do not apply.

For the reasons set out above, the policy team do not agree with this statement, as a loss of light industrial floor space is clearly proposed in terms of total floor area. The hybrid use class proposed is not considered sufficient to adequately replace the light industrial floorspace lost. Policy ED2B seeks to protect from the loss of such floorspace, and it is therefore considered appropriate to assess the application against the criteria set out within the policy. No evidence has been submitted to indicate that strong economic reasons exist to justify the loss of industrial floorspace at the site, and it is therefore considered that the proposals are in conflict with policy ED2B. If the case officer is minded to approve the application, we would ask that a condition is considered to protect at least one of the proposed units be restricted to use class E(g)iii.

Policy SCR6 is relevant and must be applied to the residential element of the development.

The Council seeks provision of 30% affordable housing in line with the requirements of policy CP9.

Well-designed co-living accommodation provides an opportunity to create a positive and supportive community through quality, shared spaces, and often has a benefit of a reduced cost of living due to provision of shared amenities. In general, co-living accommodation is supported in Bath, if it has been well designed, and is located in an area well-connected to local services and employment by walking, cycling and public transport.

There are currently no minimum space standards for communal and private areas of this type of accommodation. Given the generally small size of the private space in this development, the communal amenity spaces are important elements in ensuring that the quality of the overall residential amenity is acceptable, in line with policy D6.

The proposed development provides shared amenity spaces on each floor, of varying sizes.

The kitchen / dining area provided on the fourth floor is likely to provide cooking and living facilities for the 28 residents living on the third floor. We would question whether the facilities / floorspace provided would be sufficient to accommodate this number of residents at peak times. Sufficient cooking, storage and washing up facilities are required to meet the needs of the intended number of residents during peak time (i.e. between 18:00 and 20:30).

If occupants were provided with approximately 30 minutes in total to prepare their evening meal during peak times, 5 - 6 hobs and ovens would be required in the kitchen area to allow for this. These would need to be provided alongside multiple sinks and drying areas, dishwashers, fridges, freezers, refuse and recycling spaces, microwaves, storage cupboards, and worktop space for food preparation. In order to be able to properly assess the amenity standard of the proposed kitchen areas, we would request submission of an indicative drawing showing that kitchen facilities to meet the needs of 28 residents will be provided within the shared kitchen located on the 4th floor.

With regards to the studio spaces, as per our previous comments, we would query whether the proposed layout of a studio dependent on occupiers folding down their bed prior to use would meet the amenity requirements of Placemaking Plan policy D6, which states that development must provide for appropriate levels of amenity.

Economic Development, Bath & North East Somerset Council:

The proposal, if successful, would result in a net loss of 430sq m of floorspace, leaving only 410sq m. We note the intention to retain the current tenants, however little evidence has been provided regarding their views on the proposals, any impacts on rent and current employment levels.

We also have concerns for the occupant businesses during the demolition and construction phases - are alternative trading locations being provided by the developer and are these viable? The team also have concerns around the mixed element of the

development, and how any industrial uses on the ground floor may lead to conflicts with the residents living directly above.

While provision of co working space for residents of the development is welcome, economic development contends that this does not compensate for the net loss of industrial floorspace proposed in terms of economic output.

Where possible, if the application is successful we would welcome the inclusion of 'a "prior to occupation" planning condition being added requiring the applicant to submit evidence of future negotiations with the existing tenants at fair market rental levels following the granting of planning permission.

With due consideration to all above factors, economic development not only considers the current tenants of an industrial site but also future occupiers. Given the critical loss of industrial floorspace suffered by the City of Bath over the past 15 years, we object to this application on the grounds of net loss of industrial space.

Should this application be successful then there will be a Targeted Recruitment and Training requirement as part of a Section 106 agreement.

Housing Services, Bath & North East Somerset Council:

The Applicant has submitted a revised Affordable Housing Statement for consideration (14th Sept 2023).

The final paragraph of this statement reads as follows:

"It is proposed to offer £1,121,486 as the commuted sum contribution to aid the delivery in perpetuity of offsite affordable housing elsewhere within the B&NES authority district and it is requested that this be paid in three instalments; one third prior to occupation of the development, one third three years later and a final payment after six years."

Housing Services have reviewed the Applicant's proposal and consider it acceptable. The commuted sum amount and payment trigger points must be secured by s106 agreement.

Conservation, Bath & North East Somerset Council:

The current building on this site is of no historic or architectural interest. It is a low height and discreet structure of utilitarian appearance, set within a relatively green space with vegetation bordering the site. It was built in the latter half of the 20th century and is a building of its time.

The benefit of this low-key building is that it has a neutral impact on the character and appearance of the conservation area and on the setting of heritage assets close by, including the viaduct. This is evidenced by the limited visibility of the application site, where views across and from the site are presently characterised by the combination of its low-level architectural presence and the mature trees next to the site, together with neighbouring buildings, particularly St James' Viaduct that has a more dominant impact. The current sites main contribution to the conservation area is the perception of openness and green space that allows it to form a visual transition from the more densely built

development on the north side of Wells Road to the tree covered slopes of the Beechen Cliff and the surrounding landscape to the south above the site. The trees that sit close to the site also provide an important and positive contribution towards the conservation area and WHS.

The current site plays a valuable role in its contribution towards the Outstanding Universal Value (OUV) of the World Heritage Sites, being, as set out above, a transition site that is lined with mature trees, albeit outside the development site. In terms of impacting on the views from within the WHS's, the higher structure would be impactful on the OUV by introducing an overly dominant structure to this part of the city that will be higher in comparison with its immediate context and would become a dominant feature within the city's urban environment.

This dominance would be the most intrusive aspect of this scheme, leading to a harmful impact on views within the World Heritage Sites and their landscape setting and, most concerning, fail to respect the special qualities of the World Heritage Site's OUV, by introducing an overbearing development that would conflict with and harm the hierarchy of building form and spatial qualities inherent in this part of the city, together with the green openness that provides part of the positive landscape setting to the WHS's.

St James's Viaduct has a strong utilitarian character that is offset by the presence of the number of Georgian style domestic houses in terraced form, of 2-3 storeys that line its southern side of Wellsway. The strong linear form of this historic railway infrastructure would be in direct contrast to the higher mass of the proposed 4 storey block. This would change the visual dynamics of the area, impacting negatively on the setting, dominance and significance of the viaduct and relegating its powerful presence within this part of the conservation area.

Whilst the listed warehouse structures to the north of the viaduct, lining Lower Bristol Road are higher structures, they were designed specifically for industrial purposes and their heights reflect the functions that took place historically, modelled deliberately to fit into the constraints of their narrow plots fronting the river. Their significance is also attributed to their location, relating to the transportation of goods along the river in the 19th and early 20th centuries. To add an additional building of similar height into the landscape, further to the south, away from the river, would diminish their significance and settings, commanding the south bank of the river Avon.

It is acknowledged that historic evidence has been provided by the applicants that demonstrates that the site had a group of higher buildings of 3-4 storeys prior to the current low level shed. However, these were built of traditional construction methods, materials and proportions and would have integrated within their immediate context with the array of listed buildings lining the north side of Wells Road, being of similar materials, architecture, and scale.

The proposed replacement building is of a different height, scale and magnitude to the existing building on site and would result in an overly dominant and inappropriate addition to this part of the conservation area, harming the setting to the listed viaduct and neighbouring residential listed buildings. Its visual appearance would be at odds with the general modest scale of development in this part of the conservation area where the highest buildings are generally characterised by traditional two and three storey residential

units of Georgian proportions and uniformity. The only buildings that do not follow this pattern are to the north of the viaduct. Nos 238-240 and Camden Mill for example are high structures, however, they relate directly to their historic functions associated with the river and traditional industrial uses that no longer predominate in this part of the city.

The current proposal has responded to some of the criticism of the earlier (withdrawn) scheme. Alterations to the elevational treatment and addition of pitched roofs softens the visual impact of the scheme. It is agreed that the bay rhythm and improved elevational design will result in a scheme that slightly better reflects the historical context of the site and site more comfortably within the wider Conservation Area. Although the reduced height of the amended scheme brings it closer to the scale of the historic buildings that once resided in this location, the additional storey plus the exposed location would result in a large new addition to the streetscape and conservation area. The increase in height above that of the existing building is still not sufficiently justified and the mass and height would still result in adverse townscape and visual impacts.

The proposal is unacceptable in terms of its harmful impact on the setting of a number of designated heritage assets and within the context of this part of the conservation area and both World Heritage Sites.

In heritage terms there remains areas of concern that result from a scheme that is not convincing or appropriate due to its height and scale on this particular site, negatively impacting on the immediate historic environment and more distant views within the World Heritage Sites.

The scale, height, and massing of the proposal would result in less than substantial harm to the OUV of the WHS, the setting of the designated heritage assets that surround the site and the character and appearance of the conservation area. As such the development is at odds with policies CP6 & B4 of the Core Strategy, policies HE1 and D2 of the PMP and section 16 of the NPPF, Paragraphs 202 and 206.

Landscape, Bath & North East Somerset Council:

The current proposal has responded to some of the criticism of the earlier (now withdrawn) scheme but the increase in height above that of the existing building is still not sufficiently justified and the mass and height would still result in adverse townscape and visual effects, albeit to a slightly lesser degree than the earlier scheme.

The submitted LVA cannot be relied upon. In my view it overestimates the beneficial effects and underestimates the adverse effects arising from the mass and height of the proposed building and the loss of existing trees and vegetation.

The evidence provided, including the photomontages, does not justify the conclusions of the LVA. The proposed building would be significantly more prominent in local views than the existing building, the effects on views and on landscape/townscape character would be adverse and the requirements of Policy NE2 to conserve and enhance landscape character would not be met.

Transportation and Highways, Bath & North East Somerset Council:

Having reviewed the latest submission, the parking and servicing arrangements have been clarified. In particular, it is noted that appropriate cycle parking would be accommodated within the scheme and this is shown in Drawing 2204-P-100 Rev I.

There would be a need to secure the proposed pedestrian crossing improvements at the site access. This is shown in Drawing 803.0010.004 Rev D, and would need to be secured as part of any planning permission.

The submitted swept path information and the proposed car parking are considered to be appropriate. The details of the Car Club operation have been reviewed, and it appears unnecessary to condition this given the detail provided within the submitted Transport Statement.

The submitted Travel Plan Statement has been updated and has been reviewed. The Plan strategy approach is considered to be acceptable, and the measures relate to the location of the site and the development type proposed. The Plan also assessed the contents of the document against the Council's own SPD checklist.

In summary, the highway authority now raises no objection to the planning application, although there are a number of planning conditions which are recommended if a planning permission is granted.

Ecology, Bath & North East Somerset Council:

The revised information fully addresses ecology matters.

The External Lighting Strategy Report demonstrates the following:

- o No external lighting will be added to the roof terrace.
- o The skylights will have automated blackout blinds fitted.

A Habitats Regulations Assessment is appended which concludes that there is not a credible risk of significant negative impacts on the Bath and Bradford on Avon Bats Special Area of Conservation based on the details submitted. The HRA will need to be agreed with Natural England so please reconsult them.

The Case Officer has confirmed that existing habitat covers less than 25m², which makes the site exempt from BNG requirements.

The inclusion of native planting in the Proposed Soft Landscaping Plan and wildlife habitat enhancement boxes on the building demonstrates compliance with Policy D5e.

Conditions should be attached to secure precautionary working methods & wildlife enhancement, a compliance report and sensitive lighting.

Arboriculture, Bath & North East Somerset Council:

The Arboricultural Impact Assessment and Arboricultural Method Statement dated 9th May 2024 has graded the three offsite Silver Birch as C1 and C2 category trees based on

BS 5837:2012. I disagree with this grading and consider that they warrant B1 and B2 categories.

These are offsite trees which visually contribute towards the locality which the application seeks to remove to enable the development rather than reconsider the scheme to secure their protection and retention.

I am unable to support the proposal which includes the felling of offsite trees which are contributing towards climate change mitigation and ecosystem services.

Compensatory planting is proposed which will take many years to grow, should they establish successfully, to provide similar services. The application fails to avoid any adverse impact on trees of wildlife, landscape, historic, amenity, productive or cultural value so does not comply with NE6 of the Local Plan Partial Update.

Parks, Bath & North East Somerset Council:

The proposal provides a rooftop outdoor amenity area which will be landscaped with trees and shrubs. Beds will be provided to allow for informal food growing provision in accordance with Placemaking Plan Policy LCR9. Within the Open Space Assessment (dated May 2023), the applicant states that residents will be encouraged with the help of the on-site management team to grow herbs, vegetables and fruit. Ongoing maintenance arrangements will need to be made and secured; however, the service are supportive of the informal food growing provision within the rooftop area.

The development proposal is reliant on existing off-site green space provision. The applicant has agreed a contribution to make the development compliant with Policy LCR6. The figures presented within the Draft S106 Heads of Terms (dated May 2023) have been worked out on a proportionate basis based on standards set out in the Green Space Strategy (2015) and are in scale with the total net occupancy of the development.

Capital Cost of Greenspace Enhancement
Parks & Recreation: £936.00 per person
 $£936.00 * 77 = £72,072.00$

Maintenance Contribution
Parks & Recreation £4.23 per sq. m
 $£4.23 * 1001 = £4,234.23$
Total Annual maintenance £4,234.23
Total 10 Years maintenance = £42,342.30

Total S106 Greenspace Contribution £114,414.00.

The CIL Regulations require that S106 contributions are used for an identified project which directly relates to the development. The nearest project in the vicinity of the site is the River Park/River Line project (outlined in the Water Space Study).

Public Rights of Way Team, Bath & North East Somerset Council:

The PROW Team welcomes the proposed improvements to the underpasses in line with Policy ST2A.

If works are to be carried out on the underpasses, then a temporary path closure may be required to facilitate development. A temporary closure will be processed by the Council's Traffic Management Team.

Environmental Protection, Bath & North East Somerset Council:

There is no objection from Environmental Protection in respect of this planning application. This is subject to conditions dependent on the recommendations of the Noise Impact Assessment (NIA).

These recommendations are that the studio windows must provide adequate sound insulation and specifications required can be found in table 4 of the NIA. The NIA finds that for suitable noise limits to be met in the studios the windows must be closed and this will make a mechanical ventilation system necessary.

Air Quality, Bath & North East Somerset Council:

The Air Quality assessment shows that the nitrogen dioxide and PM10 concentrations will remain below 40 µg/m³ and PM2.5 concentrations remain below 20 µg/m³ although there are some negligible effects at some locations, with some areas being above the new Government Target for PM2.5 of 10 µg/m³ by 2040. As concentrations are predicted to remain below the objectives there is no objection to the development.

Climate Policy, Bath & North East Somerset Council:

No objection subject to securing PHPP calculations and carbon offset payment via s106 Agreement. The application has demonstrated that energy use has been minimised and renewable energy generation maximised to the best levels technically feasible. Given the high number of homes and relatively small scale of the building, it will not be feasible to offset carbon emissions in full onsite. Therefore, it is acceptable for residual on site renewable energy generation (calculated as the equivalent carbon emissions) to be offset by a financial contribution paid into the Council's carbon offset fund.

Contaminated Land, Bath & North East Somerset Council:

The application has included the following report:

- o Phase 1: Contaminated Land & Geotechnical Desk Study Report. Proposed Residential Development Wells Road, Bath. Terra Firma (South). Date: May 2022. Report No: EX-22-029

Taking account of the sensitive nature of the development (i.e. mixed use including residential), the potentially contaminative historical use of the site and surrounding area including warehouse, railway and ruins in the vicinity and the findings and recommendations of the desk study report, I recommend that conditions requiring

investigation and risk assessment, remediation, verification and reporting of unexpected contamination are applied to any permission if granted.

External Consultation

Historic England:

Historic England previously commented that the design, mass and height of the proposed building to cause unnecessary harm to the setting of the Grade II* listed St James Viaduct, Bath Conservation Area and Bath World Heritage Site (Para. 202, NPPF).

The new scheme attempts to lower this harm by reducing the height of the building and altering some design details in an attempt to better reflect the character of the surrounding area. In our view this application has minimised, but not removed the harm proposed and that the removal of an additional storey and further improvements to the external design would limit this further.

Today the site sits alongside the road and train networks. The existing building is single storey and unobtrusive although are of no architectural merit. Historically, three storey townhouses stood on the site, along with additional light industrial units.

The reduced height of the amended scheme brings it closer to the scale of the historic buildings that once resided in this location and can be seen in historic photographs. However, we continue to argue that the additional storey plus the exposed location would continue in this form being a large new addition to the streetscape.

Alterations to the elevational treatment and addition of pitched roofs softens the visual impact of the scheme. The bay rhythm and improved elevational design will result in a scheme that slightly better reflects the historical context of the site and site more comfortably within the wider Conservation Area.

The reduction in height of the proposed building and changes to the elevational treatment would lower the harm that a new sizeable addition in this location would cause to the character of the surrounding Conservation Area, World Heritage Site and Grade II* Viaduct.

Ideally further reductions in height would be made, further decreasing any potential harm.

It is acknowledged that the amendments made to this scheme since its original submission have lowered the potential harm it will cause to the surrounding heritage assets. The harm identified continues to be 'less than substantial' as outlined in paragraph 202 of the National Planning Policy Framework (NPPF).

Historic England continues to argue that further reductions in height could lower this level of harm further, however we defer to Bath and North East Somerset Council to weigh this harm within the wider planning balance (para. 202, NPPF). Taking into consideration the 'great weight' associated with the highly listed status of the assets surrounding the site (Para. 199, NPPF).

Natural England:

Bath and Bradford on Avon Bats SAC - No Objection Subject to Securing Mitigation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Wessex Water:

I am pleased to see the land drainage has now been removed and can confirm that if the revised strategy for surface water drainage is submitted at planning stage Wessex Water would have no objections.

Network Rail:

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Designing Out Crime Officer, Avon and Somerset Police:

I would suggest that the current state of the existing ramp and underpass increase vulnerability and the fear of crime in users.

Drawing P-801,'Improvements to the Public Realm', show artistic impressions of improvements including wall dressings, public space CCTV and additional bollard lighting.

As this will be the main pedestrian and presumably cycling route to the development, I would ask the authority that if it were minded to pass this application, that it be made a Condition of planning that prior to occupation, full details of the lighting, CCTV plan and general improvements are submitted and approved by the authority in order to comply with.

There is no information at this stage on how mail or parcel delivery will safely and securely be delivered to the 77 co-living units so as to prevent theft and obstruction of foyers and corridors and potentially contravening fire regulations.

I would ask that full details of the mail and parcel handling policy are set out in the management plan and agreed prior to occupation.

Parcel and mail theft are significantly growing, shadowing consumer trends, particularly where large developments do not have robust management plans. This type of crime not only lead to financial loss but identity theft, fraud and similar types of crime.

Bath Preservation Trust:

The proposed height, scale, massing, and design of development would continue to fail to respond positively to local townscape character and constitute overdevelopment, and would have an adverse impact on the landscape setting of the World Heritage Site, would fail to preserve or enhance the character or appearance of the Bath conservation area, and would result in less than substantial harm to the grouped setting of multiple listed buildings. The development would be result in cumulative, adverse impact on the setting of multiple heritage assets and failure to reflect local distinctiveness and townscape character, and would not be adequately outweighed by public benefit. This application is contrary to the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 16 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3, D4, D5, D6, HE1, NE2, and NE2a of the Core Strategy and Placemaking Plan and should be refused or withdrawn.

Public Consultation

The public consultation process involved neighbour notification letters being sent to 111 neighbouring addresses. A site notice was erected at the site and a press advert was published in the local newspaper.

The deadline for public consultation responses was 25th June 2024.

To date, a total of 17 responses have been received in relation to the application, which all objected to the development.

Grounds of objection are summarised as follows:

- o Unconvinced that energy modelling for the development is accurate and deliverable;
- o Overdevelopment of prominent site;
- o The proposed building would be too dominant;
- o Proposed height, scale, and massing of development causing harm to the Bath Conservation Area, the green wooded setting of the Grade II* St James' Viaduct, and the immediate landscape setting of the World Heritage Site;
- o Development proposals would be contrary to the recommendations made within the Bath Building Heights Strategy;
- o Development adversely impacts on the landscape setting of the conservation area and World Heritage Site, introducing an unwelcome and prominent built element into the otherwise visually undeveloped hillside setting south of the city;
- o Development will loom over St James' Viaduct, harmful of the landscape setting of the listed railway infrastructure;
- o Expecting people not to own cars unrealistic and development will cause parking issues;
- o Roof terrace will cause noise pollution issues;

- o Co-living will create affordable homes in Bath for young people but should be on a different site;
- o Co-living housing remains unaffordable to young people;
- o Financial contribution to affordable housing is insufficient given current need for the delivery of affordable housing in Bath;
- o Development will harm important attributes of world heritage value including green landscape setting of city;
- o Development may generate pressure for removal of adjacent trees;
- o Inadequate residential amenity for future occupiers due to sizes of studios and communal areas;
- o Single type of residential use makes limited contribution to housing mix;
- o Very high density development that will add to issues of congestion and pollution;
- o Deliveries and servicing of the new block would result in increased traffic congestion
- o The city needs more family accommodation and less of this "race to the bottom" quality housing;
- o Concerns regarding similarities to student accommodation and potential future repurposing as student accommodation;

POLICIES/LEGISLATION

National Legislation:

Section 38(6) of the Planning Act 2004 requires:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

There is a duty placed on the Council under section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

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

National Policy:

National Planning Policy Framework (Dec 2023) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

Local Plan:

The Council's Local Plan can be reviewed in full at the following website:

<https://beta.bathnes.gov.uk/core-strategy-placemaking-plan-and-local-plan-partial-update>

The Local 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 Bath & North East Somerset Local Plan Partial Update (January 2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

The following policies of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update are relevant to the determination of this application:

DW1 District-wide Spatial Strategy
SD1 Presumption in favour of Sustainable development
SCR6 Sustainable Construction Policy for New Build Residential Development
SCR8 Embodied Carbon
SCR2 Roof Mounted/Building Integrated Scale Solar PV
SCR5 Water Efficiency
SCR9 Electric Vehicle Charging Infrastructure
CP5 Flood Risk Management
SU1 Sustainable Drainage
CP6 Environmental Quality
D1 General Urban Design Principles
D2 Local Character & Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public Realm
HE1 Historic Environment
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE2A Landscape Setting of Settlements
NE3 Sites, Habitats and Species
NE6 Trees and Woodland Conservation
CP7 Green Infrastructure
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
PCS3 Air Quality
PCS5 Contamination
CP9 Affordable Housing
CP10 Housing Mix
H7 Housing Accessibility
LCR7B Broadband
LCR9 Increasing the Provision of Local Food Growing
ED2B Non-Strategic Industrial Sites
CP12 Centres and Retailing
CR1 Sequential Test
ST1 Promoting Sustainable Travel
ST7 Transport Requirements for Managing Development and Parking Standards
CP13 Infrastructure Provision
B1 Bath Spatial Strategy

B4 The World Heritage Site and its Setting
BD1 Bath Design Policy

Supplementary Planning Documents and relevant planning guidance:

Planning Obligations SPD (2023)
Transport & Development SPD (2023)
Sustainable Construction Checklist SPD (2023)
The Setting of the City of Bath World Heritage Site SPD (2013)
Bath City-wide Character Appraisal SPD (2005)
Green Space Strategy (2015)
Bath Building Heights Strategy (2010)
Bath World Heritage Site Management Plan 2016 - 2022
Water Space Design Guidance (2018)
West of England Sustainable Drainage Developer Guidance (2015)

Climate and Ecological Emergency

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application. The declarations have directly informed the preparation and content of planning policies adopted within the Local Plan Partial Update (2023).

Low Carbon and Sustainability 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.

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

Strategic Principle of Development

Impact on Industrial Uses

Para. 85 of the National Planning Policy Framework (NPPF, 2023) states that:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support

economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."

Para. 124 of the NPPF states that planning decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains - such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure."

Policy DW1 (District-Wide Spatial Strategy) of the Council's adopted Local Plan (Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update) sets out that new housing, jobs and community facilities will be focused in Bath, Keynsham, and the Somer Valley, particularly ensuring:

"there is the necessary modern office space in Bath within or adjoining the city centre to enable diversification of the economy whilst maintaining the unique heritage of the City;"

"Making provision to accommodate: a net increase of 10,300 jobs; an increase in the supply of housing by around 13,000 homes."

Policy ED2B (Non-Strategic Industrial Premises) of the Local Plan states that:

"Non-strategic sites are not afforded the same level of protection for industrial and warehousing (E(g)(iii), B2 & B8) uses as those listed in ED2A. However, there are strong economic reasons why other uses on these sites would be inappropriate because of the significant loss and lack of supply of industrial land. Applicants seeking to challenge this presumption should provide compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for industrial and warehousing uses, by reference to:

- a) whether the existing premises are being used productively, or if not, the viability of reusing vacant premises or developing allocated land for industrial use,

- b) the level of interest in the existing premises following a marketing period of 12 months, on reasonable terms, during a sustained period of UK economic growth,
- c) general market signals of demand across the District and in relation to the locality i.e. the relevant settlement(s),
- d) the availability and quality of alternative premises,
- e) whether any other evidence casts critical doubt on the validity of Policy B1, KE1 and SV1 insofar as they relate to the required supply of industrial space.

Policy B1 (Bath Spatial Strategy) of the Local Plan states that in relation to Economic Development the spatial strategy for Bath is to:

a: Plan for an overall net increase in jobs of 7,000, rising from 60,200 in 2011 to 67,200 in 2029, with significant gains in business services tempered by losses in defence and manufacturing.

b: Plan for the expansion of knowledge intensive and creative employment sectors by enabling the stock of office premises to increase from about 173,000 m² in 2011 to about 213,000m² in 2029.

c: Achieve the net additional increase to the stock of office premises of 40,000 m² (GIA) by enabling the development of 60,000m² (GIA) of new space, linked to a release of 20,000m² of that which is qualitatively least suitable for continued occupation, or which has been changed as a result of the introduction of permitted development rights.

d: Focus new office development within and adjoining the city centre and enable appropriate levels of business space in mixed use out-of-centre development sites.

e: Plan for a contraction in the demand of industrial floor space from about 167,000m² in 2011 to about 127,000m² in 2029 but sustain a mixed economy to support Bath's multi-skilled workforce and multi-faceted economic base by retaining a presumption of favour of industrial land in the Newbridge Riverside area.

