

Planning Committee

Date: Wednesday, 16th December, 2020

Time: 11.00 am

Venue: Virtual Meeting – Public Access via YouTube
<https://youtube.com/bathnescouncil>

Agenda

To: All Members of the Planning Committee

Councillors:- Matt McCabe (Chair), Sally Davis (Vice Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

Permanent Substitutes:- Councillors: Rob Appleyard, Alison Born, Gerry Curran, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Brian Simmons and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Marie Todd

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NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Council will broadcast the images and sounds live via YouTube
<https://youtube.com/bathnescouncil>

The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

Advance notice is required not less than two working days before the meeting. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Planning Committee- Wednesday, 16th December, 2020

**at 11.00 am in the Virtual Meeting - Zoom - Public Access via YouTube
<https://www.youtube.com/bathnescouncil>**

A G E N D A

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS
2. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number and site in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

3. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN
4. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

(1) At the time of publication, no items had been submitted.

(2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Democratic Services Officer will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e. 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

5. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 56)

To confirm the minutes of the meeting held on 18 November 2020.

6. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 57 - 122)

The site visit applications will be considered in the afternoon session of the meeting (after 2pm).

7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 123 - 226)

The following applications will be considered in the morning session (from 11am):

- 20/01474/FUL & 20/01475/LBA20 - Avon Road, Keynsham
- 20/03006/FUL - 81 Hillcrest Drive, Southdown, Bath
- 20/01794/FUL - Jubilee Centre, Lower Bristol Road, Twerton, Bath

The following applications will be considered in the afternoon session (from 2pm):

- 19/05534/FUL - Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath
- 20/00259/FUL - Homebase Ltd, Pines Way, Bath, BA2 3ET
- 19/05471/ERES - Western Riverside Development Area, Midland Road, Westmoreland, Bath
- 20/01765/FUL - Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath

8. POLICY DEVELOPMENT

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 227 - 230)

The Committee is asked to note the report.

The Democratic Services Officer for this meeting is Marie Todd who can be contacted on 01225 394414.

Delegated List Web Link: <http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report>

PLANNING COMMITTEE**Minutes of the Meeting held**

Wednesday, 18th November, 2020, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

59 DECLARATIONS OF INTEREST

The following declarations were made:

- Cllr Manda Rigby declared an interest in planning application no. 20/02926/FUL – Additional Development Area, Holburne Park, Bathwick, Bath. Cllr Rigby stated that she had attended the exhibitions relating to this development along with the Planning Case Officer.
- Cllr Matt McCabe declared an interest in planning application no. 19/05534/FUL – Telecommunications Mast 54146, Woolley Lane, Charlcombe, Bath. Cllr McCabe was co-founder of a company which was a potential competitor to the applicant and also held shares in that company. Cllr McCabe stated that he would not speak or vote on this application and that Cllr Sally Davis, Vice-Chair, would take the chair for this item.
- With regard to planning application no. 20/02932/FUL – The Coach House, College Road, Lansdown, Bath, after the officer presentation, and in response to a question from the Chair, Cllr Hodge clarified that she would speak as local ward member and would not take part in the debate.

60 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

61 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

62 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21 October 2020 were confirmed and signed as a correct record.

63 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the Committee's delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 20/01408/VAR

Site Location: Building between The House and Old Orchard, The Street, Ubley – Variation of condition 2 of application 17/00295/FUL (Erection of detached dwelling house and detached garage).

The Case Officer reported on the application and her recommendation to permit. She informed members that a further objection had been received regarding the fenestration and the proposed dressing room area. She explained that this application was a variation under S73 of the Town and Country Planning Act 1990 and was subject to the same process and scrutiny as a full planning application. She also pointed out that the floor plans had been amended following concerns raised at the previous meeting.

A representative from Ubley Parish Council spoke against the application.

A neighbour spoke against the application.

The agent spoke in favour of the application.

Cllr Vic Pritchard, local ward member, spoke against the application. He stated that the gap between the neighbouring property and this property was being eroded. He also expressed concerns at the loss of light to the neighbouring property and outlined how the residents would be adversely affected by the development.

The Case Officer then responded to questions giving details of the proposed elevations and the key differences between this and the previous application.

Cllr Rigby pointed out that individual circumstances cannot be taken into

consideration when making planning decisions.

Cllr Hughes pointed out that, if the development were permitted, the property would be closer to the neighbouring dwelling.

Cllr Hounsell stated that the application was policy compliant and moved the officer recommendation to permit. This was seconded by Cllr Davis.

Cllr Jackson stated that she was not convinced that the application would conserve and enhance the adjacent conservation area.

Cllr Davis pointed out that permitted development rights would be removed.

The motion was put to the vote and it was RESOLVED, by 8 votes in favour, 1 vote against and 1 abstention to PERMIT the application subject to conditions as set out in the report.

64 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on items 1, 2 and 3 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1

Application No. 20/02787/VAR

Site Location: Bath Quays North Development Site, Avon Street, Bath – Variation of condition 42 (Approved drawings, development specification and design codes) of application 18/00058/EREG03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.

The Case Officer reported on the application and explained that his recommendation, as set out in the update report, was to delegate to permit. He reminded members that when balancing the identified harm to heritage assets against the public benefits, great weight should be given to the conservation of the heritage assets.