The site contains 4 no. industrial commercial units dating from the early 1980s that are occupied by a pair of long-term tenants. Units 1-2 are used as a light industrial workshop and office space for charity that designs and manufactures products to assist disabled people ('Designability'). Units 3-4 are used as a shop and retail warehouse for a wine retailer ('The Great Wine Co.').

The development is demolition of the existing industrial units and redevelopment of the site with a four-storey mixed-use building. The new building would accommodate 2 no. hybrid use commercial and storage units (use class E and B8) as well as a co-working office use (use class E) at ground level and a co-living residential use (Sui Generis) on the upper floors.

The site is not within Bath's strategic and primary industrial estate (Newbridge Riverside - Brassmill Lane, Locksbrook Road Estate and The Maltings) and therefore not afforded the same level of protection as industrial uses in these areas. Loss of industrial units outside

the primary industrial estate is assessed as a 'non-strategic' and managed by Policy ED2B of the Local Plan. A shortage of industrial premises and loss of further premises are identified as economic issues facing Bath.

Units 1-2 have floor area of 460m², and Units 3-4 have floor area of 473m². Therefore, the total existing floor area at the site is around 930m².

The Council's Economic Development team has objected to the development. This objection is based on the existing site being entirely in industrial use. The objection does not acknowledge the case made by the Applicant that half the premises is in retail use rather than industrial. Nevertheless, significant concerns are raised in relation to the loss of industrial units however accounting for historic loss of industry already experienced.

The Council's Planning Policy team have also objected on economic grounds, on the basis that if existing tenants were to return (as suggested by the Applicant) they would experience a reduction in the size of units. Taking account of existing uses, there would be a loss of some light industrial floor space. Furthermore, proposed uses could both be commercial due to hybrid proposed use, thus resulting in a greater loss of industrial space. They note no evidence has been submitted to indicate that strong economic reasons exist to justify the loss of industrial floorspace at the site. They suggest that if permission was granted, a condition is considered to protect at least one of the proposed units be restricted to use class E(g)iii.

The Applicant's case is that Units 3-4 ('The Great Wine Co.') have established retail use (over 20 years), rather than industrial or warehousing use. Based on the information available, it is accepted that use of Units 3-4 is unlikely to be for industrial or warehousing purposes falling strictly within use classes E(g)(iii), B2 or B8. The use for direct-to-consumer wine sales is a normal retail use, albeit suited to a larger vehicle accessible premises. This use is likely a retail use falling within class E, but not light industrial (E(g)(iii)) and would not qualify for protection as an industrial or warehousing use under Policy ED2B.

Warehousing or industrial uses at the site are therefore limited to only half of the building, Units 1-2 'Designability' (460m²). This is a light industrial use (use class E) to which Policy ED2B applies.

It is recognised that no marketing has been undertaken to demonstrate continued industrial use is unviable. This is because the Applicant is not seeking to argue or challenge viability of existing use of the site. They acknowledge both units are occupied, businesses are operating and trading from the premises. The Applicant's case is that only half the site includes an industrial use benefitting from protection by Policy ED2B. A similar level of light industrial floor space can be accommodated in the proposed units in the development and the Applicant would support the return of existing businesses if possible.

Since 2020, light industrial uses (previously use class B1c) such as Designability have fallen within use class E and can be changed to other commercial, business and service uses such as retail, offices, cafes, restaurants, professional services, nursery, health services, gym etc. without planning permission. This flexibility would apply to both the

existing site and proposed new units and is a material consideration when deciding proposals seeking changes to industrial and commercial sites such as this.

There would be a shortfall in commercial light industrial floorspace in the proposed development when compared to the existing situation. The exact amount of shortage varies dependent on how this is approached. Given the flexibility afforded by use class E and the fact both existing and proposed uses fall within this use class, it is difficult to quantify what the exact light industrial use outcome will be. The proposed development will have 520m² less use class E floor area than the existing units. However, the loss of floor space used for industrial and warehousing uses would be a lot lower, approximately 50m².

Given that no marketing has been undertaken and there is no evidence to doubt the viability of existing businesses or continued light industrial use, there is a degree of conflict with Policy ED2B. However, it is unclear to what extent this loss would hinder business operations and viability or materially reduce employment.

The Applicant has expressed openness to rehousing the existing businesses within the development. Whilst this is welcomed, it is not considered necessary to mandate and secure the space for the return of specific businesses through the land use planning process. The planning process should be land use focused and should not be used to provide incentives for specific businesses, regardless of their merits.

If both businesses were to return, they would have less floorspace than the current situation. However, by choosing to return, this would suggest they are satisfied they could continue to operate viably with less area. It is noted that floor area is not the only relevant factor when considering suitability, quality and viability of a premises for tenants. The new units would likely have other benefits over existing 1980s units, such as fit and finish.

It is feasible that a light industrial business or pair of light industrial businesses could establish in the new units, limiting loss of industrial uses to a negligible degree over existing levels.

The planning condition referenced by the Planning Policy team restricting use of commercial units to only light industrial uses is not considered to be justified. The existing premises are operating in use class E without such a restriction. In effect, light industrial use could technically be lost from the site without any planning control given the flexibility associated with use class E. Imposing a use/business restriction on the new premises would be contrary to the principles of flexibility and diversity associated with introduction of use class E by the Government.

The proposed development is mixed-use providing benefits associated with several uses at the site, such as 170m² co-working office space (use class E) and co-living residential development. Whilst not industrial or warehousing uses, these uses as well as construction work itself, would contribute to similar strategic economic objectives of supporting employment, economic activity and growth in Bath. The co-working use would create flexible workspace suited to use by knowledge intensive and creative employment sectors that can work more geographically flexibly. The co-living accommodation would increase residential population living in close proximity of businesses and services in the adjacent city centre, likely contributing positively to their viability and economic success.

These factors are compliant with economic development principles for Bath set out in Policy B1.

Overall, there would be some conflict with Policy ED2B relating to a reduction in floor area usable by industrial or warehousing businesses at the site without demonstrating such use is unviable. The level of industrial loss is muddled by the status of existing and proposed uses and flexibility afforded by use class E. Policy ED2B does not account for this issue. However, the Case Officer finds that despite some conflict relating to reduction in floorspace for specific uses, when viewed overall, the development offers a compelling package of economic benefit. The development incorporates modern, higher specification commercial units which at this central location are likely to be attractive to a wide range of businesses. The development would also encompass other economic benefits such as new co-working space that is compatible with aspirations for expansion of knowledge intensive and creative employment sectors by delivering flexible, modern office space in line with the economic strategy set out in Policy B1. The development would also generate new jobs associated with construction work, management, maintenance and servicing of the co-living development. Development of a large residential building in close proximity of the city centre will also contribute to supporting the viability of local businesses and the vitality of the adjacent city centre. The development is not considered contrary to the economic strategy for Bath as a whole, as set out in Policy B1.

Acceptability of Co-Living Accommodation

Co-living is a relatively new type of residential accommodation emerging as an alternative approach to delivering high quality rental accommodation in accessible locations. Market analysis by Knight Frank (The Co-Living Report, 2024) found that last year, nearly 2,500 new co-living beds were completed and opened to residents, reflecting a 65% increase on co-living delivery in 2022. This takes the total number of operational co-living homes in the UK to 7,540. A further 13,483 co-living units are currently under construction or have planning permission granted.

Co-living accommodation typically provide residents with a smaller independent self-contained living unit, supplemented by access to shared communal living areas and amenities in the wider building complex. Schemes provide residents with access to a flexible yet independent form of housing, that includes high-quality modern accommodation and amenities, at more affordable rates and in accessible and central locations close to work and lifestyle amenities. The shared communal amenities promote social interaction and community. Fixed single monthly payments covering rent, bills, utilities and some amenities such as gym membership are attractive given volatility in cost of living. Tenant satisfaction is generally positive in completed schemes and demand has been high for new developments. Analysis of completed schemes suggests a bias towards tenants of younger age profile, with 72% being aged 26-40 and the largest proportion aged 31-35.

National planning policy requires that Local Planning Authorities give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. National policy also supports development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example

converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

The Council does not have any current adopted policies in relation to the acceptability, location or distribution specific to development of co-living accommodation. As a residential use, strategic policies for residential development apply to the use.

Policies DW1 and B1 identify that housing development will be focused on brownfield sites within the urban area of Bath. Policy CP12 identifies that designated centres will be the focus for higher density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking. Policy ST1 promotes development located where there are a range of realistic travel opportunities to provide genuine alternatives to private car usage and where opportunities to reduce travel distances exist.

Units 1-4 Wells Road is a brownfield site located under 100m from Bath City Centre area as designated by Policy CP12. The site is under 300m or less than 5 minutes' walk from Bath Bus Station and Bath Spa Railway Station. The site has excellent public transport accessibility and is a short walk from the wide range of shops, services, employment opportunities and community facilities available in the city centre. Residents living in this location would have a range of genuine travel options, with the private car use being unnecessary for many journeys. The location is a highly sustainable one for residential land use. The proximity to the city centre and public transport facilities makes this a location where higher density forms of residential development are supported in principle by Policy CP12.

As an emerging type of residential accommodation offering differences in format, size and tenure to Bath's existing housing stock, the development would contribute positively to the mix and variety of housing options available locally. The type of accommodation is likely to meet the housing needs of certain groups, with interest and uptake of younger demographics noted in other cities. This is compatible with objectives for housing mix set out in Policy CP10 of the Local Plan. Whilst only a single type and tenure of housing is proposed, taking account of the limited scale of the site and management issues associated with multiple tenures in a single building, it is not considered necessary or practical for the development to provide a range of tenures or housing types. The development would contribute to providing choice in tenure and housing type taking account of existing mix of dwellings in the locality which is predominantly houses and flats.

For housing land supply purposes, co-living accommodation is treated as 'non-conventional' supply. Typically, a 1.8:1 ratio is applied, meaning one point eight bedrooms being counted as a single home. The proposed development would have 77 no. bedrooms and therefore would classify as a development of approx. 43 traditional homes in housing supply terms. In real terms, the social benefit of the development is provision of accommodation for 77 people.

However this is classified numerically, this is a significant level of accommodation that will contribute positively to housing supply targets of Policies DW1 and B1, as well as making a real difference to the livelihoods of numerous people. Delivery of a significant level of accommodation, on a brownfield site, in a location where sustainable travel patterns will

be achieved, meets several objectives of the Local Plan. This attracts substantial weight in favour of the development.

Affordable Housing

Para. 64 of the NPPF states that:

"Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities."

Para. 66 of the NPPF states that:

"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups."

Policy CP9 (Affordable Housing) of the Local Plan states that:

"Affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies). The following percentage targets will be sought

- 40% in Prime Bath, Bath North and East, Bath Rural Hinterland;
- 30% in Bath North and West, Bath South, Keynsham and Saltford, Midsomer Norton, Westfield, Radstock, Peasedown St John, Paulton and Chew Valley.

"Affordable housing will be delivered in accordance with the Council's Housing Strategy or equivalent."

"Financial contributions towards affordable housing secured from development will be used to meet the housing objectives set out in the Housing Strategy. Any such contribution will contribute to a fund to assist in the delivery of additional affordable housing by supporting a scheme that would otherwise not be viable, increasing the amount of affordable housing in a scheme beyond the grant free position (up to a maximum of 45%), increasing the proportion of larger family units, assisting in the funding of older persons or supported housing or to improve the quality of the affordable housing product on offer."

The site is in the 30% Bath West affordable housing zone. Policy CP9 has been applied to the development as development of co-living accommodation is considered to fit within the legal definition of dwellings.

The developer has offered payment of a commuted sum (£1,121,486.00) towards the delivery of affordable housing in Bath & North East Somerset. This has been negotiated and agreed in collaboration with the Council's Housing Services team and would be secured by s106 agreement.

Whilst the Council's preference is delivery of affordable housing on site, in this case given the limited scale of the site and issues with accommodating a different type and tenure of housing as part of a single building owned and managed by a single entity (access, maintenance etc.), it was concluded that on site delivery was unfeasible would not generate sufficient benefits in this instance.

The commuted sum for affordable housing has been calculated using a formula to convert the development into an equivalent number of traditional dwellings (50.75 homes) then taking 30% of this figure (15.226) and multiplying it by the Council's per unit cost for delivery of affordable homes in this area (£73,656 per home) as set out in the Planning Obligations SPD. The Council's Housing Services team have accepted the Applicant's heads of terms including the payment being staggered over a 6-year period. This approach therefore accords with Policy CP9 and will be secured by s106 agreement.

The financial contribution secured from the development will be used to meet the housing objectives set out in the Housing Strategy including contributing to funding delivery of Council backed housing projects elsewhere. Whilst no on-site delivery is proposed, the development will make a policy compliant contribution equivalent to delivery of 30% affordable housing. This is a benefit of the development weighing in favour of the scheme.

Housing Accessibility

Policy H7 (Housing Accessibility) of the Local Plan requires that in market housing developments, 5.6% of dwellings are built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing) and 48% of the remainder to M4(2) accessible and adaptable dwellings standard.

The development comprises 77 no. studios which average 24.5m² in area. A total of 4 no. wheelchair adaptable studios are also proposed, which have a larger floor area of around 31m². These studios have sufficient area to meet the spatial and layout requirements of M4(3) but may not be fully fitted and finished to accommodate immediate use by a wheelchair user. This would meet the 5.6% requirement for this type of wheelchair adaptable housing as require by Policy H7.

It is unclear whether 48% of the remainder of the development would be constructed to meet M4(2) accessible and adaptable dwellings standard. Both wheelchair adaptable M4(3)(2a) and accessible and adaptable standards M4(2) will be secured by planning condition in the event of permission being granted. This will ensure that the development includes accessible and adaptable housing that will meet the needs of different groups in the community, enabling people to live more independently, while also saving on health and social costs in the future as required by Policy H7.

Heritage & Conservation

The site is in the 'City of Bath' and 'Great Spa Towns of Europe' World Heritage Sites. The site is also within the Widcombe and the Kennet & Avon Canal Character Area of the Bath

Conservation Area. In addition, the site is nearby several buildings and structures included on the National Heritage List for England, including St. James Railway Viaduct, Nos. 12-48 Wells Road, Nos. 1-9 St. Marys Buildings and Camden Malthouse and Silo on Lower Bristol Road.

Para. 195 of the NPPF states that:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Para. 200 of the NPPF states that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

Para. 201 of the NPPF states that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Para. 205 of the NPPF states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Para. 208 of the NPPF states that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Policy HE1 (Historic Environment) of the Local Plan states that:

"The District's historic environment shall be sustained and enhanced. This includes all heritage assets including the Bath World Heritage Site, historic buildings, conservation

areas, historic parks and gardens, landscape, archaeology and townscapes of importance."

"Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset."

Policy B4 (The World Heritage Site and its Setting) of the Local Plan states that:

"There is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity. This presumption applies equally to development within the setting of the World Heritage Site. Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against the level of harm to the Outstanding Universal Value of the World Heritage Site."

The Council's Conservation Officer is noted to have objected to the development. They find that the development poses harm to the setting of surrounding listed buildings/structures including St James's Viaduct, housing on Wells Road and riverside warehouses, the conservation area and both World Heritage Sites. The harm is related to height, scale and location and is assessed to be at 'less than substantial' level.

Historic England have commented that the current application has "minimised, but not removed the harm proposed" and the harm identified continues to be 'less than substantial'. Concerns are raised regarding heritage impacts but Historic England have not formally objected to the development, deferring to Bath and North East Somerset Council to weigh this harm within the wider planning balance.

Impact to World Heritage Sites

The outstanding universal value of the City of Bath World Heritage Site relates to its roman archaeology, hot springs, 18th century architecture, 18th century town planning, green setting of the city and Georgian social aspirations.

The outstanding universal value of the Great Spa Towns of Europe World Heritage Site relate to the international European spa culture that developed from the early 18th century to the 1930s, associated spa buildings, architecture, support infrastructure and overall urban context that includes a carefully managed recreational and therapeutic environment in a picturesque landscape.

The Council's Conservation Officer has highlighted that the area has great significance to the green setting of the World Heritage Sites as it is the focus of long views to the south from the City Centre, and from Lansdown and Camden to the north of the centre. Of particular importance are the woodlands on Beechen Cliff including the skyline trees along the northern edge of Alexandra Park. The character area also contributes to the green setting in views from Bathwick and from the Kennet and Avon canal as it progresses from

Bathwick to Widcombe, directly contributing to the green setting Outstanding Universal Value of the World Heritage Site.

There is some 18th century Georgian architecture in the surrounding area such as dwellings to the west on Wells Road and St. Marys Buildings. However, there is no evidence for roman archaeology or hot springs nearby the site. The areas origins are relatively organic relating to surrounding natural geography. The area is not formally planned to Georgian town planning principles. The layout of the area was significantly altered in the mid-20th century also. Therefore, except for contributing to the green setting of the city, forming part of a carefully managed picturesque landscape and some 18th century architecture, the site contributes directly to only a few of the attributes of outstanding universal value of the world heritage sites.

The Council's Conservation Officer highlights that in terms of impacting on the views from within the world heritage sites, the development of a larger and taller structure at the site, would be more impactful by introducing a more dominant structure to this part of the city that will be higher in comparison with its immediate context and would become a dominant feature within the city's urban environment. This is found to lead to a harmful impact on views within the world heritage sites through introducing an overbearing development that would conflict with the hierarchy of building form and spatial qualities inherent in this part of the city, together with the green openness that provides part of the positive landscape setting to the city.

It is accepted that by virtue of being taller and larger than the existing building, the proposed development will impact openness and reduce views of green hillsides from certain viewpoints.

At local level the site is fairly prominent because of its moderately raised position at the foot of Beechen Cliff, nearby the low-lying riverside area and adjacent city centre. The LVIA demonstrates the development will screen views towards the wooded slopes below Holloway and parts of Beechen Cliff from certain parts of the northern side of the river. These are generally informal local viewpoints rather than long range planned streetscene vistas. In all but the nearest views, the green hillsides would remain visible beyond the building. Therefore, the development would not cause complete loss of greenery and landscape setting surrounding viewpoints. This would limit the degree of harm posed by the development to this aspect of outstanding universal value.

In terms of wider long-range visibility, the site is relatively hidden by its relatively low-level position nearby the river, with the steep slopes of Beechen Cliff to the south and adjacent valleys to the east and west. The development would not significantly impact or pose harm in longer range views accounting for the low level and proposed height, in comparison to the scale of surrounding topography. There would be very limited impact on landscape or townscape character in views from Landsdown, High Common, Bathwick Meadows, Sham Castle or Alexandra Park.

With regard to 18th century Georgian architecture, the development will not directly affect this attribute given there are no Georgian buildings at the site itself. The nearest Georgian building is no. 12 Wells Road, around 45m west of the site. Given the geographic separation between the sites, with car park and street trees intervening, the development

is not considered to change the contribution of this Georgian building, or others beyond, to the significance of the world heritage sites.

Overall, it is found the development will pose some harm to the green landscape setting surrounding the site. This is found by the Case Officer to be relatively limited in nature relating to a range of local and informal viewpoints to the north of the site. The impact would be comparable to other adjacent buildings and developments along the river corridor. There is agreement between the Case Officer and Conservation Officer that this poses harm to a single attribute of outstanding universal value of both the City of Bath and Great Spa Towns of Europe World Heritage Sites that would classify as less than substantial harm to each site as a heritage asset.

The World Heritage Sites are recognised to have the highest level of internationally recognised heritage significance. It is recognised that there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site. The degree of less than substantial harm posed to these heritage assets of the highest level of significance must be weighed against the public benefits of the proposal in accordance with para. 208 of the NPPF.

Impact to Conservation Area

The site is within the Kennet & Avon Canal Character Area of the Bath Conservation Area. The significance of this area is described in the Draft Widcombe and the Kennet and Avon Canal Character Appraisal, which states:

"The character area sits to the south of the City Centre, the railway station and the junction between the river Avon and the Kennet and Avon canal. Its northern edge comprises a fairly narrow strip of flat land tracking along the railway line to the west of Churchill Bridge and eastwards along the river and the canal to Abbey View Lock. Moving south through the area the land rises through Wells Road, Holloway, Lyncombe Hill, Prior Park Road, Widcombe Hill and Abbey View forming a bowl-shaped patchwork of green space and Bath stone residential buildings."

"The character of the area is that of an important transitional landscape between the urban City Centre and the surrounding countryside, containing as that does the lower slopes on the surrounding southern hills which form the setting described in the World Heritage citation."

"The built form of the character area is determined by topography. As with much of Bath, Widcombe is built on steep slopes that run down to the river. The roads that now follow the two main valleys of Widcombe and Lyncombe, form the spines for the development that has, over the years, crept upwards, away from Bath. The areas in between these routes are relatively level as development has followed the contours. Thus, the external views of the character area, from the City Centre and from Bathwick, show dense low rise development clustered tightly around Beechen Cliff and running up the principal roads that enter into Widcombe from the south: Widcombe Hill, Prior Park Road, Lyncombe Hill and, at the western end, the bottom of Holloway and the Wells Road."

"The Georgian development in the character area takes the form of large set-piece terraces including Widcombe Crescent, Widcombe Terrace, Prior Park Buildings,

Cambridge Terrace and Southcott Place. There are also individual Georgian villas, detached, semi-detached and terraced, examples being Cambridge Place on Widcombe Hill, and on both sides of Lyncombe Hill. These illustrate the transition for the Georgian middle class from living in large houses built in terraces to individual houses with gardens."

There is a single mention of the site in the Conservation Area Character Appraisal. Under the heading Lower Wells Road, it states:

"An area of grass, shrubs and trees, tall Lombardy Poplars and Silver Birch, inadequately screening a modern low commercial retail building adjacent to the main Wells Road."

It is clear from the descriptions in the Character Appraisal, that the site is located in an area of transitional character, to the south of the City Centre, dominated by transport infrastructure, but also heavily influenced by topography and landscape character. Built development has dense low-rise form running up the principal roads as well as some large set-piece terraces. The description of a bowl-shaped patchwork of green space and Bath stone residential buildings is evident surrounding the site. The area is also somewhat influenced by proximity to the adjacent City Centre Character Area and former industrial development following the river corridor, emphasising the transitional character.

The Council's Conservation Officer finds that the proposed replacement building is of a different height, scale and magnitude to the existing building on site and would result in an overly dominant and inappropriate addition to this part of the conservation area. They consider that its visual appearance would be at odds with the general modest scale of development in this part of the conservation area where the highest buildings are generally characterised by traditional two and three storey residential units of Georgian proportions and uniformity. The only buildings that do not follow this pattern are to the north of the viaduct. Nos 238-240 and Camden Mill for example are high structures, however, they relate directly to their historic functions associated with the river and traditional industrial uses that no longer predominate in this part of the city.

The Conservation Officer recognises that the current proposal has responded to some of the criticism of the earlier (withdrawn) scheme. Alterations to the elevational treatment and addition of pitched roofs softens the visual impact of the scheme. It is agreed that the bay rhythm and improved elevational design will result in a scheme that slightly better reflects the historical context of the site and site more comfortably within the wider Conservation Area. Although the reduced height of the amended scheme brings it closer to the scale of the historic buildings that once resided in this location, the additional storey plus the exposed location would result in a large new addition to the streetscape and Conservation Area. The increase in height above that of the existing building is still not sufficiently justified and the mass and height would still result in adverse townscape and visual impacts.

The Conservation Officer concludes that due to the footprint, massing and height, it is considered that the development would be at odds with local character and cause harm to the Bath Conservation Area. This is rated at less than substantial by the Conservation Officer.

It is considered that the site is in a relatively unique position within the Conservation Area Character Area, on the cusp of multiple areas of differing character. It will be viewed and appreciated from multiple different locations, presenting the challenge of balancing transitional character.

There is agreement that the existing commercial building at best makes a neutral contribution to the Conservation Area. Its low-profile scale and form facilitate other positive attributes of the area such as spaciousness and landscape character. However, the adjacent open space and prominent position within the townscape, adjacent to a major arterial road, mainline railway, river and city centre are befitting and accommodating of a prouder contribution to the townscape. The location is at a gateway to the city centre as well as between the multiple adjacent Conservation Area character areas.

The Conservation Officer refers to the general modest scale of development in this part of the Conservation Area, with highest buildings being traditional two and three storey Georgian houses. However, there are also five and six storey buildings relatively nearby the site including Carpenter House, Waterfront House, Camden Mill and the Beazer House redevelopment (application: 23/04754/FUL). Some Victorian and Georgian housing further up Wells Road such as nos. 66-68, nos. 127-129 and nos. 135-137, as well as set piece terraces such as Widcombe Terrace further afield within the Conservation Area, are of similar scale and located in more prominent locations.

The proposed building would be four storeys, although would appear closer to three storeys on the southern side adjacent to Wells Road. The upper floor is integrated within the roof form to reduce the visual scale and massing. In views from the north, the building would sit in the context of larger and taller buildings in the city centre and by the riverside, as well as the significant landscape backdrop of Beechen Cliff. In views from the south on Wells Road, the building will read as a three-storey building due to the rising topography. In townscape terms, the scale of development is not considered to be particularly excessive or at odds with the surrounding historic context. There are numerous buildings of comparable scale and prominence surrounding the site, including historic development on this site itself.

Similar to the impact on the World Heritage Site, the proposed scale, height and mass of the development would impact detrimentally on views across the site which contribute to the green, wooded landscape character of the area. The sites main contribution to the Conservation Area character area is the perception of openness and green space, that allows it to form a visual transition from the more densely built development on the north side of Wells Road, to the tree covered slopes of the Beechen Cliff and the surrounding landscape to the south above the site. It is noted that these views are relatively recent accounting for historic three storey development at the site and woodland planting beneath Holloway dating from mid-20th Century clearances. Nevertheless, the development would restrict these views to an extent which would pose some harm to local landscape character and thereby the integrity and significance of the Conservation Area.

Harm to the landscape quality and setting of the Conservation Area is rated by the Conservation Officer at less than substantial level. This must therefore be weighed against the public benefits of the proposal.

Setting of Listed Buildings & Structures

The site is nearby several buildings and structures included on the National Heritage List for England, including St. James Railway Viaduct (Grade II*), 12-48 Wells Road (Grade II), 1-9 St. Marys Buildings (Grade II) and Camden Malthouse and Silo (Grade II) on Lower Bristol Road.

The St. James Railway Viaduct is the nearest listed structure to the site. This is a Grade II* listed Victorian railway viaduct crossing the Churchill gyratory (A36) nearby Bath Spa Railway Station. The listed part of the viaduct is to the east of the site, with the bridge over Wells Road being replaced in the 1960s. It is listed as an early example of a railway structure dating from the pioneering phase in national railway development. The scale, details and engineering of the structure are of note and contribute to its higher level of special interest. It is noted that the setting, height and dominance of the viaduct are not directly referenced in the description.

The Conservation Officer has raised concerns regarding the impact and higher mass of the proposed four storey building on the historic setting and strong linear form of the historic railway infrastructure. They consider that the proposed development would change the visual dynamics of the area, impacting negatively on the setting, dominance and significance of the viaduct and relegating its powerful presence within the area.

It is noted that most of the listed structure is located to the east of the site. Whilst historic, the elevated railway arches directly adjacent to the north of the site are not included on the national list. The central, 'architectural', section of the viaduct in Tudor Gothic style is around 100m east of the site. In views from the north near Churchill Bridge, there would be some association between the development and the viaduct. The development would influence the western extremity of the viaduct, nearby the road bridge which was rebuilt in the 1960s. This part of the viaduct is likely of lesser historic significance in comparison to the historic and original span further east.

The proposed building would be located nearby the viaduct, but 13-15m clearance would be preserved between the structures. The architectural design, form and materials of the structures would contrast in a manner that reduces competition or in distinguishment. The railway viaduct would retain prominence in the fore of views from both the north and south. Its long, linear span would continue to permeate and dominant in this area and the proposed development is not found to detract from the setting of such a large piece of historic infrastructure.

It is noted that Historic England did not specifically object to the development based on harm to the setting of the railway viaduct. They noted that ideally further reductions in height would be made, further decreasing any potential harm. They did not categorically state that harm to setting will be caused or describe how the change in setting will affect the significance of the heritage asset.

It is also highlighted that until 1960, there was a terrace of three storey townhouses of comparable height and massing to the current development located in this area. The relationship between the development and the railway viaduct would be similar to these historic buildings, further offsetting harm posed to the historic setting of the viaduct.

The Case Officer concludes that whilst there would be some association between the development and the railway viaduct, taking account of the significant dominant linear scale of the railway viaduct, position and form of development as well as historic buildings that previously existed at the site, the development would have a neutral effect on the historic setting of the railway viaduct.

The Conservation Officer also finds that the development would harm the historic setting of listed houses that run along the north side of Wells Road. Nos. 12 - 48 are listed buildings, with Nos. 36 - 40 rebuilt and non-listed. Nos. 12-14 would be the nearest listed houses to the development, approximately 45m west of the site. It is unclear how far up Wells Road the Conservation Officer perceives harm to be caused to the setting of listed buildings.

The harm is described to relate to the disruption caused by the introduction of the proposed form of "high-rise" development in an area that is predominantly characterised by lower, more modest housing. The Conservation Officer considers that the development will jeopardise the harmony and balance that currently resides along the street.

Reference to the building being high rise development at four storeys (three plus roof) is considered inaccurate. Nevertheless, there would be an appreciable difference in scale and density between the development proposed at the site and Nos. 12-14 Wells Road. These buildings are smaller scale former dwellings (now commercial use) that take advantage of the hillside position, accommodating levels beneath the street.

There would be around 45m separating the development and 12-14 Wells Road. This is a significant distance, which encompasses car parking and mature trees in the intervening space. The distance, as well as the position of Nos. 12-14 Wells Road further up Wells Road at higher elevation, would help to offset the contrast in scale. Nevertheless, in views directly down Wells Road there would be some intervisibility and clear contrast between the scale and density of historic and modern development. It could be argued that the relationship is not dissimilar to that shared with Camden Malthouse and Silo (five/six storeys) to the north. However, the relationship is likely closer. Thus, the contrast in scale and density of proposed residential development is found to pose slight adverse harm to the historic setting of Nos. 12-14 Wells Road.

This would pose less than substantial harm to the setting of 12-14 Wells Road. This must therefore be weighed against the public benefits of the proposal.

The Conservation Officer also finds that the development would harm the historic setting of the listed historic warehouse buildings to the north adjacent to the river. This is understood to be Camden Malthouse and Silo (Grade II listed), a six storey former industrial building located to the north of the railway line. The Conservation Officer notes that the proposed height of the development, would diminish the significance associated with scale, position and historic use of these adjacent listed buildings.

There is around 60m including a mainline railway, major road (A36) and mature trees between these sites. The adjacent listed former industrial building will remain taller (around 23m in height) than the proposed development (17m). Thus, the historic riverside warehouse is considered to remain more dominant and primary in townscape terms. Most

of the significance of the historic setting of the malthouse and silo relate the riverside position. The development would be relatively remote from this.

The Case Officer concludes that because of the geographic relationship and proposed height, the development would have a neutral effect on the historic setting of the Camden Malthouse and Silo. No harm is identified relating to the setting of this adjacent listed building.

Heritage Conclusion

It is identified that the development will pose harm to the green landscape setting of the city which forms an attribute of outstanding universal value contributing to the high level of significance of the City of Bath and Great Spa Towns of Europe World Heritage Sites. It is recognised that the World Heritage Sites are of the highest possible level of heritage significance and there is a strong presumption against development that poses harm to the World Heritage Sites. However, the harm posed in this instance relates only to a single attribute of green setting and landscape character. This is a relatively modern situation at the site, supported by clearances of historic development in the 1960s, tree planting and road development. Before this, this area had three/four storey historic development of similar scale to that now proposed. The proposed development would be locally prominent but have low impacts in wider long-range views due to the low-lying position and screening value of surrounding topography. Despite the high level of historic significance of the World Heritage Sites, the development is found to pose a low level of harm to these assets that is rated at less than substantial level.

Similarly, the development would detrimentally impact landscape character and openness through height, scale and mass, and impact on local views within the Conservation Area. This would materially reduce positive qualities and thereby historic significance referred to within the Kennet & Avon Canal Character Area Character Appraisal for the Bath Conservation Area. This would also pose harm to the Conservation Area rated at less than substantial level.

By virtue of scale and high-density modern form, the development would also pose some harm to the setting of Nos. 12 - 14 Wells Road, through visually contrasting scale in comparison to modest, two storey houses of lesser historic proportions. This would detract from the setting of these historic buildings which are included on the National Heritage List for England at Grade II level. The development would thereby pose harm to the historic significance of these assets, through harm to setting. This is rated at less than substantial level.

Overall, the development poses less than substantial harm to several heritage assets, including Bath's World Heritage Sites, the Conservation Area and multiple listed buildings. In accordance with Policy HE1 and para. 208 of the NPPF, this harm should be weighed against the public benefits of the proposal. The Case Officer has considered both the detailed nature of impacts, effects on significance and magnitude of heritage harm taking account of professional advice of the Council's Conservation Officer. This has been weighed this against the public benefits associated with the development.

Public benefits would include societal benefits of provision of accommodation for 77 people, a significant contribution to housing delivery in Bath & North East Somerset, a

policy compliant contribution to affordable housing delivery, economic and employment benefits associated with modern commercial units, co-working space and construction work, trade benefits to the adjacent city centre, targeted recruitment and training opportunities associated with construction work, public realm improvement works surrounding the site, highways access improvement works and a new car sharing club vehicle available for public use in the area.

This is a sizable package of public benefits that attracts substantial weight in planning assessment. Whilst the heritage assets effected by the development are of very high level of historic significance, the harm posed would be to limited attributes such as landscape character and historic setting, causing lower levels of harm than more direct or higher magnitude effects. When weighed in the balance, the Case Officer is satisfied that benefits are sufficient to outweigh the degree of 'less than substantial' harm posed in this instance. Therefore, the development accords with national and local heritage policy and the overall outcomes for heritage are acceptable.

Landscape

The site is positioned within a high-quality natural environment and sensitive landscape context. The area has a close relationship with the prominent steep hillsides of Beechen Cliff to the south. This landscape forms a key part of the landscape setting of Bath and is part of the city's outstanding universal value contributing to UNESCO World Heritage Site inscriptions.

Policy NE2 (Conserving and Enhancing the Landscape and Landscape Character) of the Local Plan requires proposals with potential to impact on the landscape / townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

As described in the policy supporting text, The City of Bath World Heritage Site (WHS) Setting SPD recognises the importance of the distinctive landscape setting of Bath in a bowl formed by the River Avon valley as it cuts through the Cotswolds. Policy NE2A protects the landscape which is of importance to the distinct form and character of the city including; the green hillsides which contribute to views from the city, the River Avon and Kennet & Avon Canal corridors and the outer part of the landscape bowl which contains the city.

A Landscape Visual Impact Assessment has been prepared and submitted accompanying the application. This has been reviewed by the Council's Landscape Officer who has objected to the development. Concerns are raised regarding the range of viewpoints included and methodology used. It is found that the development would still result in adverse townscape and visual effects, albeit to a slightly lesser degree than the earlier scheme. Their concerns relate to proposed height, scale and massing, the prominence of the development as well as loss of trees.

The issues identified by the Landscape Officer are recognised to an extent by the Case Officer. As discussed in relation to heritage assets including the World Heritage Sites and Conservation Area above, the development will clearly result in some adverse visual

effects and change in landscape and townscape character. Reduction of views of the lower parts of surrounding green hillsides and woodland are accepted as being adverse.

However, the Case Officer does not find the same degree of harm posed to wider landscape or townscape character. The impact on landscape character is found to relate to a relatively limited area and range of local views. The surrounding topography of Beechen Cliff would remain visible in the backdrop of most views and act to screen and limit visibility of the development in others, including from the southeast, southwest and south.

In views from the east such as Bathwick Meadows, the development appears nearby other larger scale buildings surrounding the railway station in the city centre such as No. 20 Manvers Street, Southgate Centre and Carpenter House. Within this context, the scale of development does not appear out of character. However, owing to proximity to adjacent trees and woodland, the development would have some adverse impact on these views.

When assessing impact on landscape and townscape, it is important to acknowledge that until the 1960's, there were three/four storey Victorian houses on the site that were significantly more prominent than the 1980s commercial units. The building would be a comparable height to these historic buildings, and would also be lower in height than other adjacent buildings including Carpenter House, Waterfront House, Camden Mill and the nearby Beazer House redevelopment (application: 23/04754/FUL).

The Case Officer finds that the development will pose some adverse effects on the green and wooded landscape character surrounding the site which pose conflict with Policy NE2. This must be taken into account in the planning balance.

Appearance & Design

Para. 131 of the NPPF outlines that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policies D1-D10 of the Local Plan guide high quality design in the district; they have regard to the character and appearance of a development and its impact on the character and appearance of the wider area. Development should enrich the character and qualities of places and should contribute positively to local distinctiveness, identity and history. Development should also respond positively to the site context, in particular the local character, including uses, landmarks, layout, streets and spaces, siting, spacing, set-back, building lines, roofscapes, materials, building forms and features.

Policy BD1 (Bath Design Policy) of the Local Plan requires that: All significant or sensitive development proposals within Bath are required to incorporate in their Design and Access Statement:

1. How the Bath design values and the relevant evidence base, have informed the chosen urban design, architectural and landscape approach, in terms of the pattern of development, aesthetics, building form, use, materials and detailing.

2. How the height and scale of proposed development has respected, responded and positively contributed to the character of Bath, its heritage and the values associated with it, and important views.
3. How the proposals maintain the significance, integrity and authenticity of the World Heritage Site
4. How the proposals preserve or enhance the character or appearance of that part of the conservation area.

Proposals that fail to adequately address these issues will not be supported.

In relation to the type, scale and amount of development proposed, as noted above, strategically the site is an acceptable location for higher density and mixed-use development. It is a brownfield site located immediately adjacent to the city centre and public transport nodes. Whilst the current building has a neutral effect on local appearance, it does not achieve efficient use of land in this valuable inner urban location. The starting point for considering impact to character and acceptability of design, must be acceptance that a higher-density mixed-use development is supported in principle in this location. Taking account of the scale of the site and existing building, any high-density mixed-use development in this location will likely have some different and higher levels of impacts with some possibly adverse in comparison to the existing state.

The location is prominent due to being on the lower reaches on Beechen Cliff, visible from the elevated railway viaduct and low-lying riverside area to the north. However, the site is also isolated by the road network and railway infrastructure, screened by adjacent trees and Beechen Cliff. The adjacent Council owned green space and major arterial road (A367) provide sufficient spatial context to comfortably accommodate a more substantial building. The site is a gateway location where the townscape can accommodate a greater scale of development than presently exists, making a prouder contribution to the local area than the present faceless commercial development.

The development proposed has been through multiple design iterations and revisions. The Council has provided pre-application planning advice on two occasions, a previous application for an earlier design was submitted and withdrawn, and the Applicant has also used the Design Review Panel (Design West) service. In accordance with para. 138 of the NPPF, "In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels".

The recommendations of the Design Review Panel are available on the application file and are too detailed to list in full. The proposed design has actively incorporated many aspects of advice provided by the Panel such as function and form at roof level, architectural design drawing influence from the adjacent riverside warehouses and contextually appropriate external construction materials. The Design Panel were not particularly critical of the proposed height, scale or mass of the building, in contrast to the Conservation Officer and Landscape Officer.

It is noted that the Conservation Officer does acknowledge in their response: "The current proposal has responded to some of the criticism of the earlier (withdrawn) scheme.

Alterations to the elevational treatment and addition of pitched roofs softens the visual impact of the scheme. It is agreed that the bay rhythm and improved elevational design will result in a scheme that slightly better reflects the historical context of the site and site more comfortably within the wider Conservation Area. Although the reduced height of the amended scheme brings it closer to the scale of the historic buildings that once resided in this location, the additional storey plus the exposed location would result in a large new addition to the streetscape and conservation area." This reflects the changes made to the design across multiple applications, pre-application and design review processes, to better reflect local history, architecture, appearance and character.

The proposed height and scale are comparable to other large format buildings within 200m. The proposed height would be below that of Carpenter House, Waterfront House, Camden Mill and the Beazer House redevelopment (application: 23/04754/FUL). The building will appear four storeys to the north but read as three storeys to the south due to the rising topography. There are numerous other buildings of three and four storeys in the surrounding townscape, such that the scale is not found to be out of character.

The architectural design balances, incorporates and responds to many competing interests and requirements. These include incorporating ground floor active mixed uses, access and servicing requirements; providing flat fronted elevations that respond to the simplicity of prevailing Georgian architecture without appearing bland or over scaled; using warehouse factory style architecture to incorporating large high density floor plates in a manner inkeeping with the surrounding townscape; incorporating appropriate architectural detailing to embellish and generate interest in the design; employing a hierarchy of windows sizes in response to local architectural character; selection of an external materials palette that is contextual without appearing monolithic; developing a roof form that provides for accommodation, amenity, energy and servicing needs of the site, whilst reflecting the form and grain of roof forms in the surrounding area.

The building will primarily be constructed with natural Bath stone including stone sills, banding and coping. This will aid integration with the surrounding built environs which are predominantly also stone. Some metal cladding is proposed to recessed sections which help to divide and relieve the massing.

Roofs are pitched, housing the upper-level amenities, plant, renewable energy equipment and open-air terrace. From ground level and surrounding public vantage points, the roof form will appear in keeping with traditional pitched styles in the area. It will be finished with metal cladding, acknowledging the industrial heritage of the adjacent riverside and railway.

Overall, the proposals are found to blend the simplicity, regularity and order of surrounding traditional Georgian and Victorian architecture, with the large floor plans associated with the co-living use, in a cohesive and visually pleasing contemporary form. Whilst the development will be higher density, this is an acceptable location for higher density development. The development will not appear out of character with other large scale and higher density development located to the north of the site. The use of locally distinctive architectural patterns and in keeping materials including natural stone will ensure the development integrates with the surroundings despite its scale. Planning conditions are recommended to be attached to any planning permission securing construction drawings of architectural details, detailed specifications and samples of external building materials prior to commencement to safeguard quality and character.

Arboriculture

Paragraph 131 of the NPPF states that:

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

Policy NE6 (Trees and Woodland Conservation) of the Placemaking Plan states that development will only be permitted where:

- a) it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and
- b) it includes the appropriate retention and new planting of trees and woodlands; and

If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with guidance in the Planning Obligations SPD (or successor publication) on replacement tree planting.

There are no existing trees at the site itself. However, the land adjacent to the site is Council owned open space that includes several mature Poplar and Silver Birch trees.

The Council's Arboricultural Officer has objected to the application due to impact on 3 no. silver birch trees to the north of the site. The trees were likely planted by the Council when the industrial units were developed in the 1980s. They are now mature and contribute to the character and appearance of the area. However, they are planted very close to the site boundary. The location of the trees on narrow strip of land to the north of the site is not considered particularly well suited for mature trees given proximity to private land. There is some dispute between Council and project Arborist's regarding the quality of the birch trees, but they are either low (category C) or moderate quality (category B), rather than high quality category A specimens. The trees are unlikely to warrant protection by Tree Preservation Order.

It is unclear whether the trees will need to be removed to accommodate the development. Initially, the Applicant proposed to retain them, however this approach was rejected by the Council's Arborist, considering the development would cause harm or pressure ultimately leading to their failure or removal. Subsequently, the Applicant suggested the trees were removed in advance of development and replaced at cost to the developer. However, the Council's Arborist also rejected this strategy, in effect outright objecting to development of the site based on impact to, or loss of these trees.

Whilst the Arboricultural Officer has objected to their removal, the Case Officer does not consider the specific trees are of sufficient quality or value to warrant the refusal of planning permission. National planning policy states that development resulting in the loss or deterioration of irreplaceable habitats such as 'ancient woodland' and 'ancient' or 'veteran' trees should be refused. However, the birch trees in this instance are neither ancient or veteran trees, they are likely around 50 years old. The emphasis is to retain trees wherever possible. In this case, it is unlikely the site could be re-developed retaining these trees given their proximity to the site. The Arboricultural Officer objected to proposals to retain them rather than requesting further arboricultural method, indicating retention is unfeasible. Therefore, it is considered that retention is not possible and replacement is the only reasonable and feasible solution.

Therefore, a financial contribution (x9 replacement trees £839.20 per tree totalling £7552.80 plus indexation) has been agreed with the Applicant to mitigate loss of the trees and facilitate replacement planting by the Council in the local area should the need arise. The Council as landowner will ultimately have control over if or when the trees are removed and mitigation is secured irrespectively. This accords with the procedure set out in Policy NE6 and the Planning Obligations SPD (2023) where tree loss is unavoidable. Conditions shall be applied relating to protective measures to safeguard other nearby trees which will be retaining during construction. Subject to this, no conflict with relevant policy is identified in relation to trees.

Ecology & Biodiversity

Para. 180 of the NPPF outlines that:

"Planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy NE3 (Sites, Habitats and Species) of the Local Plan states that:

Development resulting in significant harm to biodiversity will not be permitted. Harm to biodiversity must always first be avoided and minimised. Where avoidance of harm is not possible, mitigation, and as a last resort, compensation must be provided, to at least equivalent ecological value.

For designated sites and other important habitat, this means:

1. Development that would adversely affect, directly or indirectly, internationally designated sites (such as RAMSAR) and sites within the National Sites Network (including new and existing SACs and SPAS) will not be permitted other than in exceptional circumstances where:

- o There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
- o The proposal needs to be carried out for imperative reasons of overriding public interest.
- o The necessary compensatory measures can be secured.

2. Development that would adversely affect, directly or indirectly nationally designated sites including SSSIs will not be permitted except in exceptional circumstances where:

a) the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest

b) mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ; and

c) provision of replacement habitat creation and bespoke measures.

3. Development that would adversely affect, directly or indirectly other, habitats or features of biodiversity/geodiversity importance or value will only be permitted in the following cases:

a) for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site; where impacts have been minimised; and where there are opportunities to replace and/or offset the loss to at least equivalent or greater ecological value

b) for UK Priority Habitats (not covered by Clause 4), where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat; and where impacts have been minimised; and where it can be

demonstrated that it is possible to replace and/or offset the loss to at least equivalent or greater ecological value

c) for locally important habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the habitat;

d) for features of the landscape such as trees, copses, woodlands, grasslands, batches, ponds, roadside verges, veteran trees, hedgerows, walls, orchards, and watercourses and their corridors if they are of amenity, wildlife, or landscape value, or if they contribute to a wider network of habitats, where such features are retained and enhanced unless the loss of such features is unavoidable and material considerations outweigh the need to retain the features.

4. Development is expected to protect and enhance irreplaceable habitats (within B&NES including (but not confined to) ancient woodlands; ancient and veteran trees; priority grasslands; or SAC bat habitat within juvenile sustenance's zones). Development negatively impacting irreplaceable habitat will not be permitted unless there are wholly exceptional circumstances* and a suitable mitigation and compensation strategy is provided.

5. In all cases:

a) Firstly, any harm to the nature conservation value of the site should be avoided where possible before mitigation and as a last resort compensation are considered and

b) secondly, compensatory provision of at least equal nature conservation value is made for any outstanding harm, and

c) Thirdly, Biodiversity Net Gain will be delivered and managed in perpetuity (minimum of 30 years) through the appropriate means e.g. a legal agreement

d) Then, as appropriate:

(i) Measures for the protection and recovery of priority species are made.

(ii) Provision is made for the management of retained and created habitat features.

(iii) Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological corridor.

For protected species this means:

Adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible

(i) subject to the legal tests afforded to them, where applicable; and

(ii) otherwise, unless the need for and benefits of the proposed development clearly outweigh the loss; and

(iii) where impacts have been minimised; and

(iv) it can be demonstrated that it is possible to mitigate and compensate for any loss

*Note: wholly exceptional reasons mean, for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act

and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

The Council's Ecologist has been consulted several times during the application process and involved in reviewing numerous iterations of the proposals and ecological supporting information. The biggest ecological issue has been known bat activity in the area, proximity to the River Avon and Beechen Cliff Site of Nature Conservation Interest. Therefore, both internal and external lighting strategies have been required to ensure light pollution will be within acceptable limits. The revised information fully addresses ecology matters.

A Habitats Regulations Assessment has been undertaken which concludes that there is not a credible risk of significant negative impacts on the Bath and Bradford-on-Avon Bats Special Area of Conservation based on the details submitted. This has been agreed with Natural England also.

The development also incorporates several integrated architectural wildlife habitat enhancement features. These are shown on drawings and include x2 swift bricks, x2 general bird boxes, x4 bat boxes and 2-4 insect bricks. These measures have been reviewed and agreed by the Council's Ecologist and will be secured by condition if permission was granted. The measures will provide wildlife habitat enhancement over existing conditions. This accords with the requirements of Policy NE3 and D5 of the Local Plan.

The site is largely developed with the existing building and hard surfaced for car parking. It therefore falls into the category of 'de minimis' exemption for biodiversity net gain requirements due to lack of habitats on the site (less than 25m² of non-priority onsite habitat such as modified grassland or 5m for non-priority onsite linear habitats such as native hedgerows). The development is therefore exempt for both mandatory and local requirements and the application does not need to demonstrate a certain level of net gain for biodiversity. Nevertheless, the proposed landscaping and tree planting at the site are likely to represent a net gain for biodiversity over existing conditions.

Transport & Highways

Para. 114 of the NPPF requires that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para. 115 of the NPPF states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Policy ST1 (Promoting Sustainable Travel) of the Local Plan requires that:

"planning permission is permitted for developments which reduce the growth and the overall level of traffic and congestion through reducing private car dependency and giving priority to active and low carbon modes of transport such as walking and cycling."

Policy ST7 (Transport Requirements for Managing Development) of the Local Plan requires that:

"development avoids prejudicing highway safety, provides safe and convenient access, suitable vehicle access, avoids excessive traffic impact and provides adequate mitigation and improvements."

The Council's Transport & Development SPD provides detailed local requirements for transport and highways issues relating to development, including access standards, parking standards and travel plans.

The Council's Transport Development Management Officer has been involved in reviewing various iterations of the proposals and supporting information. They have confirmed they now find the transport and highways impacts associated with the development would be acceptable and have no objection to the development.

As noted above, the site is only 100m from the City Centre boundary and under 300m from Bath Bus Station and Bath Spa Railway Station. The site scores very highly for accessibility to both services and public transport. Residents would be able to conveniently undertake the vast majority of their journeys either on foot, cycling, using micro-mobility (hire scooters/e-bikes) or by public transport. Thus, the site can achieve and will encourage highly sustainable transport patterns.

The development includes a scheme of pedestrian improvement works surrounding the site. This includes introduction of a pedestrian crossing point on Wells Road, providing access to the pavement on the southern side that leads either to the Widcombe underpass or Half Penny Bridge crossing via St. Marks Road. The pedestrian crossing would include installation of dropped kerbs and tactile paving. Enhancement works to the pair of railway underpasses to the north of the site are also proposed including installation of CCTV, public art, planting, cleaning, repainting and new lighting. These works would be secured by condition and required to be implemented prior to first occupation of the development.

For journeys further afield, to rural areas or with heavy luggage, a car club bay will be incorporated in the development. This will be available to residents of the development, but also the wider public in the local area. It will increase the existing car club provision available on Holloway to the south.

The development will have 3 no. parking spaces for the co-living aspect, with one occupied by car club vehicle, a servicing space and an accessible space. 4 no. car parking spaces are proposed for the commercial units including an accessible space.

Transport Development Management have not raised any objection to this level of car parking taking account of the accessibility of the site. As part of the tenancy agreement for the proposed development, residents living within the co-living accommodation will not be allowed to bring a car to the site, except for the one disabled parking space. The site is also located within a residents parking zone (Zone 4) where parking permits are controlled by the Council and non-compliance enforced by Parking Services. This will ensure there are no severe highways impacts for the surrounding area and the development will achieve sustainable transport patterns.

The development includes an internal cycle parking store at ground level with capacity for 77 no. bikes (one space per resident). Visitor cycle parking is also provided on site. These measures will ensure residents have secure facilities for parking bikes, promoting cycle use as a viable transport mode for residents of the development.

A Travel Plan for the development has been submitted, reviewed and the strategy has been confirmed to be acceptable. The measures incorporated will be secured by condition, ensuring that the development achieves and promotes the sustainable transport patterns as targeted.

Subject to conditions, the development is found to be in accordance with Policies ST1 and ST7 of the Local Plan. It will not result in any severe impacts to the local highways network, will promote travel by sustainable, active and low carbon modes and deliver pedestrian enhancement works surrounding the site. The development is supported from a highways and transport perspective.

Neighbouring Amenity

Para. 135 of the NPPF requires that planning decisions ensure that developments:

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy D6 (Amenity) of the Local Plan requires that development must provide for appropriate levels of amenity and must:

- a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;
- b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;
- c. Allow for provision of adequate and usable private or communal amenity space and defensible space.;

- d. Include adequate storage and functional arrangements for refuse and recycling; and
- e. Ensure communal refuse and recycling provision is appropriately designed, located and sized.

Policy PCS1 (Pollution and Nuisance) of the Local Plan requires that "development will only be permitted providing there is:

- 1) no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or
- 2) no unacceptable risks of pollution to other existing or proposed land uses arising from the proposal."

Policy PCS2 (Noise and Vibration) of the Local Plan requires that:

- 1) Development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.
- 2) Noise-sensitive development should avoid locations wherever possible where the occupants would be subject to unacceptable levels of noise or vibration from an existing noise source.

The nearest neighbouring dwellings to the site are over 45m west at no. 14 Wells Road (nos. 10-12 are commercial use). There are also dwellings adjacent to the south on Holloway and Calton Walk. However, these adjacent homes are at least 50m away, at higher elevation than the site and screened by dense woodland. As a result of geographic distances and topography between the site and neighbouring homes, the development will not result in any change in conditions and amenity within neighbouring homes because of impact to light, outlook or privacy.

In terms of noise pollution, the existing noise climate in this area is affected by Wells Road (A367) and the Great Western Main Line railway. The development will be constructed to a high acoustic specification to provide an acceptable internal noise environment for residents. This will also prevent noise pollution emanating from the building that could disturb residents. A planning condition is recommended to be applied restricting use of the upper floor open-air outdoor amenity space after 22:00 to ensure noise does not emanate from this outdoor area during quieter times of day and hours of rest. Subject to these measures, the development will preserve acceptable standards of amenity and living conditions for surrounding residents.

Amenity Standards

Para. 135 of the NPPF requires that planning decisions ensure that developments:

"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and

disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

Policy D6 (Amenity) of the Local Plan requires that development must provide for appropriate levels of amenity and must:

- a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;
- b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;
- c. Allow for provision of adequate and usable private or communal amenity space and defensible space.;
- d. Include adequate storage and functional arrangements for refuse and recycling; and
- e. Ensure communal refuse and recycling provision is appropriately designed, located and sized.

In relation to amenity of residents of the development itself, the co-living accommodation concept is based on smaller levels of private accommodation, supplemented by larger communal amenity areas. The Council does not yet have an adopted space standard specific to co-living accommodation, however the national approach has been to apply the minimum Nationally Described Space Standards taking account of both studio and communal areas.

The minimum size for a one-person, one-bedroom dwelling in the Nationally Described Space Standards is 37m². The proposed studios within the development are on average 24.5m². This is noted to be larger than average in comparison to co-living schemes that have been permitted elsewhere. The communal amenity space within the development total 8m² per resident. Communal areas include access to the ground floor co-working space, a communal kitchen and living area at first, second and fourth floors, as well as gym and games room. Communal area available increases to 12m² per resident including the upper floor outdoor terrace. Therefore, the average area available per resident within the development would be 32.5m². This increases to 36.5m² if the outdoor terrace is taken into account.

The development will therefore include sufficient communal amenity space to provide each resident an average equivalent to the minimum acceptable size of a one-person, one-bedroom dwelling. Whilst the outdoor space needs to be included to achieve this, the Council does not have any adopted guidance or policy that prescribes against this approach. The terrace would be easily accessible, well integrated with the building and included fitted furniture. This can reasonably be considered a usable area most of the time that would be available for use by residents and contribute to their everyday lives and wellbeing. Overall, the development is found to provide sufficient space for residents in accordance with the national approach for assessment of co-living accommodation.

The studios themselves will be furnished with built in, space saving furniture to ensure residents can make efficient use of their private accommodation. Each studio includes a large window providing good access to light and outlook. The building will be fitted with a mechanically ventilated heat recovery system, providing fresh filtered air without the need for natural ventilation. A Noise Assessment has been submitted demonstrating the building can be constructed to provide an acceptable internal noise climate. This has been reviewed and agreed by the Council's Environmental Health team and would be secured by condition if permission was granted.

Environmental Pollution

Wells Road, the Churchill Gyratory and Lower Bristol Road form part of the Bath Major Roads Air Quality Management Area. Due to the Wells Road frontage and proximity to the Churchill Gyratory, the site is partly within the Air Quality Management Area.

Policy PCS3 (Air Quality) of the Local Plan states that:

"1) Development will only be permitted where the proposal:

a) does not give rise to polluting emissions which have an unacceptable adverse impact on air quality, health, the natural (in particular designated wildlife sites) or built environment or local amenity of existing or proposed uses from air polluting activities, or

b) is not located where it would be at unacceptable risk from, or be adversely affected by existing sources of odour, dust and /or other forms of air pollution

2) New development located within an Air Quality Management Area should be consistent with the local air quality action plan.

Where an air quality assessment is necessary to support an application, it should be proportionate to the nature and scale of development proposed and the level of concern about air quality."

The application has been submitted accompanied by an Air Quality Assessment. This has been reviewed by the Council's Environmental Health Environmental Monitoring Officer who has not objected to the application. They note that the overall approach to the air quality assessment is acceptable. It would have been preferred to see the scope of the report also cover nearby receptors to ensure the changes in street canyon did not affect these properties. The use of 2019 data as a baseline due to the impacts of COVID-19 on the nitrogen dioxide results is supported.

The assessment shows that the nitrogen dioxide and PM10 concentrations will remain below 40 µg/m³ and PM2.5 concentrations remain below 20 µg/m³ although there are some negligible effects at some locations, with some areas being above the new Government Target for PM2.5 of 10 µg/m³ by 2040. As concentrations are predicted to remain below the objectives there is no objection to the development.

A condition securing a Construction Dust Environmental Management Plan is recommended to ensure that the demolition and construction phases do not result in harmful environmental pollution. Subject to this measure, it is accepted that the development will not have unacceptable effects on air quality and the development will not

be located where it would be at unacceptable risk from harmful air quality. This is compliant with national and local planning policy objectives.

Sustainable Construction

Policy SCR6 (Sustainable Construction Policy for New Build Residential Development) of the Local Plan states that "new build residential development will be required to meet the standards set out below.

New build residential development will aim to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Through the submission of an appropriate energy assessment, having regard to the Sustainable Construction Checklist SPD, proposed new residential development will demonstrate the following;

- o Space heating demand less than 30kWh/m²/annum;
- o Total energy use less than 40kWh/m²/annum; and
- o On site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV
- o Connection to a low- or zero-carbon District heating network where available

Major residential development

In the case of major developments where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible (for example with apartments) or economically viable, renewable energy generation should be maximised and the residual on site renewable energy generation (calculated as the equivalent carbon emissions) must be offset by a financial contribution paid into the Council's carbon offset fund where the legal tests set out in the Community Infrastructure Regulations are met.

Policy SCR7 (Sustainable Construction Policy for New Build Non-Residential Buildings) of the Local Plan states that "New build non-residential major development will maximise carbon reduction through sustainable construction measures." As the non-residential commercial uses are below 1000m² and are not major development, Policy SCR7 does not apply to the development. Building Regulations will secure fabric performance and energy outcomes for this part of the development.

Policy SCR8 (Embodied Carbon) of the Local Plan requires that large scale new-build developments (a minimum of 50 dwellings or a minimum of 5000m² of commercial floor space) are required to submit an Embodied Carbon Assessment having regard to the Sustainable Construction Checklist SPD that demonstrates a score of less than 900kgCO₂e/m² can be achieved within the development for the substructure, superstructure and finishes.

The Council's Climate Policy Officer has reviewed and commented on several iterations of the thermal and energy modelling for the development. Due to the typology including high density studios in a single building, it is accepted that the Policy SCR6 requirements are highly challenging and likely unfeasible for the development in this case to achieve in full.

The Climate Policy Officer has confirmed they are satisfied that the approach proposed has maximised thermal efficiency, minimised energy demand and maximised renewable energy generation. Renewable energy is proposed on site include air source heat pumps supplying all hot water demand and a solar PV array. Despite these measures, the development does not have onsite renewable capacity to match total energy consumption as required by policy. Therefore, in accordance with the approach set out in Policy SCR6, the residual on site renewable energy generation (calculated as the equivalent carbon emissions) must be offset by a financial contribution paid into the Council's carbon offset fund. This will be secured by s106 agreement if permission is granted.

The site is around 120m from the Bath District Heating Priority Area. This is located at the riverside area to the north west of the site, on the opposite side of the railway line. It is accepted that the development is not located in an area where connection to a low- or zero-carbon District heating network is presently available or feasible.

As the development includes over 50 residential units, Policy SCR8 relating to embodied carbon applies to the development. An Embodied Carbon Statement has been submitted with the application. This outlines that because RIBA Stage 4 design has not yet commenced, the full details of the external envelope, internal partitions, glazing and finishes etc. are still to be specified. However, a preliminary design has been undertaken for SCR8 purposes to estimate the likely levels of embodied carbon associated with the development.

The building includes pile foundation and a concrete flat slab construction with retaining walls at the rear which return a distance on the end elevations. Tekla Building designer software has been used to apply carbon factors to the proposed design. Based on the carbon levels of the main structural items, it is predicted that the development will exceed the Policy SCR8 requirement for an embodied carbon level of less than 900kgCO₂e/m². This can be secured by planning condition attached to any eventual permission. Subject to this measure, the development will make a policy compliant and acceptable contribution to reducing its carbon impact on the environment.

Flood Risk & Drainage

The site is located within Flood Zone 1 and has a very low risk of fluvial flooding (less than 0.1% in any year). It is also located in an area with low risk of surface water flooding. As such, the flood risk of the development is low and development in this location is appropriate in terms of flood risk impact.

Policy CP5 (Flood Risk Management) of the Placemaking Plan requires that: "Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF).

Policy SU1 (Sustainable Drainage) of the Placemaking Plan requires that: "Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of runoff from both major development (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100year+ climate change event)."

"SuDS are to comply with the "Non-statutory technical standards for sustainable drainage systems" published by the Department for Environment, Food and Rural Affairs (DEFRA) and the standards/requirements contained in the West of England Sustainable Drainage Developer Guide (2015), or successor guidance."

A Drainage Strategy has been submitted with the planning application. This indicates that infiltration type drainage is not feasible due to silty Clay geology and therefore a connection to the Wessex Water surface water drain beneath the site is proposed. It is proposed that the new building will be connected to the existing sewers via a restricted outflow to achieve a reduction of some 40% from existing discharge levels. Attenuation will be provided beneath the car park to retain the runoff from all storm event up to and including the 1 in 100 + 40% climate change event below ground. Wessex Water have informally accepted this connection during the application process.

An attenuation volume of some 32m³ is required to store storm water to achieve the required reduction in discharge rates at the site. The drainage design (Drainage Layout drawing no. 15923-ABA-22-00-DR-S-5000 P04) has been submitted demonstrating this attenuation system installed beneath the car park at the site. This will be secured by condition in the event of permission being granted. Subject to this measure, the run off rates will be 40% less than the existing rainfall rate and therefore the development will reduce the risk of flooding to the surface water sewer.

Overall, the development does not pose any increased risk of flood at or adjacent to the site. This accords with national and local planning policy objectives and the development is acceptable in this regard.

Land Contamination

Para. 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by:

"preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."

Policy PCS5 (Contamination) of the Local Plan states that:

"Development will only be permitted on land either known to be or strongly suspected of being contaminated, or where development may result in the release of contaminants from adjoining land, provided:

1. the proposal would not cause significant harm or risk of significant harm to health or the environment or cause pollution of any watercourse, water body or aquifer
2. remediation measures are put in place as appropriate, and
3. any identified potential harm can be suitably mitigated

The onus will be with the developer and/or landowner for securing a safe development."

The Council's Contaminated Land Scientific Officer has reviewed the submitted Contaminated Land & Geotechnical Desk Study Report. This report provides a conceptual model of likely ground conditions and possibility of contamination and ground gasses beneath the site. The report finds no obvious surface level signs of contaminated land, however notes that both present day and historical uses of the site have a number of potential contamination sources including the potential for made ground from historic developments and car parking areas. Due to the presence of potentially significant made ground, the presence of ground gas cannot be ruled out. The preliminary human health and environmental risk assessment has revealed that due to the sites and surrounding areas current and past land uses that a Low to Moderate risk is present from contamination present beneath the site, with particular risk specifically associated on-site with the potential for Made Ground from historic developments and car parking areas and off-site from the adjacent railway. A Phase 2 Ground Investigation is therefore recommended.

This recommendation is supported by the Council's Contaminated Land Scientific Officer who has advised this information is appropriate to secure by pre-commencement planning condition attached to any successful planning permission. Conditions would also secure details of remediation, verification and reporting of any unexpected contamination. Subject to these measures, the Local Planning Authority is satisfied that any contamination capable of posing risk to human health can be adequately identified and mitigated as part of the development. This will provide compliance with national and local planning policies, ensuring a safe and acceptable development.

Other Matters

Planning Obligations and Community Infrastructure Levy

As a form of specialised residential development, the development will be required to make a community infrastructure levy payment in accordance with the Bath and North East Somerset Council Community Infrastructure Levy (CIL) Charging Schedule 2015. This would be calculated at £100per m² of co-living floor area, excluding ground floor commercial uses which are charged at £ nil. It is estimated this would generate liability for CIL payment of approx. £346,300.00 based on 3462m² of residential floor space in the District wide CIL charging zone.

The development will also be associated with the following planning obligations (subject to change):

1. Financial contribution of £1,121,486.00 towards affordable housing delivery in Bath and North East Somerset;
2. Financial contribution of £114,414.00 towards Bath Riverline Project local greenspace enhancement and maintenance;
3. Financial contribution of £7552.80 towards replacement tree planting on Council owned land in the local area;

4. Planning obligation of 10 work placements, 2 apprenticeship, 2 new job roles advertised through Department of Work and Pensions and financial contribution of £6,380.00 towards Targeted Recruitment and Training;
5. Financial contribution to carbon offset fund to be calculated in accordance with Policy SCR6 and Planning Obligations SPD formula including mechanism for adjusting contribution if energy strategy changes;
6. Monitoring fee for each obligation of £400.00 per obligation.

Environmental Impact Assessment Screening

This development has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

Public Sector Equalities Duty

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application process and when considering the merits of the development itself. Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process at set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required.

In relation to the development itself, it is considered that the development will reduce inequalities, advance equal opportunity and foster good relations with those sharing protected characteristics in a variety of forms. As an example, the development incorporates a range of measures to provide accommodation and access suitable for disabled people. 4 no. wheelchair adaptable M4(3) studios units will be built and the development will be built to accessible M4(2) standards if permission is granted. The development will also include public realm and highways improvement works which will make the environment surrounding the site more navigable and improve accessibility by those with disabilities or impairment. Public realm enhancements and increased public surveillance will contribute to an overlooked and safer public environment, benefitting the safety of those sharing protected characteristics.

Overall, the potential equality impacts have been assessed relating to both the application process and in relation to the development itself. The Local Planning Authority is satisfied that it has taken a range of steps to achieve compliance with the Equalities Act 2010 and therefore discharged its public sector equalities duty.

Planning Balance & Conclusion

The application relates to a 1980s commercial site located at a gateway to the city centre. It is a prominent location, slightly elevated at the bottom of Wells Road but well connected to the city centre and nearby other major developments along the river corridor. Strategically, the location is acceptable for a mixed-use, higher density residential development. Residents will benefit from excellent accessibility to the city centre and public transport options.

The development would cause some loss of floor space in light industrial use, which due to absence of evidence demonstrating continued use is unviable, poses conflict with Policy ED2B which seeks to avoid loss of further industrial uses in Bath. However, the development incorporates a pair of replacement commercial units which can be used for light industrial use and the residual loss of industrial space is not considered strategically significant. The development creates a range of economic benefits, including: construction work, training and employment opportunities; a pair of modern commercial units nearby the city centre; a new co-working office space; job roles and work associated with servicing and maintaining the co-living development; and introduction of a significant residential population nearby city centre businesses and services. These benefits are consistent with the economic strategy for Bath as set out in Policy B1 and are deemed sufficient to mitigate conflicts associated with any loss of industrial space and Policy ED2B.

The co-living development will provide high quality, modern, residential accommodation housing 77 people. This type of accommodation has not previously been developed in Bath, therefore contributing positively to the types of housing available in the city. There are a range of benefits of this accommodation that are likely to appeal to specific needs and demographics. The development would make a significant contribution to housing delivery targets in the district, improving the Council's supply of housing sites. It also provides a substantial financial contribution to affordable housing in the district that is equivalent to 30% of the development and the policy compliant level. These are major social benefits of the development that are afforded significant weight in favour in assessment.

Due to the low profile of existing buildings at the site, the development will represent a considerable change to the natural and built environment at and surrounding the site. This has been assessed to pose a degree of harm to the City of Bath and Great Spa Towns of Europe World Heritage Site(s), the Bath Conservation Area, the setting of adjacent listed buildings and landscape character. There are mitigating factors however given the site was historically developed with Victorian/Georgian housing of a similar height and position to the proposed development. Furthermore, the development has minimised the harm posed through contextually appropriate design. The proposals have been subject to revision across multiple planning applications, pre-application advice and design review panel processes. The harm posed to all relevant heritage assets is assessed at less than substantial level. Following careful review of harm posed and benefits of development, it is considered that heritage and landscape harm is outweighed by benefits in this instance.

The development is found to provide a high level of residential accommodation on a relatively compact site without resulting in significant harm to surrounding populations, the local environment or surrounding highway network. This will represent efficient use of

brownfield urban land. In this respect, the development is broadly compliant with the Council's Local Plan, and this can be secured in full by appropriate planning conditions and obligations as recommended beneath. Subject to these measures, on balance, the development is found to provide more betterment and benefits than harm. There are no material considerations identified that can't be overcome by conditions and obligations or outweighed by benefits. Thus, refusal cannot be justified, and the Case Officer's recommendation is that authority is delegated to permit the application, subject to negotiation of necessary conditions and obligations.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A) Authorise the Head of Legal and Democratic Services to complete a Legal Agreement to secure:

- 1) Financial contribution of £1,121,486.00 towards affordable housing delivery in Bath and North East Somerset;
- 2) Financial contribution of £114,414.00 towards Bath Riverline Project local greenspace enhancement and maintenance;
- 3) Financial contribution of £7552.80 towards replacement tree planting on Council owned land in the local area;
- 4) Planning obligation of 10 work placements, 2 apprenticeship, 2 new job roles advertised through Department of Work and Pensions and financial contribution of £6,380.00 towards Targeted Recruitment and Training;
- 5) Financial contribution to carbon offset fund to be calculated in accordance with Policy SCR6 and Planning Obligations SPD formula including mechanism for adjusting contribution if energy strategy changes;
- 6) Monitoring fee for each obligation of £400.00 per obligation.

B.) Subject to the prior completion of the above agreement, delegate authority the Head of Planning to PERMIT the application 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 Arboriculture - Compliance with Arb Method Statement (Pre-commencement & Compliance)

All protective measures referred to in the submitted and hereby approved Arboricultural Method Statement (Arboricultural Impact Assessment & Arboricultural Method Statement dated 9th May 2024 by TGB Tree Consulting) and Tree Protection Plan (drawing no. TGB264.V1.0.A3.TPP dated 10th May 2024) shall be implemented in full prior to the commencement of any development including demolition, and then retained for the duration of the construction. No development or other operations shall thereafter take place except in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: To ensure that the approved method statement is complied with for the duration of the development and to ensure that trees to be retained are not adversely affected by the development proposals in accordance with NE6 of the Bath and North East Somerset Local Plan Partial Update.

3 Contaminated Land - 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 the Environment Agency's 'Land contamination risk management' (LCRM) and shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

4 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.

5 Construction Management Plan (Pre-commencement)

No development including demolition 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. Temporary arrangements for householder refuse and recycling collection during construction.

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 policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. 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.

6 Construction Environmental Management Plan (Pre-commencement)

No development shall take place until a site-specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison
- o Arrangements for liaison with the Council's Environmental Protection Team
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - o 08 00 Hours and 18 00 Hours on Mondays to Fridays and
 - o 08 00 and 13 00 Hours on Saturdays and;
 - o at no time on Sundays and Bank Holidays.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- o Procedures for emergency deviation of the agreed working hours.
- o Control measures for dust and other air-borne pollutants following BRE Code of Practice guidance on the control of dust from construction and demolition activities. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The development shall be undertaken in accordance with all measures and mitigation set out in the approved Construction/Demolition Environmental Management Plan.

Reason: To protect the health, wellbeing and amenity of neighbouring residents as well as the environmental quality of the area during construction in accordance with Policies D6, PCS1, PCS2 and PCS3 of the Local Plan.

7 Housing Accessibility (Pre-commencement)

Prior to the commencement of development (excluding demolition or site preparation works), a plan identifying 4 no. studios designed to wheelchair adaptable standard to comply with Building Regulations Part M4(3)(2a) and 35 no. studios designed to accessible and adaptable dwellings standards to comply with Building Regulations Part

M4(2), shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the optional technical standards for accessibility for market housing in accordance with policy H7 of the Bath and North East Somerset Council Local Plan Partial Update (2023). This is a pre-commencement condition as identification of relevant accessible, adaptable and wheelchair dwellings are required prior to detailed design and construction progressing.

8 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a detailed schedule of proposed construction materials and finishes, and samples (as necessary) of the materials to be used in the construction of the external surfaces (including walls, roofs, windows, doors, coping, sills, rainwater goods etc.) have been submitted to and approved in writing by the Local Planning Authority. The materials schedule must reflect the materials listed in the Design & Access Statement (Proposed Elevations and Materials, Design & Access Statement - Part 4, Wells Road, Bath by Kosy Co-Living, dated May 2023) and shall include:

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

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

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

9 Architectural Details - Large Scale Drawings (Bespoke Trigger)

No construction of the external walls of the development shall commence until large scale details and construction sections of the following elements of built fabric are submitted to and approved in writing by the Local Planning Authority.

1. Typical window construction including reveal and sill;
2. Banding detail;
3. Blind window detail;
4. Wall and roof coping junction;
5. Entrance glazing / reveals;
6. Commercial unit fascia's;
7. Commercial unit / co-working unit glazing;

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

Reason: In the interests of safeguarding the architectural intent, design quality, the appearance of the development and contribution to the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies HE1, D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

10 Highway Works (Pre-occupation)

The development hereby approved shall not be occupied until the scheme of proposed 'Highway Works' are completed, inspected by the Local Highways Authority, and evidence of the completed works has been submitted to and approved in writing by the Local Planning Authority. The scheme of Highway Works shall reflect the proposals shown on the General Access Arrangement plan (drawing no. 803.0010.004 Rev D by Paul Basham Associates, dated 23rd January 2024) and include:

- i. Installation of proposed pedestrian crossing of Wells Road to south of site;
- ii. Dropped kerbs with tactile paving to north and south sides of the highway.

Reason: In order that the development provides appropriate public transport and pedestrian access for future residents and those accessing the site, by providing a range of realistic travel opportunities, genuine alternatives to private car use, reduces car dependency and actively supports travel by sustainable modes such as walking and public transport. Developments are required to fulfil such objectives by Section 9 of the NPPF, Policies ST1, ST7, DW1 and SD1 of the Bath and North East Somerset Local Plan Partial Update.

11 Public Realm Works (Pre-occupation)

The development hereby approved shall not be occupied until the scheme of proposed 'Public Realm Works' are completed and evidence of the completed works has been submitted to and approved in writing by the Local Planning Authority. The scheme of Public Realm Works shall reflect the proposals shown on Proposed External Realm GA plans (drawing nos. 2204-P-803 and 2204-P-804 by Kosy Co-living, received 2nd February 2024) and include:

- i. Underpass cleaning;
- ii. Replacement of handrails;
- iii. Replacement of gate/fencing;
- iv. Installation of CCTV;
- v. Installation of public art;
- vi. Installation of planter;
- vii. Installation of lighting.

Reason: To provide a safe and hospitable public realm surrounding the site that encourages walking and use by residents, reducing the fear of crime and contributing to a clear, legible and high-quality public realm in accordance with Section 8 of the NPPF and Policy D4 of the Local Plan.

12 Cycle Parking (Pre-occupation)

Prior to first occupation of the development hereby approved, the cycle parking facilities as shown on the Proposed Site Plan (Proposed Site Plan, drawing no. 2204-P-100 REV I by Kosy Co-living, received: 2nd February 2024) shall be implemented, providing cycle parking including 77 no. internal spaces and 8 no. visitors spaces. The cycle parking shall be retained thereafter, unimpeded and used solely for the purposes of parking bicycles.

Reason: In the interest of enabling cycling as genuine choice of travel mode, in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

13 Car Club Facility (Pre-occupation)

Prior to first residential occupation of the development hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating final details of the proposed car club facility.

The submitted details shall include:

- i. Details of the car club provider, vehicle and service to be offered;
- ii. Details for residents of how to accept and complete their car club membership; and,
- iii. Confirmation that the developer or service provider will fund membership cost in full for residents for 12 months.

The car club membership scheme shall be provided to the first occupiers of each co-living studio upon first residential occupation in accordance with the details approved by the Local Planning Authority.

Reason: To ensure the development provides genuine alternatives to private car usage, providing choice for residents as to how they travel and complies with the parking standards as required by Policy ST7 of the Bath & North East Somerset Local Plan and Transport and Development SPD.

14 Residents Welcome Pack (Pre-occupation)

No occupation of the approved development shall commence until a new resident's welcome pack has been submitted to and approved in writing by the Local Planning Authority. The new resident's welcome back shall be issued to the first occupier/purchaser of each co-living studio prior to its occupation. It shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share, car club information etc., to encourage residents to try public transport. Please follow this link <https://www.gov.uk/government/publications/smarter-choices-main-report-about-changing-the-way-we-travel>

Reason: To encourage the use of public transport in the interests of sustainable development in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

15 Noise Levels (Pre-occupation)

The development shall be constructed to achieve sound attenuation against external noise in accordance with details set out at Section 6 Noise Assessment and Table 4: Typical Minimum Sound Insulation Requirements for Façade Elements in the submitted Noise Impact Assessment (Wells Road, Bath, Noise Assessment for Planning, Acoustics Report A1885 R01C, May 2022). A further noise survey shall be undertaken evidencing these standards have been met and adequate noise attenuation is achieved within the completed development. The 'As Built Noise Assessment' shall be submitted to and approved in writing by the Local Planning Authority, prior to first residential occupation of the building.

Reason: To ensure the development provides an adequate internal noise environment for residents, providing acceptable living standards, wellbeing and amenity for residents in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

16 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Major (or larger) Residential Development:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update and the Sustainable Construction Checklist SPD (2023).

17 SCR8 Embodied Carbon (Pre-occupation)

Prior to the occupation of the development by individual residents, hereby approved the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR8.

Post-Completion Stage (using as-built values)

1. Table 6
2. Table 7
3. Site energy (including fuel) use record
4. Contractor confirmation of as-built material quantities and specifications
5. Record of material delivery including distance travelled and transportation mode
6. Waste transportation record including waste quantity, distance travelled and transportation mode
7. List of product-specific EPDs for the installed products and materials

Reason: To ensure that the approved development complies with Policy SCR8 of the Bath and North East Somerset Local Plan Partial Update Local Plan Partial Update.

18 Sustainable Urban Drainage (Pre-occupation)

The development shall be implemented in accordance with the submitted Drainage Strategy (Flood Risk Assessment and Drainage Strategy For Co-Living Scheme Wells Road Bath, Ref: 15923 FRA & Drainage Strategy by ABA Consulting dated April 2022) and the surface water drainage proposals (Drainage Layout drawing no. 15923-ABA-22-00-DR-S-5000 P04) prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate method of sustainable 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 and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

19 Contamination Remediation 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.

20 Contaminated Land - Unexpected Contamination (Bespoke trigger)

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.

21 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved Landscaping Plan (Proposed Soft landscaping proposals, drawing no. 22-105-P-04 REV D by Bea Landscape Design Ltd, dated 29th May 2024). This shall include planting of no. 3 trees as set out in the Landscaping Scheme hereby approved. 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. Landscaped areas at the site shall then be maintained in accordance with the maintenance and watering schedule included in the Landscaping Plan.

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 and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

22 Ecological Compliance Report (Bespoke Trigger)

Within 6 months of completion of the development a statement confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures as detailed in the approved ecology report (Preliminary Ecological Appraisal, 21-33 Wells Road, Bath, by Phlorum, dated May 2023) and approved drawings (Proposed Site Plan - Environmental Box Locations drawing no. 2204-P-102, Proposed Elevations

East and South drawing no. 2204-P-301 REV F and Proposed Elevations West and North drawing no. 2204-P-302 REV I) has been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

1. Confirmation of the implementation of the precautionary working methods referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
2. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 and D5e of the Bath and North East Somerset Local Plan.

23 Internal and External Lighting (Bespoke Trigger)

No new external lighting or internal lighting in north or east facing rooms 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 be in accordance with, but not limited to, the approved External Lighting Strategy Report (Delta Green Environmental Design, May 2024) and Revised External Lighting Strategy (Dwg. 22037 DGE XX XX DR E 6351 S2 P04) and shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights, with details also to be shown on a plan. All external lighting shall have an Upwards Light Ratio of 0%, utilise warm white light (<3000k) and a peak wavelength higher than 550nm;
2. Predicted lux levels and light spill (considering the combined effects of internal and external lighting), modelled on both the horizontal and vertical planes. This must demonstrate that the proposal will not result in light spill above 0.5 lux onto any retained horseshoe bat habitat (i.e. viaduct and eastern boundary).
3. Measures to limit use of lights when not required, to prevent upward light spill (including the installation of automated blackout blinds timed to close at sunset year-round, with no manual override on all skylights) and to prevent light spill onto nearby vegetation and adjacent land, and 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.

24 Arboricultural Compliance (Compliance/Bespoke)

The development shall be implemented in full accordance with the Arboricultural Impact Assessment and Method Statement (Arboricultural Impact Assessment & Arboricultural Method Statement dated 9th May 2024 by TGB Tree Consulting) including Tree Protection Plan (drawing no. TGB264.V1.0.A3.TPP dated 10th May 2024) hereby approved. No later than 28 days following practical completion, a compliance statement prepared and signed by the appointed project Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the approved arboricultural method statement and all tree protection measures are complied with for the duration of the development to protect the retained trees as required by the NPPF and Policy NE6 of the Placemaking Plan.

25 Precautionary Working Methods and Wildlife Enhancement (Compliance):

The development shall be undertaken in strict compliance with Section 5.8 of the approved Preliminary Ecological Appraisal (Preliminary Ecological Appraisal by Phlorum dated May 2023). At minimum, this shall include the following measures for the protection of wildlife such as nesting birds:

- o A careful visual check for signs of active bird nests shall be made of any vegetation due for removal including trees subject to pruning works, prior to any works affecting these areas;
- o If present, active bird nests shall be protected undisturbed until the young have fledged;
Works to the roof and any areas with potential to support concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
- o If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.
- o Features to provide benefit for wildlife shall be provided on or near to the site, this shall include wildlife friendly pathways (through any boundary fencing, but sited to avoid main roads), provision of bird (including swift boxes), bat & insect boxes and inclusion of native planting. All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: To avoid harm to wildlife including protected species in accordance with the NPPF and Policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

26 Co-living Operational Management (Compliance)

The co-living use hereby approved shall operate in strict compliance with procedures and measures included in the submitted Management Plan (Management Plan Wells Road, Bath by Kosy Co-living dated May 2023) including being a 'car free' development secured within tenancy agreements as set out under the 'Management of Cars' subheading.

Reason: To ensure good management of the site in the interests of preserving neighbouring amenity, the safety and wellbeing of residents as well as sustainable transport objectives in accordance with Policies D6, ST1 and ST7 of the Local Plan.

27 Outdoor Terrace Use Restriction (Compliance)

The fourth-floor terrace labelled 'roof terrace' and identified in green on approved drawing no. 2204-P-240 REV E shall not be used between the hours of 22:00 - 07:00 daily.

Reason: To preserve the safety, amenity and living conditions of residents at and neighbouring the site because of possible noise, nuisance and other disturbance in accordance with Section 8 of the NPPF and Policy D6 of the Local Plan.

28 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted Drawing 2204-P-100 Rev I 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 D6 of the Bath and North East Somerset Placemaking Plan and Policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

29 Bin & Recycling Storage (Compliance)

The bin and recycling stores forming part of the development hereby approved (identified on Proposed Ground Floor Plan drawing no. 2204-P-200 Rev H) shall be constructed in accordance with the approved details and used solely for the purpose of storage of bins, waste and recycling boxes thereafter. Bins and recycling boxes associated with the development shall be returned to the approved store as soon as possible following collection and must not be stored outside the boundary of the site at any time.

Reason: In the interests of the safe and free flow of the surrounding highway network as well as the amenity of the area as required by policies D6 and ST7 of the Bath & North East Somerset Local Plan, Transport and Development SPD and B&NES Waste Planning Guidance (2019).

30 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 Placemaking Plan.

31 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 Plans List:

This decision has been based on the following list of plans and reports:

Site Location Plan	2204-P-001	31 May 2023
Existing Building Site and Ground Floor Plan 2023	2204-P-010-A	31 May
Existing Building First Floor and Roof Plan 31 May 2023	2204-P-011-A	
Existing Building Elevations 31 May 2023	2204-P-012-A	
Existing Site Section 2023	2204-P-017-A	31 May
Proposed First Floor Plan 2023	2204-P-210-G	31 May
Proposed Second Floor Plan 31 May 2023	2204-P-220-G	
Proposed Third Floor Plan 2023	2204-P-230-G	31 May
Proposed Site Section A 2023	2204-P-311-E	31 May
Proposed Site Section C 2023	2204-P-313-B	31 May
Proposed Site Section D 2023	2204-P-314-B	31 May
Proposed Roof Section 2023	2204-P-351-B	31 May
Proposed Studio Layout and Section 31 May 2023	2204-P-602-C	
Proposed Co-working Detail 31 May 2023	2204-P-607-A	
Proposed Site Plan 2024	2204-P-100 REV I	2 February
Proposed Site Plan Waste Management 2024	2204-P-101	2 February
Proposed Site Plan Environmental Box Locations February 2024	2204-P-102	2
Proposed Ground Floor Plan February 2024	2204-P-200 REV H	2
Proposed Fourth Floor Plan February 2024	2204-P-240 REV E	2

Proposed Roof Plan 2024		2204-P-250 REV B 2	February
Proposed East and South Elevations February 2024		2204-P-301 REV F	2
Proposed West and North Elevations 2024		2204-P-302 REV I 2	February
Proposed External Realm GA Plans and Elevations February 2024		2204-P-803	2
Proposed External Realm GA Plans and Elevations February 2024		2204-P-804	2
Proposed General Access Arrangement Highway Works 29 January 2024		803.0010.004	REV D
Proposed Drainage Layout 2023	15923-ABA-22-00-DR-S-5000 P04		31 May
Proposed Lighting Layout and Isoline Plot 22 September 2023		22037 DGE XX XX DR E 6351 S2 P04	
Proposed Internal Lighting Plan Ground Floor	13 February 2024		
Proposed Internal Lighting Plan First Floor	13 February 2024		
Proposed Internal Lighting Plan Second Floor	13 February 2024		
Proposed Internal Lighting Plan Third Floor	13 February 2024		
Tree Protection Plan	TGB264.V1.0-A3-TPP		20 May 2024
Proposed Soft Landscaping Proposals	22-105-P-04 REV D		29 May 2024

2 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.

3 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.

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 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

6 Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

7 Inform the applicant that the Local Planning Authority should be consulted before any external signs are displayed on the property.

8 Highway Works Agreements Advice Note

The Applicant is advised to contact the Council's Highways team as the development proposed involves work on the public highway (see: Condition 10). The Applicant must ensure they have obtained the necessary highways licenses and approvals under the relevant sections of the Highways Act 1980, prior to any work taking place on the public highway. It is likely that S278 and S38 (or hybrid) Highways Agreements will be required. The Council's Highways team can be contacted at:

Highways@bathnes.gov.uk

Further information in relation to Highways licenses is available at the following Council website:

<https://beta.bathnes.gov.uk/apply-highways-licence>

9 Wessex Water

The Developer should contact Wessex Water in relation to agreeing connections to their network:

<https://developerservices.wessexwater.co.uk/your-project/developing-a-new-site>

10 Network Rail Advice

Due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the Applicant is strongly recommended to action should the proposal be granted planning permission.

The applicant is required to submit further information regarding the works they plan to carry out close to the public footpath tunnels under the viaduct. This is for confidence that our asset won't get damaged or any falling debris won't impact any of Network Rail's infrastructure. Furthermore, land owner consent will likely be required from Network Rail for public realm enhancement works (Condition 11).

The following asset protection advice applies:

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

DEMOLITION

The applicant is required to submit details relating to the method of demolition and construction due to the proposed building being 4 storeys high and is on an elevated ground level compared to St James's Viaduct which is next to the site.

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

PLANT, SCAFFOLDING AND CRANES

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

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Network Rail should be contacted directly should any of this information require further clarification: Grace.Lewis@networkrail.co.uk

11 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: 02
Application No: 23/04136/RES
Site Location: 37 Coombend Radstock Bath And North East Somerset BA3 3AN



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor Chris Dando Councillor Lesley Mansell

Application Type: PI Permission (Approval Reserved Matters)

Proposal: Approval of reserved matters with regard to outline application 20/03800/OUT (Proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings (1no. 3 to 4 bedroom detached and 4no. 3 bedroom terraced) at Coomb End Garage, Coomb End, Radstock, BA3 3AN (Outline Application to determine access with all other matters reserved)).

Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Policy CP9 Affordable Housing, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones,

Applicant: SR Catchers Ltd
Expiry Date: 30th August 2024
Case Officer: Danielle Milsom

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

REPORT

Following an objection received from Radstock Town Council, which is contrary to officer recommendation, the application was referred to the Chair and Vice-Chair of the Planning Committee in line with the Council's Scheme of Delegation. Their comments are as follows:

Cllr Ian Halsall:

"The principle of development has been established so issues relating to the acceptability of development cannot be considered. This application raises some interesting design issues particularly in relation to the significantly larger scale standalone dwelling that would be built into the hillside which would be of value to the Committee to discuss and to also consider the suitability of the shared surface access."

Cllr Lucy Hodge:

"I note the concerns raised by Radstock Parish Council and feel that there would be value in the Planning Committee having an opportunity to debate the design and scale of the proposed standalone 5th dwelling, particularly in relation to its siting within the Conservation Area."

The application site is located in Coombend, Radstock and forms part of the Somer Valley. Coombend runs parallel to the Bath New Road and sits between Radstock and Clandown. The site is set within the Conservation Area but outside of any defined Housing Development Boundary.

This application seeks approval of reserved matters with regard to outline application 20/03800/OUT (Proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings (1no. 3 to 4 bedroom detached and 4no. 3 bedroom terraced) at Coomb End Garage, Coomb End, Radstock, BA3 3AN (Outline Application to determine access with all other matters reserved)).

Relevant Planning History:

11/04249/FUL - permit - Erection of 7no. two bed dwellings with parking, altered site access, landscaping and ancillary works and allotments following demolition of garage workshop (Resubmission)

11/04250/CA - consent - Demolition of garage workshop.

20/03800/OUT - permit - Proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings (1no. 3 to 4 bedroom detached and 4no. 3 bedroom terraced) at Coomb End Garage, Coomb End, Radstock, BA3 3AN (Outline Application to determine access with all other matters reserved).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Radstock Town Council: Object

Radstock Town Council feel the site is suitable to convert to residential but would like further considerations to be made on the design.

Consider smaller units to include a better mix of residential size for all. Plot 5 is a larger unit and the material considerations is not in keeping with the conservation area or other buildings on the development (render).

Ask that contribution is made to improving infrastructure and physical footpath (replacing the virtual path) on Coombend to support safer pedestrian routes.

Planted Trees should be native.

Flood risk concern of area not fully tested and concern of impact on surrounding areas.

Highways: No objection

Ecology: No objection

Drainage: No objection

Arboriculture: No objection

Contaminated Land: No objection subject to conditions

Representations Received :

Two objections received. A summary is as follows:

- o Support request for proper footpaths for pedestrians
- o Site is on a dangerous bend where cars do not have sight of pedestrians, made worse by additional parked cars
- o Double yellows should be added to the bend
- o Cannot understand logic of reducing parking spaces
- o Anyone coming to the property during construction and afterwards would be tempted to part in front of Bentley Terrace
- o Not enough parking on site and road is too congested

One support comment received. A summary is as follows:

- o Makes sure enough parking and easy access to spaces. Road through Coombend needs to be kept clear from on street parking. Facade Hoists factory, JVA coach company and garages need access day and night through to Radstock.

One comment received. A summary is as follows:

- o May bring 1-4 cars per property, excluding visitors, where will they be parked as there is limited space
- o Bad enough with cars parked alongside Bentley Terrace with the blind spot

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP5: Flood Risk Management

CP6: Environmental Quality

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

D6: Amenity

D7: Infill and backland development

HE1: Historic environment

SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

NE1: Development and green infrastructure

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NE5: Ecological networks

NE6: Trees and woodland conservation

SCR6: Sustainable Construction Policy for New Build Residential Development

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

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.

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

This application seeks the approval of reserved matters of granted outline consent, 20/03800/OUT, for the proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings. Access was approved at outline stage with all other matters reserved.

The site is located within Radstock, to the south of the Bath New Road. The site falls within the Conservation Area.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The principle of development for the erection of 5 dwellings was approved at outline stage. The dwellings remain in the form of 2 pairs of semi-detached dwellings to the west of the site, and a detached dwelling set into the landscape to the east of the site.

DESIGN, 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 and the appearance of extensions respect and complement their host building.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

Coombend has a varied pattern of development. Residential properties vary in height but many are two storey or single storey, all set at different levels following the ground level changes. Architecturally, the properties hold little merit. Newer properties consented within the last few years generally follow a typical style of terracing.

The site as existing is considered to not contribute positively to the Conservation Area. There are several opportunities along Coombend for development to enhance the setting of the Conservation Area, with this proposed site being included. The site currently comprises of some single storey flat roof garages which are in a poor state. The rear of the site is quite overgrown.

The proposal comprises of two parts. Closer to the road access lies two pairs of semi-detached dwellings, joined by a recessed first floor connection. To the south of the site, on the other side of the road, lies a recent development of terraced dwellings, the scale of which is comparable with the proposed semi-detached properties. The dwellings are sited back from the road, with parking and turning space located to the front. To the rear, the landscape slopes steeply up to the Bath New Road. The proposed rear gardens are therefore formed as courtyards with various levels following the slope. The form of the dwellings are considered to be of a scale appropriate for the size of the plot, and of a design which is similar to the development opposite. The site would be improved through its development and this proposal presents an opportunity to do so, through effective design which compliments its setting. The 4 dwellings are therefore considered to be acceptable.

The second part of the proposal is to the east of the site, behind the neighbouring dwelling. The proposal involves a detached, two storey property which would mainly be built into the hillside. The proposal takes an alternative and contemporary approach through the use of varying materials and built form. The dwelling would have a flat roof, with its front elevation having a projecting middle section with other elements of the front being sectioned through material use. The dwelling has been revised during the course of the application and had reduced in scale and its front elevation amended. Note that the dwelling as now proposed is not that shown in the submitted 3D illustrations.

The majority of the living accommodation would be at the first floor due to the sloping ground up to Bath New Road. The ground floor involves parking spaces and an undercroft and a porch like area to give access to the first floor.

The floor plan of the first floor is large and involves a central courtyard area with accommodation circling around. This floor is mainly built into the ground, and a green roof is proposed. When viewing from the Bath New Road, down towards the site, it is expected that minimal built form would be visible due to the green roof where development is able to blend into the green. The front elevation would be the most significant view due to its height and scale, which also sits at an elevated level from the road. This elevation is broken up though, through the different projecting elements, use of under crofts and materials. The breaks up the massing so the property doesn't have an overly dominant effect. Planting and a section of green walling is also proposed to soften its appearance.

Whilst large, it is considered that the dwelling has been designed effectively to sit within the hill. The plans have been revised during the application to reduce the overall height of the property which has had a positive effect. The levels have been indicated on the plans and this would be secured to ensure the levels siting into the landscape remain as presented.

Overall it is considered that the proposal presents an alternative design approach to the neighbouring sites, but is effective in its use of the hillside. The loose architectural rhythm and pattern of development and the site requiring attention does present an opportunity for contemporary design. The proposed dwelling, with the revisions made to reduce its scale and to add further articulation to the front elevation are considered to be acceptable within the context. The dwelling would not significantly harm the character and appearance of the area and the overall site development would enhance the Conservation Area.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

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.

The proposed semi-detached dwellings are not likely to cause any significant residential amenity impact to neighbouring occupiers or future occupiers. The siting of the dwellings, set back from the road, and the angle of their siting limits direct views towards neighbouring properties. The closest neighbour would be the two-storey property to the south-east. Front elevation windows would not direct to the neighbouring windows so

privacy would be maintained. The siting of the dwellings to the north of neighbours would also limit potential for any overshadowing.

The proposed access road would wrap around to the west of the neighbouring property which is similar to the existing ground level. The use of the access is unlikely to be significantly increased to a level which would cause disturbance in a residential setting.

The proposed detached dwelling is sited to the rear of the existing frontage dwellings, and sits at a higher ground level. The closest point of the proposed dwelling to the neighbour would be the projecting front middle section of the proposed dwelling. The middle projection is wider at the first floor level creating an overhang and undercroft at the ground floor. The projection at the ground and first floor has been split through various recessed areas, including the overhang at the ground floor, a small external porch area at the first floor for the front door, and a smaller flat roof section set over the western half of the garage. Visually this breaks up built form to limit potential for an overbearing impact. There are no windows on this elevation which would cause overlooking towards the property.

The neighbour is also set at a lower ground level which is reflected by the submitted elevation plans. This also shows the distance from the neighbour and the front projection of the new dwelling. This relationship is close, however, due to the set down position of the neighbour, their rear out look is already limited and set into the hillside. Any impact arising from this close relationship is therefore considered to be minimised through design of the proposed dwelling, and existing layout and design of the neighbour.

The overall relationship with the whole development and its neighbouring properties is considered to be acceptable, with no significant impact.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

Through consultation with highways, the plans have been revised and amended. Access was approved at outline stage. The principle of the development at this location, the site access arrangements, and the impact of the scheme on the wider transport network, are not matters that can now be reconsidered.

Having reviewed the submitted site layout, there are limited changes as compared with the illustrative layout that was presented at the outline planning application stage. The site access arrangements are consistent with the earlier permission. It appears unlikely that

any works within the existing highway would be needed to facilitate the proposed alterations to the site access. The necessary visibility splays at the access were previously secured by condition, as attached to the outline planning permission.

Given the scale of the development and the number of dwellings, it is assumed that the access driveway would remain private. The arrangements as currently shown would not meet the requirements for an adoptable highway standard, and this space would need to be privately managed.

Following revisions, the proposed level of parking is compliant with maximum standards as set out within the Transport SPD.

Each of the proposed dwellings would be provided with electric vehicle charging, and the specification of this would be secured by Building Regulation requirements.

Cycle parking would be provided in the secure storage unit shown on the submitted drawing, and there is no significant concern with this general arrangement. Proposals for waste management are also accepted.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The arboricultural report indicates that a group of mixed tree species would require removal to accommodate the excavations into the hillside and development.

There is no objection to the removals and note that mitigation planting is illustrated on site which can be secured by condition.

Conditions attached to the outline consent would still be relevant and require discharging as at this stage the arboricultural information is insufficient. This is not however a reason for refusal as these matters can be resolved through the subsequent discharge of condition application.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

Additional information has been submitted regarding proposed reptile translocation; this is considered appropriate to the nature & scale of the development and reptile habitat areas that will be affected and is accepted. It must be adhered to.

A revised BNG small sites metric has been submitted, with areas corrected. Whilst there are no plans showing digitised boundaries of existing and proposed habitats, the proposals for mixed native tree and shrub planting as shown on the plans are however welcome and would be likely to enable the scheme to avoid a net loss and deliver a net gain for biodiversity; there is sufficient land within the blue line boundary for additional habitat enhancement and creation if required so officers are confident that the scheme is capable of meeting BNG requirements. BNG requirements (and any corrections / additional details necessary to the assessment and metric) could be secured by condition.

HOUSING ACCESSIBILITY:

Local Plan Partial Update policy H7 requires 5.6% of dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing). Therefore, none of the 5 proposed dwellings are required to meet these enhanced accessibility standards.

The policy also states that 48% of the remainder of housing, after the M4(3)(2a) figure has been accounted for, must meet the M4(2) accessible and adaptable dwellings standard. Therefore, 2 of the 5 proposed dwellings must meet enhanced accessibility standards.

This can be secured by Condition. The scheme is considered to comply with policy H7 of the Local Plan Partial Update.

DRAINAGE:

Connectivity to the culverted watercourse has been proven and it is noted that the connect and off-site drainage is within land owned by the applicant.

Revised drainage design includes two flow control and attenuation tanks with a liner drain across the driveway.

The submitted drainage strategy satisfies the requirements of Condition 4 of the outline consent.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

The application is supported by the necessary information to show compliance of the 5 dwellings in accordance with policy SCR6. All dwellings achieve the required targets with regards to space heating demand and total energy use. Renewable energy also exceeds total energy demand on all accounts. This is therefore compliant with policy SCR6. A condition would be attached to secure compliance post construction.

Policy SCR5 of the 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.

OTHER MATTERS:

The application as submitted included the proposal for the use of a separated site to the south-east, within the applicant's ownership, to be used for disposal of the excavated earth. This was to be used to create allotments. However, no details were provided in respect of this and the description of development also did not include this proposal. Subsequently the additional proposal has been removed from the application. The applicant has arrangements for the excavated earth to be disposed of off-site. The removal of the proposals indicated at outline application stage on this separate land parcel from the application does not impact the assessment made above.

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; Protected characteristics include disability.

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Biodiversity Net Gain Plan (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).

4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;

6. Annual work schedule for at least a 30 year period

7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).

8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.

9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.

10. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

2 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- o adjoining land, 2
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

3 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.

4 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. Temporary arrangements for householder refuse and recycling collection during construction.

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 Policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update.

5 Dwelling Access (Pre-occupation)

Each dwelling shall not be occupied until it is served by a properly bound and compacted footway 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 a safe and suitable access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

6 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.

7 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 Placemaking Plan.

8 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)
3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update

9 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 policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

10 Drainage Strategy (compliance)

The development shall be carried out in accordance with the approved drainage strategy report (WCI consulting engineers Oct 2023).

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 and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

11 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.

12 Unexpected Contamination (bespoke trigger)

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.

13 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:

Revised Drawing	07 Mar 2024	F1566_152E	PROPOSED SITE PLAN
Revised Drawing AND ELEVATIONS	16 Jan 2024	F1566_150D	PROPOSED FLOOR PLANS
Revised Drawing AND ELEVATIONS (1 -4)	16 Jan 2024	F1566_151D	PROPOSED FLOOR PLANS
Revised Drawing	16 Jan 2024	F1566_153	ELEVATIONS

2 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.

3 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.

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

Item No: 03
Application No: 23/03465/FUL
Site Location: Nuholme Wick Lane Stanton Wick Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Stanton Drew **LB Grade:** N/A

Ward Members: Councillor Anna Box Councillor Dave Harding

Application Type: Full Application

Proposal: Change of use and extension of an existing workshop and land to form a dwelling.

Constraints: Bristol Airport Safeguarding, Clutton Airfield, Agricultural Land Classification, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy M1 Minerals Safeguarding Area, Policy NE3 SNCI 200m Buffer, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Ryan and Bradley Saunders

Expiry Date: 12th July 2024

Case Officer: Christine Moorfield

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

REPORT

This application is for the change of use and extension of an existing workshop to form a dwelling with a curtilage. The site is within the green belt.

The application has been brought to committee as the Parish Council raised concerns in respect of the proposal and the Chair and Vice Chair of the Planning Committee have commented as follows:

Chair

In light of the sustainability concerns expressed by the Parish Council and Local Highway Authority, whilst a modest extension to the existing building, the proposed change of use should be given more scrutiny. It is in the public interest to refer this matter to committee.

Vice Chair

This application for the change of use of an existing workshop located within the Green Belt is not supported as it stands by the Stanton Drew Parish Council and there are a number of issues which would benefit from being discussed in public by the Planning Committee. Planning policy matters include any impact on the rural character of the area, the Highways objection on the grounds of lack of sustainability of the location and an objection from the adjacent business in terms of the need to continue to access and operate their LPG tanks, sewage treatment plant and empty bins located adjacent to the proposed dwelling which has amenity considerations.

I recommend that this application is determined by the Planning Committee.

HISTORY

DC - 09/00844/FUL - RF - 5 May 2009 - Erection of first floor rear extension.

DC - 22/04748/CLEU - LAWFUL - 19 January 2023 - The workshop building itself as operational

development which took place over 4 years ago and the use of the building and access for the repairing and servicing of cars for a continuous period in excess of 10 years.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

STANTON DREW PC

Stanton Drew Parish Council does not support the application as it stands.

Although it is not specifically stated, the Parish Council understand from our discussion with the agent that the application looks to have the new dwelling within its own curtilage. The Parish Council supports the need for smaller dwellings for residents, however the location of this proposal is not in a sustainable location, it is remote from primary schools, shops and bus stops.

The location of the outbuilding means that if converted it will become a Backland Development under policy D7. The site in question is very much a rural garden, there are gardens to three sides of the proposed curtilage, and a pub yard to the forth side, a dwelling in that location will be contrary to the character of the area, where as outbuildings are not. In addition the close proximity to the existing calor gas storage and the sewage plant in the pub yard does indicate that under policy D6 the amenity of future proposed occupiers may be compromised.

With regard to policy D2, while there is a mixture of different properties nearby, in general the local character is quite traditional, a modern wood and glass studio style dwelling would not be in keeping with the local vernacular and would not be a positive contribution.

Banes LPPU Policy GB3 makes reference to their supplementary planning document, The Existing Dwellings in the Green Belt SPD (2008), we do not support the proposal being 33 percent larger. Similarly, as it is not currently a dwelling permitted development rights do not exist.

In general, while we recognise that the building has a certificate of use regarding business, the fact remains that the building itself is a wooden outbuilding and as such is, in our view a removable structure, all be it a large one.

Both Nuholme and the proposed new dwelling will end up without any garaging facility whereas currently with the outbuilding Nuholme has a triple garage.

The site is within the Green Belt, it has a PROW along 2 sides within the boundary, as mentioned above, visually the site is very much a rural garden, the proposal will not enhance the visual amenities as required by GB1.

As an additional comment, if the outbuilding is to become a domestic dwelling there is a need for water efficiency and some kind of sewage treatment and we would like to see some indication of how that would be handled. This is relevant to policies SCR5 PCS7a and SU1.

Also, we would like confirmation that the concrete base is actually of a sufficient specification to meet the current regulations for a dwelling. We would also like to know more about how the interior is to be insulated to current requirements. These issues are relevant to policy SCR6, sustainable construction.

And finally, as this outbuilding has been used as a garaging workshop, with an inspection pit, we would seek reassurance that there are no hazardous contaminants as per policy PCS5.

Three letters of support have been received

Good proposal

Small residential unit needed in the area

One letter of objection

Too close to LPG gas tanks a sewerage treatment plant and bin area. These have to be serviced which may cause a problem for residents.

DRAINAGE

No objection

PROW

The Council confirm the diversion order has been completed and is in effect. The legal line of the footpath has been diverted away from the subject building and there ceases to be any issues with this building and the public footpath.

ECOLOGY

Impacts of all enabling works need to be fully considered.

Mitigation measures for badger.

An outline sensitive lighting design strategy and the use of automated blinds on the Velux windows would be encouraged.

A Defra biodiversity net gain Small Sites metric spreadsheet demonstrating measurable no net loss and appropriate net gain. Plus, a plan showing post development habitats.

Details of replacement hedgerow planting to compensate for the loss of Leylandii trees.

Use of integrated features for wildlife.

The additional information provided is now considered sufficient to address the previous comments. It is acknowledged that for this application a BNG metric is not required and that the replacement native hedgerow to compensate for the loss of the Leyland cypress hedgerow is acceptable.

The ecological enhancements including the native planting and integrated features for wildlife can be provided in an ecological enhancement plan which can be secured by condition. The proposed approach to external lighting is acceptable, and details can be secured by condition. A compliance condition confirming such provisions have been implemented is also required

Health and safety hazardous substances.

This application does not fall within the Consultation Distance Zones of either a Major Hazard Site, Major Accident Hazard Pipeline or Explosive Site

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP6: Environmental Quality

CP8: Green Belt

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:

BD1: Bath Design Policy

D1: General urban design principles

D2: Local character and distinctiveness

D6: Amenity

D7: Infill and backland development

GB1: Visual amenities of the Green Belt

SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

CP1: Retrofitting Existing Buildings

D5: Building design

D8: Lighting

GB3: Extensions and alterations to buildings in the Green Belt

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NE6: Trees and woodland conservation

PCS5: Contamination

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:

Whitchurch Village

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) 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 site is located off Wick Street, accessible from the main road through an established access lane, in Stanton Wick. The building is situated to the rear of the adjacent pub, The Carpenters Arms and is related to the property known as "Nuholme". The application site is located in the Green Belt.

The workshop had previously been used by the applicant as a satellite workshop in connection with his business 'Elite Automotive Services Ltd'. As the building is now not in use the applicant wishes to extend the workshop and change its use to create a 2-bedroom residential dwelling. The existing workshop is 9.24m x 6.17m. It is proposed that the footprint of the building will be increased to 12.24m x 6.17m as a small side extension of 3m in width is proposed.

Principle of the development

Policy RE6 outlines the criteria that must be met for the conversion and re-use of rural buildings in the countryside.

- 1 its form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building
- 2 the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension
- 3 the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost)
- 4 the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability
- 5 where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location
- 6 the development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;
- 7 in the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.
- 8 The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1.

In respect of these criteria

- 1- The main bulk and form of the workshop will be retained, a small 3m side extension is added to the existing building. This would be in keeping with the form of the current building, only its length would increase.

2-The existing workshop is of substantial modern construction, made with solid structural timber frames, externally clad with timber boarding under a profiled sheet roof. Details have been submitted that show the building is structurally capable of being converted.

3- the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost) see ecology section of the report.

4- the proposal would not result in the dispersal of activity that would prejudice a town or village's vitality or viability. The workshop is not currently in use due to the applicant's father retiring, coupled with its unsuitability for an independent use given its modest size and location in a small settlement. The proposed development would not result in a disbursement of activities that would prejudice the vitality or viability of surrounding settlements.

5-the building is in an isolated location from public services and facilities that the benefits of reuse would outweigh the harm of its isolation. This site is located within a group of residential premises some business uses and a pub. This group of buildings and uses form the settlement of Stanton Wick. Whilst access to facilities and services will be likely to be by vehicle this must be weighed against the benefits of the proposal.

6-the development would not result in a replacement agricultural building. This criterion is not applicable as the building is not in agricultural use.

7-the proposed development would not result in a greater impact on the openness of the Green Belt or conflict with the purposes of the Green Belt land. This will be discussed in greater detail in the green belt section of this report.

8-the building is of historic interest and significance and would be safeguarded in line with policy HE1. This is not applicable to this development.

The proposed development complies with criteria 1, 2 and 4 as set out in policy RE6. Criteria 6 and 8 are not relevant to this proposal and criteria 3, 5 and 7 are discussed elsewhere in this report.

In respect of the change of use to a residential dwelling, as well as support from policy RE6, the NPPF identifies that "planning policies should identify a sufficient supply and mix of sites" (paragraph 68) and that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area" (paragraph 69). In reference to rural villages, the NPPF guides that local authorities, "support housing developments that reflect local needs" (paragraph 78) and "identify opportunities for villages to grow and thrive" (paragraph 79).

No local need has been sighted but the proposed development would create a two-bedroom dwelling which would accommodate a small family and would contribute to meeting the housing stock in the local area.

Green Belt

In accordance with Policy GB3, control of development in the Green Belt will be exercised in accordance with national policy.

The NPPF addresses proposals affecting the Green Belt at Para.147. it states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say:

para 148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para 149 states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this is:

(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.

At para 150. it states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

In this situation, it is proposed to change the use of this permanent/substantially constructed building. It is also proposed that the area to the east of the building and to the north of the Carpenters Arms will form the curtilage to the new dwelling.

The area of land to the west of the building and included within the redline site boundary is mown grass and is enclosed within the line of the access track and diverted footpath. It should be noted that this area of grass was not included within the site area for application ref: 22/04748/CLEU which sought a certificate of lawfulness for the workshop building and was approved 19th January 2023.

The applicants claim that the grassed area is already in residential use as it forms part of a large garden area for Nuholm. The applicants claim no change of use to this part of the application site is proposed as it is at present residential garden. Spatially, functionally and visually this area does appear to be part of one unit delineated by hedges.

The whole of the application site and other associated land to the rear of the main residential developments of nuholme and adjoining houses is associated with Nuholme. Notwithstanding the applicants suggestion that all the land is residential that is not established or accepted. It seems most likley that both the land to the rear of nuholme and also surrounding the building contained within the current application has been in some form of agricultural use. The only established use is that of the building that was granted a certificate of lawfulness and its tightly drawn curtilage. In the absence of any planning permissions being sought in relation to the land its present use is not therefore, established. Given the location of the piece of land which is enclosed by the access drive/footpath to the north and the Carpenters Arms public house to the south, if it was not included within the application site it would result in an isolated piece of land of a relatively modest size with no obvious useful function other than as curtilage to the building within the application. The change of use of the land within the red line of the application to domestic curtilage has the potential to impact on the openness of the green belt due to

possible development allowed via permitted development rights. However, the change of use of the land to domestic curtilage is acceptable in principle as it is not considered inappropriate development as listed in para 150. (e) of the NPPF. As residential curtilage permitted development rights could result in harmful development, should this permission be granted so it would be necessary for permitted development rights to be removed.

Regarding the proposed extension to the building it is, in terms of volume considered to be proportionate given that it results in a volume increase of one third of the volume of the main building. There is no specific guidance as to what is proportionate although in respect of dwelling houses the councils SPD 'extensions to houses in the green belt' does indicate that volume increases of about one third may be seen to be proportionate subject to other considerations.

In addition, the impact on the openness or the purposes of including land within the green belt, must be considered. Given the siting and scale of the extension proposed it is not considered to represent inappropriate development in the Green Belt or to be harmful to openness or the purposes of including land within the green belt.

The proposals in terms of the change of use and extension to the building are not inappropriate development within the green belt and therefore, the proposals comply with policy CP8 of the Core Strategy, policy GB1 of the Placemaking Plan, policy GB3 of the Local Plan Partial Update and part 13 of the NPPF.

Character and Appearance

This planning application seeks to convert an existing workshop building on the site, into a residential dwelling. The workshop is a timber framed construction, externally clad with timber boarding under a profiled sheet roof. The building was fitted with double doors, and a pit for mechanical works to be carried out. The materials to be used are fibre cement corrugated sheeting colour and profile to match the existing with horizontal shiplap timber cladding to match the existing building.

The proposed curtilage for the property is quite large as it forms the area enclosed by the access track. It would be necessary for PD rights to be removed to prevent the proliferation of outbuildings and extensions on this site which could harm the openness of the green belt.

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 Core Strategy, policies D1, D2, D3, and D4 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

Residential Amenity

The site is in a location away from immediate neighbours. Concerns have been raised in respect of the proximity of tanks, sewage treatment are and bin stores. These areas of the pub are located adjacent to the boundary. Whilst the proximity of these has the potential to create a problem for residents it is considered this may be a general issue and not one specific to the newly proposed dwelling.

Given that the pub is located to the SE it is not considered that this modest residential unit would result in significant harm to the amenity of adjacent neighbours.

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 and part 12 of the NPPF.

Ecology

Impacts of all enabling works need to be fully considered. The additional information provided is considered sufficient to address the previous concerns raised by the ecologist. It is acknowledged that for this application a BNG metric is not required and that the replacement native hedgerow to compensate for the loss of the Leyland cypress hedgerow is acceptable.

The ecological enhancements including the native planting and integrated features for wildlife can be provided in an ecological enhancement plan which can be secured by condition. The proposed approach to external lighting is acceptable, and details can be secured by condition. A compliance condition confirming such provisions have been implemented is also required. The agent has agreed to such conditions.

Highways and PROW

With regard to the PROW the footpaths officer has confirmed that the diversion order has been completed. This will divert the legal line of the footpath away from the subject building and there will cease to be any issues with this building and the public footpath. Therefore, the proposal is not seen to harm or impact on the public footpaths in this locality.

The proposed site is located off Wick Lane in Stanton Wick, the building is situated to the rear of the adjacent pub.

The site location has no dedicated pedestrian or cycle facilities connecting the site. The nearest bus stops are located approximately 570m to the south of the site access on the A368.

Due to the nature of Wick Lane, it is unlikely that many trips will be by foot or bike. Wick Lane is a single-track road subject to national speed limits with no footways and no lighting which is a safety concern for trips other than in a car. On this basis residents will need to travel by car to access day to day facilities.

Policies ST1 and ST7 of the BANES LPPU seek to secure development which is located where there are "genuine" and "realistic" opportunities to travel by sustainable modes of transport. The site is located remote from residential catchment areas, with limited potential of using active travel or public transport to make journeys to the retail element of the site. The

development is therefore be considered contrary to the key aims of Policy ST1 and ST7 of the LPPU.

On the basis of the above the highway engineer has objected to the planning application.

Whilst it is accepted that the building is located away from public facilities and services it is noted that the building is located within a group of houses adjacent to the Carpenters Arms in Stanton Wick.

The conversion of buildings in rural locations is also covered by other development plan policies which are addressed above.

The site is located within Stanton Wick which is a small hamlet with limited facilities. However, there is a public house adjacent to the site.

Whilst the site is located within a hamlet with limited services and facilities its isolated position must be balanced against the other development policy which are seen to weigh in favour of this proposal.

Drainage

It is proposed that foul drainage will be dealt with via a package treatment plant and surface water will be via a soakaway.

No objection to the proposal has been raised by the drainage engineer.

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.

In conclusion the proposed change of use including the proportionate extension is seen to be acceptable in this green belt location and whilst in a rural location is seen to comply with development plan policies rendering the proposal on balance acceptable.

Public sector equality duty

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- Protected characteristics include disability.

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

The application is recommended for PERMISSION.

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 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.

3 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only 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 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

1. Details of the replacement native hedgerow and any additional landscape planting;
2. Details of the external lighting including specification and location;
3. Details of the location and specification of integrated features for wildlife such as bird and bat boxes;
4. A programme of implementation for all measures within the scheme.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development or in accordance with the approved programme of implementation.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. 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.

5 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE5 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

6 Reporting of Unexpected Contamination

In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

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 15 of the National Planning Policy Framework.

7 Removal of Permitted Development Rights - No outbuildings (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3, D4 and D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 Site Location Plan
Proposed site plan
Proposed floor plan
Existing and proposed elevations and floor plan
Perspective for illustration all dated 18th Sept 2023

2 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

3 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

4 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.

5 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.

6 Desk Study and Walkover

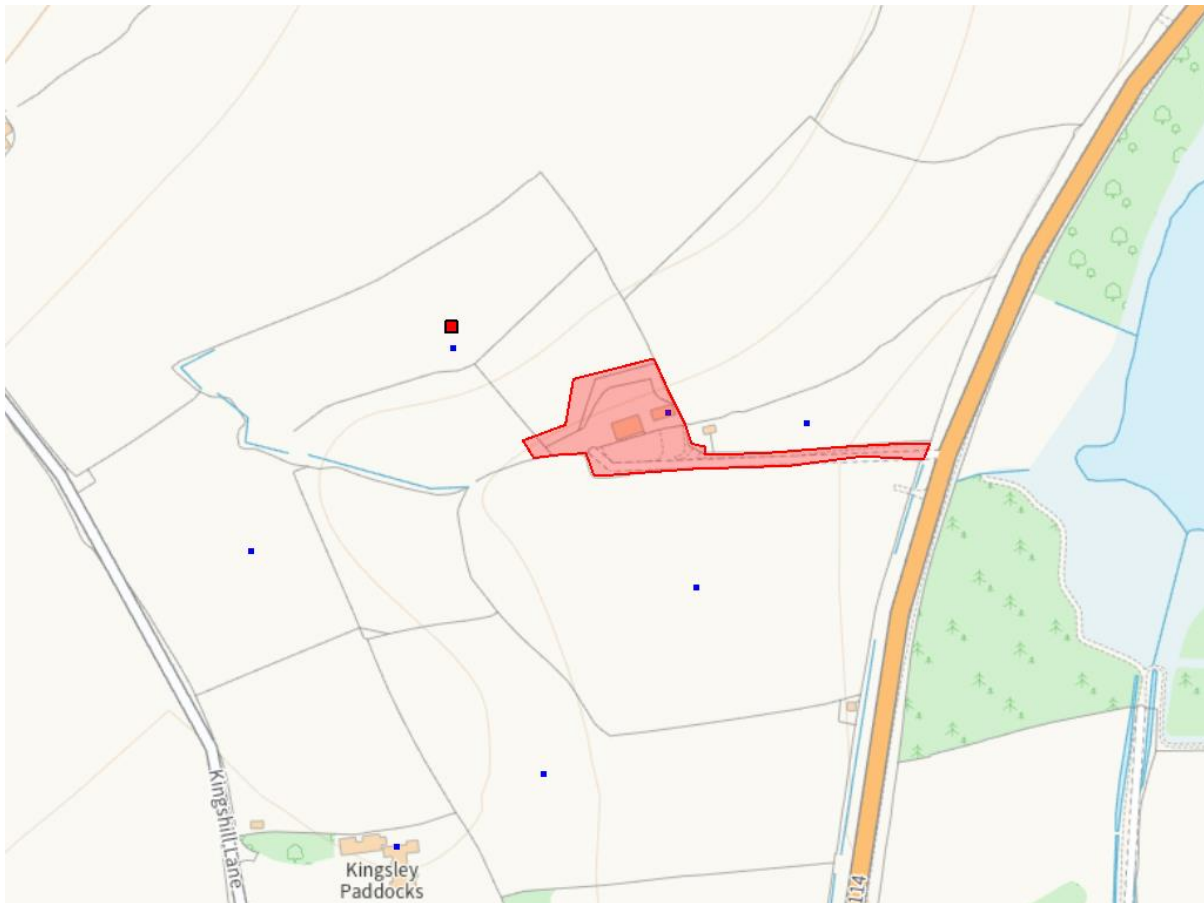
Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase 1 investigation should provide a preliminary qualitative assessment of risk by gathering and interpreting readily available environmental, geological, hydrological and

historical data regarding a site and considering the likelihood of pollutant linkages being present. The Phase 1 investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be 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 15 of the National Planning Policy Framework.

Item No: 04
Application No: 24/02125/VAR
Site Location: Parcel 2727 Kingshill Lane Chew Stoke Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Chew Stoke **LB Grade:** N/A

Ward Members: Councillor Anna Box Councillor Dave Harding

Application Type: Application for Variation of Condition

Proposal: Variation of condition 16 (Plans List (Compliance) 22/04892/FUL (Erection of a rural workers dwelling in association with the equestrian business on site following the removal of a temporary mobile home)).

Condition Number(s): 16

Conditions(s) Removal:

Please refer to the submitted Covering Letter for more information.

Variation to the approved Plans List

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Ecological Networks Policy NE5, Strategic Nature Areas

Policy NE5, Neighbourhood Plan, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,

Applicant: Mr Nick Wilson
Expiry Date: 30th August 2024
Case Officer: Danielle Milsom

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

REPORT

Following an objection made by Chew Stoke Parish Council which is contrary to officer recommendation, the application was referred to the Chair and Vice Chair of Planning Committee, as required by the Council's Scheme of delegation. It was decided that the application be heard by committee members.

Cllr Ian Halsall (Chair):

The application to amend an approved agricultural workers dwelling does raise some concerns regarding its impact on the setting of the Green Belt and National Landscape / AONB given it will no longer be subservient in height to the existing barn and will have a significantly larger footprint to that which was originally approved. Had the dwelling been completed and a subsequent application have been later submitted to extend the dwelling by over 50%, given the greenbelt location, this would be contrary to current policy.

The Committee should be given the opportunity to discuss the merits of the amended proposal bearing in mind there is a fallback position.

Cllr Lucy Hodge (Vice-Chair)

In supporting the original application (22/04892/FUL) for the replacement of a temporary mobile home with a new dwelling (conditioned for rural workers), within the Green belt and outside the village development boundary, the Parish Council paid particular regard to the design of the building in the rural setting in the AONB and the subservience of the proposed new home to the existing agricultural barn. The lower ridge height was specified very clearly as being a significant consideration in support of the application.

This variation now seeks to both enlarge the footprint and the height of the proposed building. The change in footprint from approved (12.3m x 9m) to proposed (15.2m x 11.1m) represents a 52% increase in floor area. In addition, an increase in ridge height from 6.5m (approved) to 7m (proposed) will bring the volume increase to a similar magnitude.

These changes are not supported by the Parish Council or Ward Councillor and I recommend that this application is debated in public by the Planning Committee.

The application refers to Parcel 2727, an agricultural and equestrian site situated within Chew Stoke. The site is set within the Green Belt and an Area of Outstanding Natural Beauty.

This application seeks variation of condition 16 (Plans List (Compliance) 22/04892/FUL (Erection of a rural workers dwelling in association with the equestrian business on site following the removal of a temporary mobile home).

Relevant Planning History:

17/04052/FUL - permit - Replacement of the livestock shed and installation of a farm access track

19/02105/FUL - permit - Erection of Temporary Agricultural Workers Dwelling and the Installation of Stables within the Existing Barn (Retrospective).

20/01673/FUL - permit - Change of use from agricultural to equestrian use. Erection of a 10x10m hay/storage barn. Erection of a horse walker. Installation of a 24x12m all weather surface lunge pen adjacent to main stable. Creation of a hardcore surface track to the upper fields and stock-proof fencing.

22/04892/FUL - permit - Erection of a rural workers dwelling in association with the equestrian business on site following the removal of a temporary mobile home.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Chew Stoke Parish Council: objection

"Ridge height of the proposed dwelling

The ridge height of the dwelling is lower than the ridge height of the barn. The Parish Council considers this design to be very important to reflect the primary use of the applicant site and also reduce the impact on the openness of the green belt and visual impact on the rural setting. The Parish Council will object to any latter design change that deviate from this.

The applicant has not provided details of the height of the revised dwelling in this new application. From a conversation with the applicant's agent, it is understood that the revised dwelling is 600mm higher than the consented dwelling. The Parish Council will not support consent for a revised dwelling where the ridge height is greater than the barn. The smallholding is visible from the B3114, public footpaths and other further locations in the Chew Valley. This additional ridge height would have a greater detrimental impact on the openness of the green belt and rural lakeside setting.

Size of the revised proposed dwelling - The Parish Council considers that the increased mass, bulk and size of the revised proposed dwelling is inappropriate for the location. The smallholding is visible from the B3114, public footpaths and other further locations in the Chew Valley. This additional mass, bulk and size would have a greater detrimental impact on the openness of the green belt and rural lakeside setting.

Materials - The Parish Council objects to the proposed stone facing of the elevations. The Parish Council consider that timber cladding is more appropriate within the close proximity of the other farm buildings and would provide a softer visual impact in this location combined with the screening of the trees on the south elevation.

Light pollution - The Parish Council remains concerned about the issue of light pollution. It would prefer the rooflights to be removed from the design in order to reduce the potential for light pollution in this sensitive location. If rooflights are permitted, the Council should

ensure that appropriate technology is fitted to the rooflights to prevent light spill. The Parish Council is concerned about the additional light pollution that would be caused by additional windows in the proposed dwelling; in particular the large south facing first floor full height glazed balcony doors and windows. Any outside lighting should accord with the light pollution mitigation policy in the Chew Valley Neighbourhood Plan as well as other planning policy. The Parish Council supports the comments previously made by Mendip Hills AONB Partnership.

Representations Received :

Cllr Dave Harding:

Please accept the following response from Chew Stoke Parish Council. The Parish Council strongly objects to this application. The Parish Council has considered this application very carefully. The application location is in an extremely sensitive area being close to Chew Valley Lake and within the Mendip AONB and green-belt.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP6: Environmental Quality

CP8: Green Belt

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

D6: Amenity

GB1: Visual amenities of the Green Belt

NE2A: Landscape setting of settlements
RE4: Essential dwellings for rural workers

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
D5: Building design
D8: Lighting

NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation

SCR6: Sustainable Construction Policy for New Build Residential Development
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:

Chew Valley Area

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

LISTED BUILDINGS:

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

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.

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

This application proposes a variation to the plans list for the erection of a rural workers dwelling, sited in Chew Stoke. The application received planning permission on the 30th June 2023. The application seeks to amend the plans to enlarge the size of the dwelling.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

This application proposes a variation to the plans list for the erection of a rural workers dwelling, sited in Chew Stoke. The application received planning permission on the 30th June 2023. The application seeks to amend the plans to enlarge the size of the dwelling.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should be approved except in very special circumstances. As discussed above, the principle of a new agricultural workers dwelling has been established through the outline consent where it was determined that very special circumstances exist to outweigh the harm of the inappropriate development as the proposal met the tests to be considered as a rural workers dwelling.

This application proposes design alterations to increase the scale of the property. Therefore, whilst the principle is established, it is important to consider the impact of the dwelling size on the openness of the Green Belt. The scale of the property in relation to the functional need of the business is also assessed. The increase in scale is considered to still meet the requirements of the business and would not exceed its needs.

The dwelling would remain as a one and a half storey detached property, with a projecting gable end to the eastern side. The overall height is proposed to be increased to 7 meters, a 0.5 difference to what was approved. The proposed amendment would mean that the ridge line of the proposed dwelling would be taller than the height of the adjacent agricultural barn by approximately 0.3 meters. The approved application saw the ridge line of the dwelling sit approximately 0.2 meters lower than the barn. The difference in height, whilst meaning the dwelling would be taller than the barn, is minimal. Read in the context of the site, it is unlikely that the height difference would be noticeable, especially from wider views of public roads and foot paths. The change in height is not significant enough to cause harm to the character and appearance of the site.

With regards to the openness of the Green Belt, the increase is also considered to not have a material impact on the wider setting and would not be significant enough to justify harm to openness.

The footprint of the dwelling is also proposed to be enlarged. As approved the dwelling measures approximately 12.3 x 9 meters. The proposed would increase this to 15.2 x 11.1 meters. The additional two meters in both directions would still allow for the dwelling to sit comfortably within the space adjacent to the barn, with suitable space to the front and side of the dwelling remaining. The dwelling occupies a tucked away location from the public realm and therefore the slight increase in footprint would not amount to harm to the character and appearance of the site or wider area.

The overall enlargement of the dwelling from the approved plans would not have a significant additional impact upon the wider openness of the Green Belt, given that it is located adjacent to existing built form, and in a discreet location, surrounded by vegetation, and to the rear, a steeply sloping field to further shield the dwelling.

It is considered that there are still very special circumstances to outweigh the harm caused by inappropriate development within the Green Belt, due to the proven need for an agricultural workers dwelling at this site. The increase in scale is considered acceptable in this regard, as the scale would still align with the scale of the established needs of the rural worker. Policy RE4(v) makes clear that agricultural workers dwellings scale must be relative to the functional requirements of the business. The dwelling would still cater towards the needs of the business, offering living accommodation in addition to office space and associated equipment storage (boot rooms).

It is therefore considered that the proposed scale of the dwelling would be considered acceptable and would not cause harm to the openness of the Green Belt for the reasons given above. The development is considered to be compliant with policy CP8 of the Core Strategy, policies GB1 and GB3 of the Local Plan Partial Update and part 13 of the NPPF.

DESIGN, 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 and the appearance of extensions respect and complement their host building.

The scale of the property is considered to still be appropriate for the size of the plot, and considered against the agricultural buildings. The dwelling is largely shielded from view due to the vegetation which surrounds it. The property is set well within the site and away from the main road. This includes views from the Public Right of Way to the south of the site.

The application also proposes a change to external materials. Approved materials consisted of timber cladding, this is now proposed to be changed to natural rubble stone. Whilst the timber did compliment the agricultural character of the site, the use of stone is not considered to be uncharacteristic of the rural context. The use of stone presents a more traditional residential dwelling in the rural setting and this in itself is not considered to be harmful given that the proposal is for a domestic dwelling. The use of natural stone in a rubble pattern is therefore considered acceptable and will continue to compliment the agricultural and countryside setting.

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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in the landscape, including conserving the local landscape character. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The proposal is located within an Area of Outstanding Natural Beauty. Section 245 of the Levelling-up and Regeneration Act 2023 (LURA 2023) relates to AONB's and involves a series of important duties required by the relevant authority to 'seek to further' the statutory purposes of AONB's. The duties are pro-active, and not merely an afterthought: the Council must "seek to further" the stated purposes in the exercise of their functions. This must be in relation to the specific statutory purposes of the designation rather than general regard to the benefit of protecting such landscapes.

To be clear, however, this does not mean that the duty precludes decisions that are "net harmful" to an AONB, but what is required is positive evidence that the Council has sought to further the purpose by taking all reasonable steps to further the purpose.

The statutory purpose of the AONB designation is to conserve and enhance the natural beauty of the area. It is considered that in negotiating, assessing, and determining this application the Council have sought to further the purposes of the AONB.

The proposed scale of the dwelling is considered to not cause harm to the AONB. Its setting would be conserved with minimal additional impact arising from approved dwelling which is considered to not amount to harm.

Policy HDE15 of the Chew Valley Neighbourhood Plan is also relevant in this instance. Roof lights are proposed within the dwelling and these do show potential for some light spill. Details of proposed automated blinds have been provided which would be fixed to all roof lights. These blinds would automatically close at sunset. Details of the blinds and times of closure are secured by condition to be submitted pre-occupation. A statement is also required confirming that these controls cannot be overridden by occupants. The blinds would restrict any upward light spill resulting from the roof lights, to the benefit of the dark skies and by extension, the AONB. It is therefore considered that the proposal will not cause harm to the AONB and the scheme is also in compliance with the Chew Valley Neighbourhood Plan.

Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

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.

The dwelling is in an isolated position where there would not be any harm to residential amenity. 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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The proposed alteration does not impact the access into the site or parking arrangements. The enlargement also does not increase the number of bedrooms.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The proposed amendment does not have any arboricultural implications that were addressed during the previous full permission. The Arb Method Statement are still relevant and the development will still be able to comply with the approved details. The proposal retains the set back positioning and also now involves less invasive ground foundations due to the increased height of the first-floor level. A condition is attached to secure an compliance with the approved Arboricultural Method statement and requirement for a signed completion statement.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

As above, the amendment does not have any ecological implications and matters agreed at full planning stage and discharge of condition can still be complied with. Conditions are attached to ensure compliance with previously submitted report. The condition requiring details of the automated blinds to prevent light spill is still of relevance and will require discharging and implementation prior to occupation.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying

all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

The matters regarding sustainable construction was assessed and confirmed during the initial planning permission. A condition was attached to secure the dwelling meets the standards of policy SCR6 pre-occupation. This condition is still relevant and is attached.

Policy SCR5 of the 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.

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before 14/06/2026.

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 Environmental Management Plan: Biodiversity (compliance)

Development shall only take place in accordance with the approved Construction Environmental Management Plan under reference 23/04533/COND.

Reason: to avoid harm to the SPA/SSSI/SNCI and wildlife before and during construction in accordance with the Wildlife and Countryside Act 1981 (as amended) and policy NE3 of the Bath and North East Somerset Local Plan.

3 Biodiversity Gain and Habitat Management Plans (Compliance)

The development shall take place in compliance with the approved BNG and Habitat Management Plan (Fenswood Ecology, Nov 2023) under reference 23/04533/COND.

Reason: To protect and enhance ecological interests in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

4 Ecological and Biodiversity Net Gain Compliance 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 site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats including provision of three bird boxes, two bat boxes and a single bat brick have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

Reason: To demonstrate the completed implementation of the CEMP, prevent ecological harm and to ensure that biodiversity net gain is successfully provided in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and NorthEast Somerset Local Plan Partial Update.

5 Automated Blinds (pre-occupation)

No occupation of the development shall commence until full details of the proposed use of the 'Velux Active' automated blind, timed to close at sunset on all Velux windows have been submitted to and approved by the Local Planning Authority. These details shall include:

1. Full specification of product
2. Details and times of closure of the blinds, to be accompanied with statement confirming controls cannot be overridden.

The automated blinds shall be retained permanently there after and in accordance with the approved details.

Reason: To avoid harm to bats and wildlife, and AONB in accordance with Policies NE3 and D8 of the Bath and North East Somerset Local Plan and policy HDE15 of the Chew Valley Neighbourhood Plan.

6 Ultra-Low Emission Vehicle (ULEV) Parking (Pre-Occupation)

No residential scheme or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Local Plan Partial Update.

7 Solar Panels (pre-occupation)

No occupation of the dwelling hereby approval shall commence until details of solar panels have been submitted to and approved in writing by the Local Planning Authority. The solar panels approved shall be implemented prior to the occupation of the dwelling.

Reason: In the interests of sustainable construction in accordance with policy SCR6.

8 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update

9 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.

10 External and Internal Lighting (Bespoke trigger)

No new external lighting or internal lighting in south or east facing rooms 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, with details also to be shown on a plan.
2. Predicted lux levels and light spill.
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, and 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 Partial Update.

11 Compliance with Arboricultural Method Statement (bespoke trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement under reference 23/04533/COND. A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the dwelling.

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 NE.6 of the Placemaking Plan.

12 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 policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

13 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 Placemaking Plan.

14 Agricultural Occupancy (Compliance)

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, forestry, or an equestrian business operating on this site, or a widow or widower of such a person, and to any resident dependants.

Reason: To ensure the dwelling is only occupied by rural workers, include those taking majority control of a farm business, who have an essential need to live permanently at or near their place of work in accordance with policy RE4 of the Bath and North East Somerset Placemaking Plan and paragraph 80 of the National Planning Policy Framework.

15 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:

Drawing	04 Jun 2024	H6677 100D	FLOORS PLAN, BLOCK PLAN AS PROPOSED AND SITE LOCATION PLAN
Drawing	04 Jun 2024	H6677 101E	ELEVATIONS AS PROPOSED

2 Biodiversity Net Gain - Standard Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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 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.

5 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**.

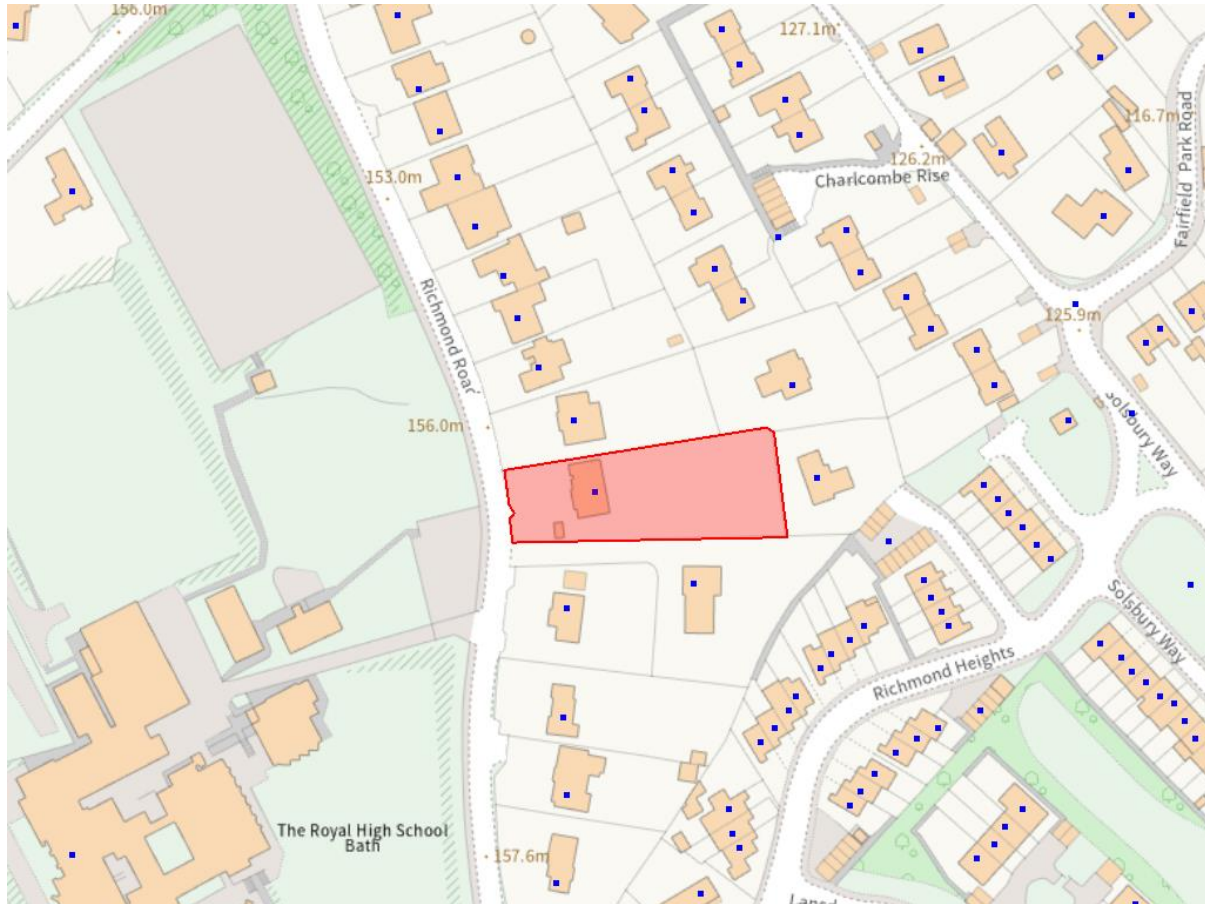
Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other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

Item No: 05
Application No: 24/01160/FUL
Site Location: 11 Richmond Road Beacon Hill Bath Bath And North East Somerset BA1 5TU



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge
Application Type: Full Application
Proposal: Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Melbourne
Expiry Date: 29th August 2024
Case Officer: Ed Allsop
To view the case click on the link [here](#).

REPORT

This application was referred to the Chair and Vice Chair following the request for the application to be determined by committee from Councillor Lucy Hodge.

Cllr Lucy Hodge:

'I recommend that this application for a backland development is referred to the Planning Committee to consider the relevant planning policy including any impact on the character of the area, residential amenity of neighbours and loss of green infrastructure.'

Cllr Ian Halsall:

'This is a contemporary development in a backland setting necessitating the subdivision of a suburban garden and warrants review by the Committee.'

Therefore, the application will be determined by the planning committee.

This application relates to an the rear garden of 11 Richmond Road, a detached house within a large plot within the Bath urban area. Planning permission is sought for erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Arboriculture: No objection, subject to condition.

Landscape: No objection, subject to condition.

Highways: No objection, subject to condition.

Representations Received:

1no. neighbour objection in relation to overbearing impact and overlooking and 1no. general representation from Transition Bath in relation to potential inconsistencies with the sustainable construction information.

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:

- B1: Bath Spatial Strategy
- B4: Bath World Heritage Site and its Setting
- CP5: Flood Risk Management
- CP6: Environmental Quality
- 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.4: Streets and spaces
- D.5: Building design
- D.6: Amenity
- D7: Infill and backland development
- HE1: Historic Environment
- SCR6: Sustainable construction policy for new build residential development
- NE3A: Biodiversity Net Gain
- NE6: Trees and woodland conservation
- ST7: Transport requirements for managing development

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

Public Sector Equality Duty:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty Section 149 provides that the Council must have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Due to the nature of the proposals, the development would not have any negative effects upon those with protected characteristics.

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

Principle of development:

The new house would be located within the urban area of Bath. The Council's housing strategy seeks to locate new housing in such areas, as they are considered sustainable. Therefore, the principle of a new house on this site responds positively to the Council's housing strategy and accords with policy B1.

Character and appearance:

The development would subdivide an existing plot. This would however result in a plot size which is comparable to those adjacent as can be determined by a review of the submitted site plans. The resultant size of the plot would therefore respond positively to the pattern and grain of development in the area, and therefore preserve the character of the area in this regard.

The design of the new house will introduce a modern style, with the majority of the houses in proximity being more traditional. However, it has been noted that variety does exist, and not all houses in proximity contribute to defining a strong sense of character to the extent which would mean a more modern design would disrupt or harm the area's character and appearance. The modern design is further acceptable due to its size, scale, height and external materials (Bath stone coloured brick, timber cladding). The dwelling would be built into the slope of the site, with a flat roof (green roof) which reduces the visual impacts significantly. A site visit has also confirmed that the new house would not be widely open to view.

The proposals comply with the Council's backland development policy also. This is because the development can be categorised as the filling of a small gap, in an otherwise built-up frontage. As noted above, the development has regard to the character of the surrounding character and reflects the form, pattern and grain of existing development, including size, scale and height. It will also be demonstrated in the residential amenity section how the proposals have no adverse impact on the amenity of adjacent occupiers.

Therefore, the proposed works by reason of their 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, D5 and D7 of the Placemaking Plan and LPPU for Bath and North East Somerset (2017) and part 12 of the NPPF.

Officers would seek sample of materials via condition.

Residential amenity:

The new dwelling would be sited within the urban area, amongst other residential dwellings. The new dwelling would be sited a sufficient distance from all boundaries so that its presence would not be an adverse one. The dwelling is sited 4m from the north, 22m from the east and 10m from the south. The design of the building, with its overall low scale and height further reduces impacts and the site's boundary treatment and landscaping further limits impacts again.

In terms of the potential for overlooking, the dwelling to the east 'Maple House' is the main consideration for officers. It is the occupier of Maple House who has raised concern of overlooking which will be covered below and overbearing impact (already detailed above).

The windows on the eastern elevation of the proposed dwelling do not result in adverse overlooking to the occupiers of Maple House. This is due to the low height of the dwelling, its sufficient distance from Maple House (approx. 22m) and the boundary treatments. This was reviewed and confirmed on a site visit.

Policy D.6 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. 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 part 12 of the NPPF.

Landscape:

The proposed low-profile form of development, with a two-storey dwelling cut into the slope has clearly been designed to minimise visual impact on the surrounding area.

Whilst the proposed flat roof is not characteristic of the area, it does significantly reduce visual impact. Part of the roof is proposed to be a green roof (sedum). The proposed development would be visible from across the valley on some of the land in the Charlcombe Lane area within the Cotswolds National Landscape and Green Belt, as shown on p12 of the Design and Access Statement (DAS), but the colours of proposed materials are sympathetic to the area and the flat roof would not be perceived as being incongruous.

The new building would be partially screened in winter (as illustrated in the DAS) but more fully screened in summer by existing trees, and the proposed additional planting would further integrate the building into the landscape. No significant adverse landscape or visual effects on the National Landscape are anticipated.

Details of the proposed new tree planting may satisfactorily be secured via Condition.

Trees:

The tree officer raises no objection to the proposals. There is only 1no. tree being removed and this tree has ash die back. It should also be noted that the landscaping plan shows 8 new trees being planted.

Highways:

A new access will be created via a new driveway to the side of 11 Richmond Road, the highway authority has no concerns over the proposed access.

The initial plans didn't show the height of the fence and wall by the access, highways officers requested revised plans to demonstrate that these were no more than 900mm to allow for visibility. These plans were subsequently received. The proposed driveway surface material states that it will be a permeable surface, the attached conditions would ensure that the materials used are appropriate.

The proposal would include sufficient space for waste and recycling, plus it is noted that secure bicycle storage is also accommodated within the site layout.

The parking provision accords with the Transport and Development SPD.

Sustainability:

Policy SCR6 requires new build residential development to have a space heating demand less than 30kWh/m2/annum; a total energy use less than 40kWh/m2/annum; and on site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV.

Officers can confirm that the proposed dwelling achieves all of the above. This has been shown through the submitted sustainable construction checklist. Transition Bath have raised concerns about potential conflicts within the documentation, however the applicant will need to demonstrate compliance through condition in any event and so these points are not determinative.

Biodiversity Net Gain:

The application was submitted before 2nd April 2024, it is also a Self-Build development. Therefore, it is not subject to the mandatory 10% gain. However, the applicant has demonstrated that some net gain will be provided, this is a 59% gain in hedgerow units and a 0.01% habitat units.

Therefore, the development is policy compliant with NE3A of the Plan.

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 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the brick and timber cladding, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only 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.

3 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.

4 Junction Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number 172 3004 P1 has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

5 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development or use hereby permitted shall commence until an absolute minimum of the first 6 metres of the vehicular access beyond the back edge of the adopted public highway has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

6 Arboricultural Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Acer Tree Surgeons as amended 13th June 2024). A signed compliance statement shall be provided by the appointed

arboriculturalist to the local planning authority within 28 days of completion of all associated works and prior to the first occupation of the dwelling.

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 Bath and North East Somerset Local Plan Partial Update.

7 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) 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. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

Major (or larger) Residential Development:

1. Energy Summary Tool 2
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update.

8 Biodiversity Gain (Compliance)

The development shall deliver a minimum of 59% gain in hedgerow units and a 0.01% habitat units, in compliance with the submitted BNG plan.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

9 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:

Tree protection plan- 13th June 2024
Foul drainage route T4- P2
Proposed site plan- P3
Section T4- 3021 P1
Site section B highways plan- 3016 P2
Existing BNG habitat plan
Proposed BNG habitat plan
Location plan as existing
Block plan as existing
Site plan as existing
Site section A as existing
Site section B as existing
Location plan as proposed
Block plan as proposed
Site plan as pro- driveway layout
Ground floor plan as proposed
Lower ground floor plan as proposed
North and south elevations as proposed
East and west elevations as proposed
West and south elevations (lower level) as proposed
Site section A as proposed
Site section B as proposed

2 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.

3 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

4 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.

5 Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

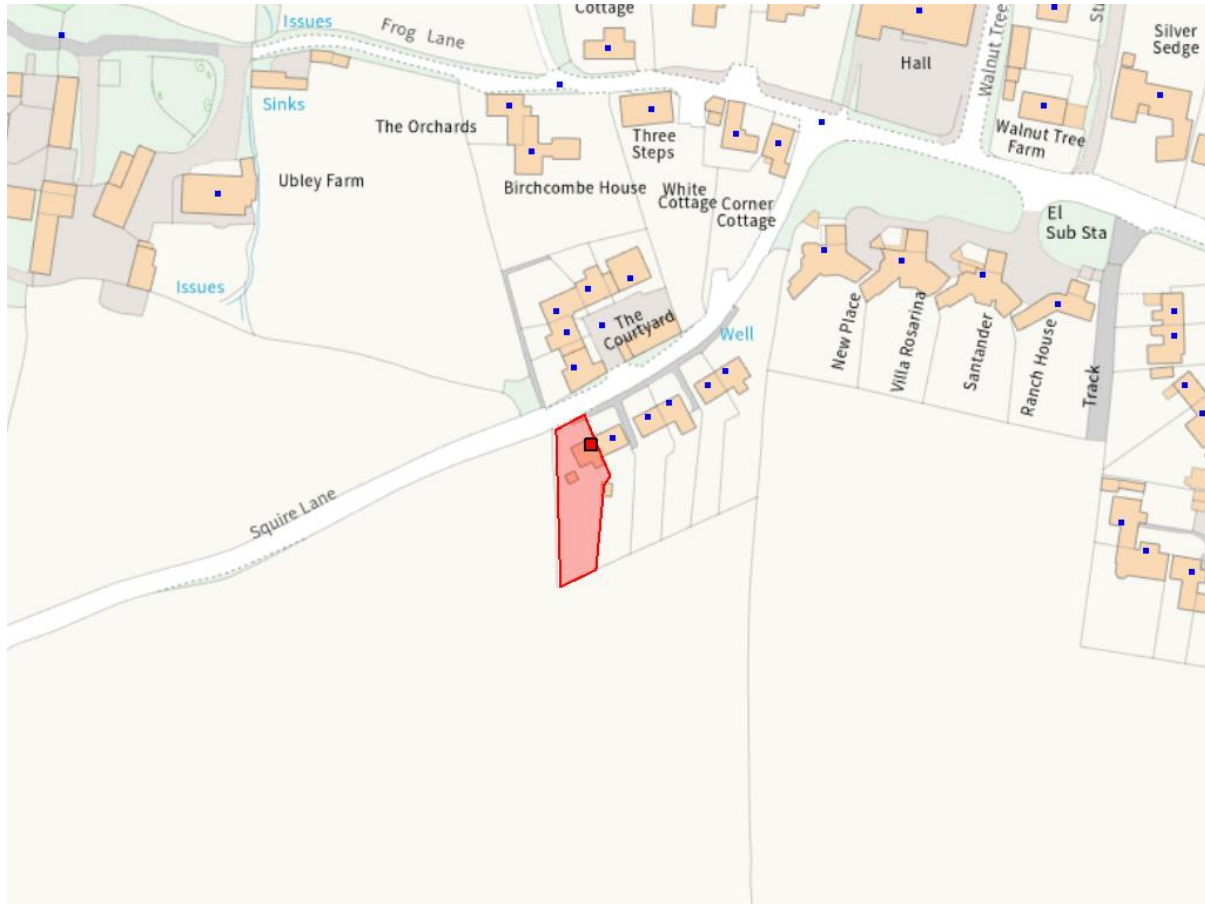
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

6 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.

Item No: 06
Application No: 24/01819/VAR
Site Location: 6 Squire Lane Ubley Bristol Bath And North East Somerset BS40 6PP



Ward: Chew Valley **Parish:** Ubley **LB Grade:** N/A
Ward Members: Councillor Anna Box Councillor Dave Harding
Application Type: Application for Variation of Condition
Proposal: Variation of condition 2 (Plans List) of application 23/01552/FUL (Erection of two storey rear and side extension).
Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr Walters & Miss Thorneywork
Expiry Date: 9th July 2024
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT

The application refers to a semi-detached property at 6 Squire Lane, Ubley, BS40 6PP.

Planning permission is sought for the variation of condition 2 (Plans List) of application 23/01552/FUL (Erection of two storey rear and side extension).

Relevant Planning History:

DC - 98/02087/FUL - PER - 19 June 1998 - Detached garage and vehicular access as amended by revised drawings received 20th May 1998 and letter received 19th June 1998

DC - 19/04952/FUL - PERMIT - 7 January 2020 - Erection of outbuilding and alterations to access following removal of existing outbuildings.

DC - 20/01621/COND - DISCHG - 12 June 2020 - Discharge of condition 4 of application 19/04952/FUL (Erection of outbuilding and alterations to access following removal of existing outbuildings).

DC - 23/01552/FUL - PERMIT - 13 July 2023 - Erection of two storey rear and side extension.

DC - 24/01819/VAR - PCO - - Variation of condition 2 (Plans List) of application 23/01552/FUL

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Ubley Parish Council:

The parish council note the amendments within the variation. We are concerned that the original, agreed, plans haven't been followed, as these should have provided comfort for all impacted parishioners. We ask that any amendments are considerate of other householders and in line with generally accepted planning guidelines.

From a council perspective we disagree with the statement that there won't be a negative impact of these amendments on amenity or interests as the proposal reduces the parking provision from 3 to 2 spaces, this is a very narrow section of the village with existing parking concerns, therefore we believe that the existing provision of 3 spaces is retained.

Representations Received:

10 objections have been received which have been summarised into the following points:

- The extension is excessively large in relation to the size of the existing house,
- The shallow roof line is not in keeping with the adjacent properties,
- The proposal results in a materially detrimental impact visually,
- The extension results in unacceptable overshadowing of the neighbouring windows due to its close proximity to the boundary,
- It results in an overbearing impact on the neighbouring properties,
- The extension may create an unwelcome precedent in the village,

- The modifications do not fall within the scope of a 'minor material amendment' due to the size and scale of the extension and the changes,

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP6: Environmental Quality

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

NE2A: Landscape setting of settlements

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

NE2: Conserving and enhancing the landscape and landscape character

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:

Chew Valley Area

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 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

SCHEME OF DELEGATION:

The application was referred to the Chair and Vice Chair of the B&NES Planning Committee in accordance with the Council's Scheme of Delegation, as the officer's recommendation is contrary to formal comments received by the local Parish, which gave planning reasons objecting to the application.

The Vice Chair decided to delegate the decision, commenting as follows:

Noting the Parish Council's objections and the policy matters raised during the public consultation period I recommend that this application is determined in public by the Planning Committee.

The Chair decided to refer the decision to the committee, commenting as follows:

It is acknowledged that this application seeks to regularise works that are the subject of an enforcement investigation by way of a variation of the previously approved drawings.

The Parish Council's objection and an additional ten objections from members of the public would in my view warrant further consideration of the design and amenity merits and it would be in the public interest to refer this to Planning Committee

The application will therefore be referred to the planning committee.

PROPOSAL:

This application seeks to vary the plans list of application 23/01552/FUL which granted the erection of two storey rear and side extension. Through the construction process, it has become clear that the rear extension has not been built in accordance with the approved plans list. An Enforcement case is currently open with the Banes Enforcement Team for elements of the development that have commenced without permission.

This Variation of Conditions now seeks to regularise the changes through the planning process.

The main changes include the enlargement of the rear extension, positioning the side wall of the 2-storey extension closer to the shared boundary with the neighbour at number 5. Additionally, the front driveway has been reduced in size to provide 2no parking spaces instead of the approved 3no, whilst reinstating a section of the front boundary wall which has been demolished as part of the works.

Additional changes include the modification of some of the window openings.

A new porch covering was proposed on the front elevation, however this has been removed following discussions during the application process.

DESIGN, 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 and the appearance of extensions respect and complement their host building.

The 2-storey side and rear extension was permitted as part of application 23/01552/FUL. Whilst the larger extension was noted at the time of the decision, it was not found to result in an overly dominant addition when viewed from the public domain due to the siting of the extension at the rear of the property. The shallow roof was not found to result in harm to local character for similar reasons, as this part of the development was situated to the rear of the building.

The modifications to the extension's footprint seeks to widen this element of the works by an additional 0.5 meters, bring the side wall closer to the neighbouring boundary. The pitch of the roof has been adjusted by just 1-degree to accommodate the change to the footprint.

Whilst the extension is a particularly large addition in connection with the original property, the proposed changes within this application do not significantly impact the character of the development from the permitted scheme.

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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in the landscape, including conserving the local landscape character. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

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.

Neighbouring objection has been received to the enlarged footprint of the extension, bringing it closer to the shared boundary with the neighbouring property at number 5, resulting in an unacceptable impact on their amenity through the loss of light. The objection comments raise that the extension fails the 45-degree test, blocking light to the neighbours windows.

The 45-degree test is not a formal test adopted in Banes development management policies, but it can provide a helpful indicator of a developments likely impact on a neighbours loss of light. The test takes a measurement from the centre point of a neighbours window and measures a 45-degree angle both horizontally and vertically.

The nearest of the neighbours windows to the proposed extension are situated on the rear elevation, and consist of a glazed door and a first floor bedroom window.

The glazed door sits within the rear wall of the single storey rear extension which aligns closely with the rear wall of the proposed extension at number 6. The proposed extension does not cross the 45-degree threshold for light into this glazed door.

The first floor rear window is set into the original rear elevation of the dwelling. When measuring the plan view of the extension, the proposal does cross the 45-degree threshold for light entering this window. This is the horizontal measurement.

However, when measuring the 45-degree threshold in the vertical plane as well, due to the shallow roof slope of the extension, the proposed development does not cross the 45-degree threshold.

In this instance, the proposed extension has been measured in the vertical and horizontal planes and does not cross the 45-degree threshold for both measurements. Overall, the extension is not found to result in an unacceptable loss of light for the neighbouring windows.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The approved application saw the siting of 3no off-street parking spaces at the front of the property. A section of the front boundary wall has been demolished to provide the 3no parking spaces. An enforcement complaint has been received with regards to the loss of this wall and is under investigation.

The proposed plans show an element of the front wall to be reinstated following discussion with the enforcement team. The reinstated front wall allows space for 2no parking spaces on the front driveway instead of the originally permitted 3.

Objection has been received by the Parish and neighbours to the reduction in off-street parking due to the parking difficulties in this part of the village. However, policy ST7 in the Local Plan Partial Update now sets maximum parking standards to reduce reliance on private car usage. The reduction in the number of driveway parking spaces is not contrary to policy.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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 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.

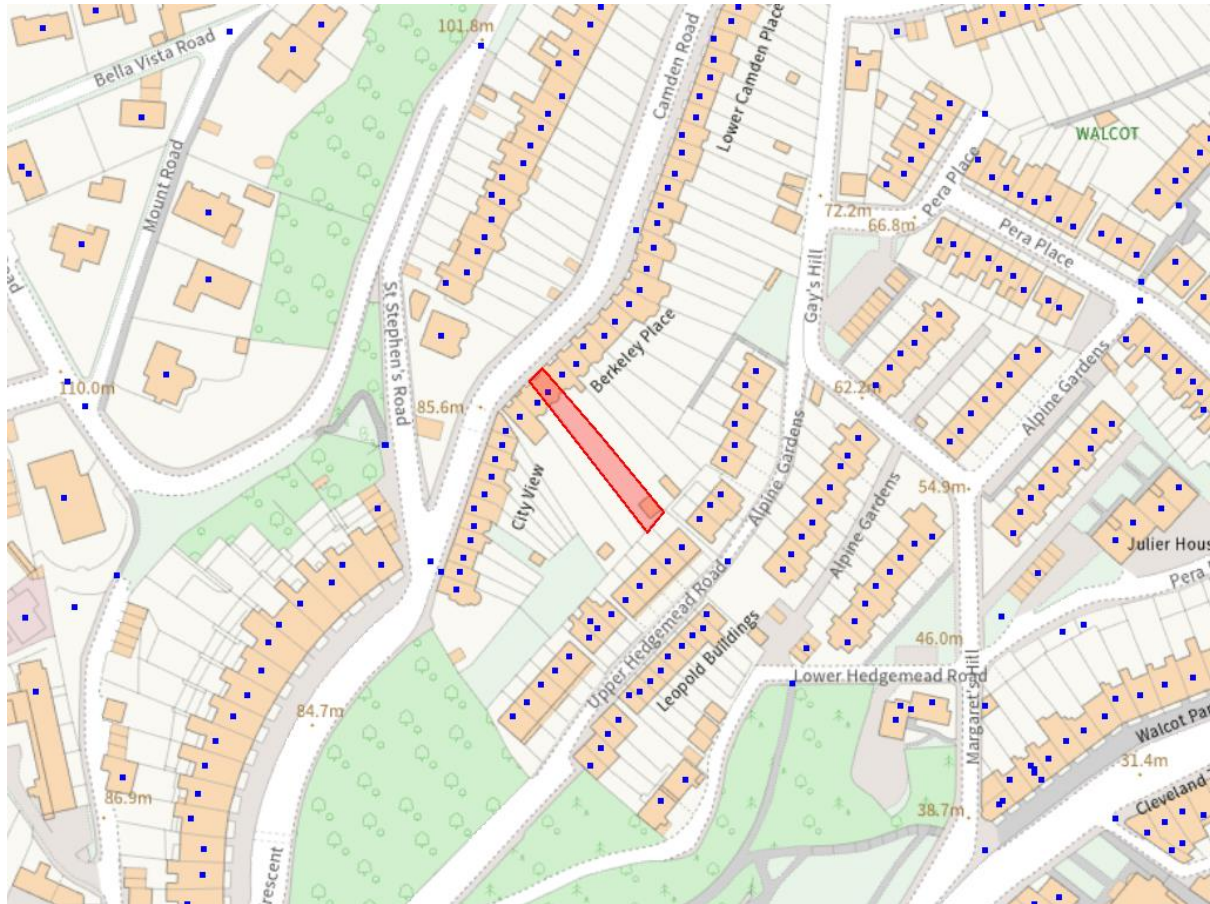
Reason: To define the terms and extent of the permission.

3 Materials - Sample of Render (Bespoke Trigger)

No external walls of the development shall be rendered until a sample of the colour and texture of the render to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved materials.

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.

Item No: 07
Application No: 24/02110/FUL
Site Location: 10 Berkeley Place Walcot Bath Bath And North East Somerset BA1 5JH



Ward: Walcot **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Oli Henman Councillor John Leach
Application Type: Full Application
Proposal: Installation of nine solar pv panels on garden studio roof and the erection of a timber pergola in garden.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Steve George
Expiry Date: 31st July 2024
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT

The application refers to the terraced property 10 Berkely Place in Walcot, Bath, BA1 5JH.

Planning permission is sought for the installation of nine solar pv panels on the existing garden studio roof and the erection of a timber pergola in garden.

Relevant Planning History:

DC - 98/01003/LBA - CON - 22 December 1998 - External works to remove paint by manual tooling, returning facade to a fine drag finish cleaning unpainted ashlar by nebulous spray

DC - 06/00972/LBA - CON - 13 July 2006 - Internal and external alterations including damp-proofing of vaults and construction of new infill wall and new sash window. Installation of satellite mini dish in roof valley.

DC - 08/04465/TCA - NOOBJ - 13 January 2009 - Removal of 2 holly bushes and an apple tree

DC - 14/05147/LBA - CON - 19 January 2015 - Internal and external alterations to include installation of a new shower room within first floor rear bedroom with associated works, and installation of two secondary glazing units to the two front bedrooms.

DC - 17/02214/FUL - PERMIT - 27 July 2017 - Erection of garden building

DC - 17/04662/NMA - APP - 27 October 2017 - Non-Material Amendment to 17/02214/FUL (Erection of garden building)

DC - 18/00673/COND - DISCHG - 8 March 2018 - Discharge of condition 2 of application 17/02214/FUL (Erection of garden building).

DC - 23/04613/LBA - PDE - - Internal and external alterations for the installation of windows with slim double glazing to replace existing sash windows at rear of property, retrofit existing windows with vacuum insulated glass at the front of the property, installation of solar PV panels on south facing inner roof slope of main building and removal of paint to vault wall and facade of lower ground floor.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Conservation:

There is no objection to the proposed solar panels to the roof of the existing outbuilding or addition of pergola.

The proposed solar panels as detailed within the product information provided demonstrate a black, frameless, non-reflective product. The panels will be attached to the existing standing seam roof with minimal projection. It is considered that the panels will be of discreet appearance, blending with existing roof finish.

The pergola will be a lightweight timber structure of modest size. Given the garden setting, the addition of the pergola would not be out of character.

The proposals will preserve the setting of the listed building and are therefore considered to comply with local and national policy.

Representations Received :

1 no support comment has been received:

"Position: support.

10 Berkeley Place (No.10) is located within the World Heritage Site and the Bath-City wide conservation area and is listed at Grade II. Numerous terraced listed buildings are in the immediate vicinity of the proposal site, on the southern side of Camden Road.

No. 10 is also subject to application 23/04613/LBA (Internal and external alterations for the installation of windows with slim double glazing to replace existing sash windows at rear of property, retrofit existing windows with vacuum insulated glass at the front of the property, installation of solar PV panels to garden studio and on south facing inner roof slope of main building, damp proofing to basement room, removal of paint to vault wall and facade of lower ground floor, and erection of pergola in garden.) The subject 2024 application appears to be the planning permission for the works to the garden studio, as referred to in the LBA application.

For clarity, the following comments only relate to the proposed panels for the garden studio.

The studio appears to be a result of application 17/02214/FUL and is located at the south-eastern end of the proposal site.

The installation will not detract from how the listed buildings are experienced and therefore their respective settings will be maintained, and views of the studio from public vantage points appear to be limited.

The proposed panels will not harm the significance of the designated heritage assets.

BPT support and encourage the installation of photo-voltaic panels with the lowest possible visual impact, on roofs with low-visibility and low significance."

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)

- 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:

B4: The World Heritage Site and its Setting
CP6: Environmental Quality
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:

B1: Bath Spatial Strategy
BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D5: Building design
D6: Amenity
HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

LISTED BUILDINGS:

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

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

SCHEME OF DELEGATION:

This application is made on behalf of a member of the Banes Planning Department. As such, this application must be determined by the Planning Committee.

DESIGN, 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 and the appearance of extensions respect and complement their host building.

This application seeks the erection of a timber pergola within the rear garden of number 10 Berkeley Place, and the siting of 9no solar pv panel on the roof of the existing garden studio. The timber pergola is modest in size, measuring 2.5m in height with a 3m by 4m footprint. It is situated at the rear of the garden, near to the existing garden studio. This structure is not considered harmful to the character of the main dwelling or wider historic environment.

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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

HISTORIC ENVIRONMENT:

The application site is within the Bath Conservation Area and there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The proposed development is also within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

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 Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

LISTED BUILDING:

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Consultation has been undertaken with the Banes Conservation Team and no objection is raised to the erection of the pergola or the installation of the solar panels on the outbuilding roof, finding that the proposal will preserve the setting of the listed building. It is noted that the works are related to a recent Listed Building Consent application which sought the installation of solar pv panels to the roof of the main dwelling, which is Grade II Listed, amongst other works, which was recently granted approval by the Banes Planning Committee.

The proposal accords with policy HE1 of the Placemaking Plan and part 16 of the NPPF.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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 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:

Drawing	03 Jun 2024	PROPOSED PERGOLA
Drawing	03 Jun 2024	SITE LAYOUT SHOWING PERGOLA AND STUDIO
OS Extract	03 Jun 2024	LOCATION PLAN

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: 08
Application No: 24/02257/FUL
Site Location: 23 Ringswell Gardens Lambridge Bath Bath And North East Somerset BA1 6BN



Ward: Walcot **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Oli Henman Councillor John Leach
Application Type: Full Application
Proposal: Installation of 1 no. air source heat pump to the side elevation.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones,
Applicant: Saskia Heijltjes
Expiry Date: 7th August 2024
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT

The application refers to the end-of-terrace property 23 Ringswell Gardens, Lambridge, BA1 6BN.

Planning permission is sought for the installation of 1 no. air source heat pump to the side elevation.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

1 no support comment has been received:

"We are supportive of this application to install an air source heat pump to reduce this properties carbon emissions from heating and hot water by 70%, supporting B&NES's declaration of a Climate Emergency."

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

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:

B1: Bath Spatial Strategy
BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D5: Building design
D6: Amenity
HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

CONSERVATION AREAS:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

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

DESIGN, 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 and the appearance of extensions respect and complement their host building.

The application site is an end-of-terrace property within the residential area of Lambridge, situated to the rear of Grosvenor Place. 23 Ringswell Gardens sits on the street corner and its garden extends to the rear and side of the property. A timber fence is present above the dwarf wall on the properties boundary.

The air source heat pump is to be situated within the garden, on the north side of the dwelling. Whilst this elevation fronts the street corner, the heat pump is situated on the ground and will be screened from public view by the site's boundary screening.

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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

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 Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

CONSERVATION AREA:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

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

scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

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.

The air source heat pump is to be situated on the north side of the building which sits at the end of this terrace. It is not in close proximity to neighbouring windows and is not considered to result in unacceptable noise disturbance.

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 and part 12 of the NPPF.

SCHEME OF DELEGATION:

This application is made on behalf of a B&NES Ward Councillor for the Lambridge Ward. As such, this application must be determined by the Planning Committee.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

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 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:

Drawing	12 Jun 2024	01	SITE PLAN AS EXISTING
Drawing	12 Jun 2024	02	ELEVATIONS AS EXISTING
Drawing	12 Jun 2024	03	SITE PLAN AS PROPOSED
Drawing	12 Jun 2024	04	ELEVATIONS AS PROPOSED
OS Extract	12 Jun 2024		LOCATION PLAN

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

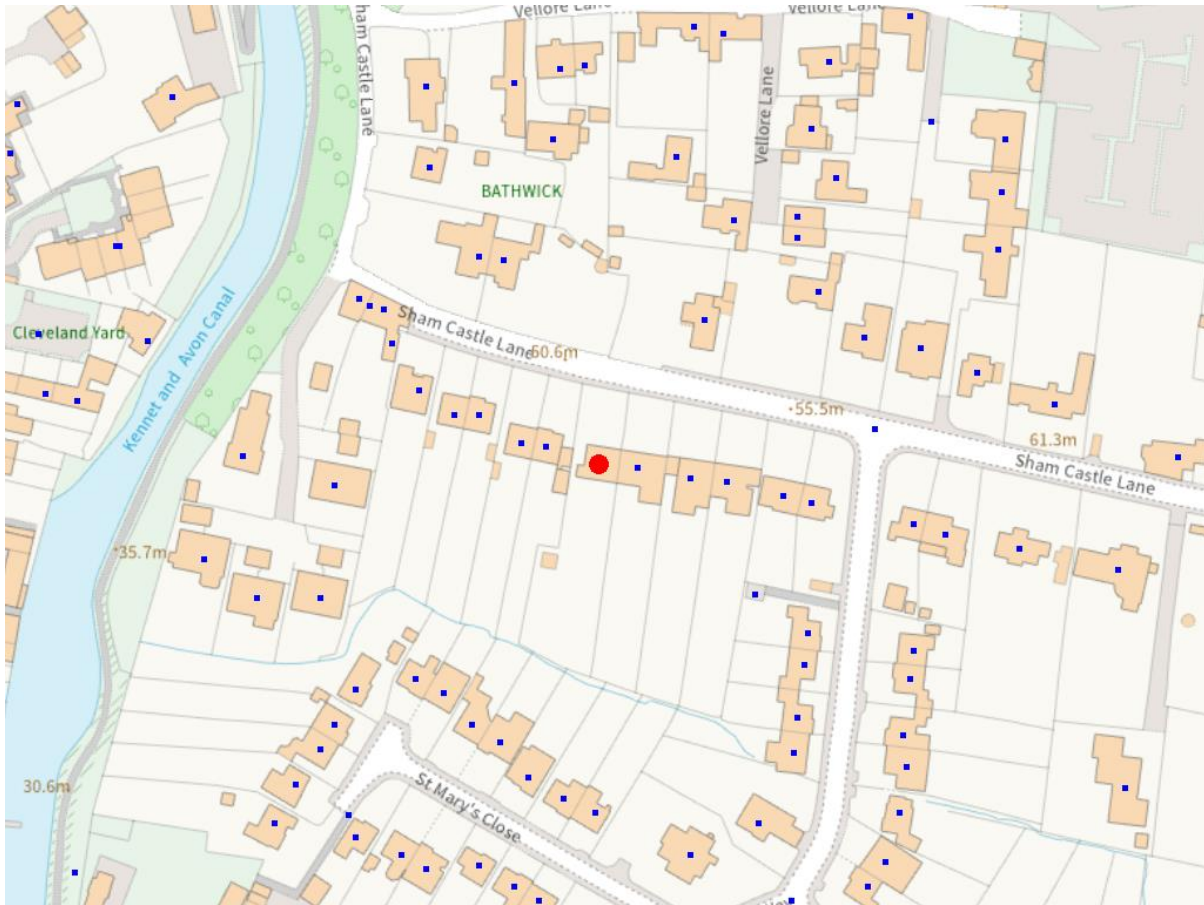
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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: 09
Application No: 24/02742/TCA
Site Location: Orchard Rise Sham Castle Lane Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Manda Rigby Councillor Toby Simon
Application Type: Tree Works Notification in Con Area
Proposal: T1 - T4 - Ash - Dismantle to a height of one metre.
Constraints: Conservation Area,
Applicant: Mr Paul Crossley
Expiry Date: 2nd September 2024
Case Officer: Jane Brewer
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING NOTIFICATION TO COMMITTEE:
The notification is associated with a Councillor.

DESCRIPTION:

This notification relates to four ash trees located within the Bath Conservation Area.

The proposals are to fell all four trees to leave 1m high stumps but to undertake the felling of the two trees near the eastern boundary first and to fell the remaining two trees on the western boundary within two years.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the trees.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

Further information regarding trees in conservation areas can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/environment/trees-and-woodlands/trees-conservation-areas>

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

An objection has been received which states the following reason:

No supporting report has been provided by a suitably qualified and experienced Arborist in respect of the extent of ash dieback or that the removal of all the trees would be inevitable because the trees may demonstrate resilience to the disease.

POLICIES/LEGISLATION

Town and Country Planning Act 1990 (in particular, sections 197-214 as amended)

Town and Country Planning (Tree Preservation)(England) Regulations 2012

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

Tree notices (also known as S211 notices) are not obliged by legislation to include reasons for the proposals or indeed include supporting documentation, although it is considered good practice to provide reasons to help inform neighbours and other interested parties.

In this case, a reason has been given that the trees are suffering from ash dieback which is caused by the fungus, *Hymenoscyphus fraxineus*.

A site visit has confirmed the presence of ash dieback. Based on the Tree Council's Ash Dieback Tool Kit the Ash Health Class for the four trees are considered to be within Class 1, borderline with Class 2 which means that 100%-76% of the remaining canopy is intact and 75% - 51% of the remaining canopy is intact respectively.

Other observations made during the site visit included:

- Evidence of dead fallen ash branches which had been stacked beside the western hedge.
- Tree 3 on the submitted plan which is growing near to the south western most corner of the garden is the most significant tree but is particularly close to a dwelling in St Mary's Close which would be vulnerable to branch failures.
- Early signs of basal infection were noted on tree 4 which is consistent with observations that secondary infections, such as honey fungus, often accompany ash dieback as a result of weakened vigour.
- None of the trees are old enough or exhibit characteristics to be classed veteran or ancient trees.

Ash are known to become particularly brittle as a result of the disease which can lead to catastrophic failure. Whilst there is an option to prune the trees, for instance by undertaking crown reductions, to manage risk, they are positioned within a domestic garden in an urban setting surrounded by other properties.

Current research indicates that 5% of the ash population may be genetically tolerant to ash dieback so the likelihood of these trees showing resilience is low.

Further information regarding Ash Dieback can be found via:

<https://www.gov.uk/guidance/managing-ash-dieback-in-england>

<https://www.trees.org.uk/Help-Advice/Public/Ash-Dieback-%E2%80%93-Practice-Guidance>

On balance, your officer does not consider that a Tree Preservation Order is a proportionate response to the tree notice.

The tree owner has indicated that they intend to undertake replacement planting.

Recommendation:

No objection

Advisory notes are recommended to assist in the replacement planting aspirations:

A comprehensive list of tree species for green infrastructure is available on line from the Trees and Design Action Group at <https://www.tdag.org.uk/tree-species-selection-for-green-infrastructure.html>

Guidance on tree planting and establishment can be found on the Arboricultural Associations website at <https://www.trees.org.uk/Help-Advice/Guide-to-Young-Tree-Establishment>

RECOMMENDATION

NO OBJECTION