Officers then responded to questions as follows:

- The developer is required to provide a specified minimum amount of office space. The additional height gained could be used for residential accommodation if desired.
- There were no changes to the sub-structure of the development.
- The key gain from this variation was an increase in the reduction of carbon emissions from 19% to a minimum of 30% (with the potential for 37%).
- The principle of flat roofs in this development has been accepted and it would be the responsibility of the occupiers and owners of the site to take any necessary measures to deter gulls. There would be no general public access to the flat roof areas.
- There was no requirement to provide pitched roofs in this development along the riverside area.
- There was no additional economic benefit to the proposed variation.

Cllr Craig stressed the importance of design and welcomed the increased carbon reduction targets. She then moved the officer recommendation to delegate to permit. This was seconded by Cllr Clarke.

Cllr Hodge spoke against the proposal, pointing out the negative impact on the heritage setting which she felt outweighed the potential benefits. The attractiveness of the city should be preserved, and she did not wish to lose the pitched roof design.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 3 votes against to DELEGATE TO PERMIT the application subject to conditions including a S106 agreement as set out in the report.

Item No. 2

Application No. 20/02008/FUL

Site Location: Unregistered Unit 1-4, Old Station Yard, Avon Mill Lane, Keynsham – Erection of 2 acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6.30am and 5.30pm (Monday-Friday) 8am – 1pm Saturday and 7.30am – 5.30pm (Bank Holidays); permission to allow other specified operations at the site between 7.30am and 6.30pm (Monday-Friday) and 8am-1pm (Saturday) and 7.30am – 5.30pm (Bank Holidays); and permission to store materials in external yard area.

The Case Officer reported on the application and his recommendation to permit.

A representative from Keynsham Town Council spoke against the application.

A local resident spoke against the application.

The agent spoke in favour of the application.

Cllr Andy Wait, local ward member, spoke against the application. He raised concerns regarding noise, vibration and dust from the premises. He also expressed concern about the way that the site had been classed as B2 use. He pointed out that a large number of HGVs visited the site each week. The use of this site was

creating a very negative impact on local residents.

Officers then responded to questions as follows:

- The Deputy Head of Planning informed the Committee that they were not being asked to consider the use class for this site and should focus on the planning application before them relating to an extension to hours of operation and the erection of acoustic barriers.
- The Case Officer stated that, although concerns had been raised by the applicant regarding Condition 3 which refers to a temporary permission, officers consider this to be reasonable.
- The impact on the amenity of residents of neighbouring properties is a material consideration. The officer's assessment is that the construction of the acoustic barriers would improve the situation for residents. Noise would be reduced from 17 decibels above the background level to 3 decibels above. Condition 2 requires that the extended operating hours should not commence until the acoustic fences have been fully erected and installed.
- Two noise assessments have taken place at the site in April and August 2020. The average noise level was 62 decibels which would be reduced to 48 decibels with the barriers.
- Not all use classes are listed in the local plan and this is not an allocated site. Officers have agreed that the site constitutes a lawful B2 use.
- Conditions require that the car park is only used for parking or storage of vehicles. Any other use would be subject to enforcement action.
- The Committee could decide not to extend the hours of use on bank holidays.
- The gates which allow access to the site will not form part of the acoustic barrier.
- There are a number of open complaints relating to this site and some planning enforcement matters are ongoing. If required, a report regarding the enforcement action could be brought to a future meeting for consideration. However, enforcement matters are not relevant to this particular application.
- Any future breach of noise restrictions could be subject to enforcement action.
- There is a 7.5 tonne weight limit on the site, but loading is exempt from this restriction. Cllr MacFie questioned whether vehicles exceeding the weight limit should be parked at the premises overnight, as this was not within the spirit of the restriction. The Highways Officer confirmed that loading was the only exemption.
- The acoustic fence would be positioned inside retaining walls. Some pruning may be required to existing trees. No objections had been raised by the arboricultural officer.

Cllr Jackson moved that the application be refused due to the negative impact on residential amenity. This was seconded by Cllr Hodge who expressed concern about the proposed hours and bank holiday working.

Cllr Craig felt that the fence would actually improve residential amenity and noted that the situation would be reviewed after a year. However, she did not think that the bank holiday operating hours should be extended.

Cllr Rigby noted the benefits of the acoustic fence and felt that the monitoring of

noise levels would provide further information. It was important to be very clear on the operating schedule and the permitted use of the car park. She pointed out that if the stated decrease in noise levels was not achieved then the extended hours would not be implemented.

Cllr Hughes noted that there would be additional disruption to local residents and expressed concern about noise levels.

Cllr Clarke was not convinced that the fence would be effective in reducing noise levels.

Cllr MacFie was concerned at the noise levels and the negative effects of this on local residents.

The motion was put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote against the motion which was therefore LOST.

Cllr Rigby then moved that the Committee delegate to permit the application subject to close and careful monitoring to ensure that the conditions are adhered to, and that no change be made to the operating hours for bank holidays. This was seconded by Cllr Hounsell.

Cllr Sue Craig asked officers if the application could only consider the extension to existing hours and not remove rights that already exist, which was confirmed.

Cllr Rigby noted the clarification on hours, and, for further clarity, Cllr McCabe confirmed that the motion was to delegate to permit subject to no extension to operating hours on bank holidays.

The motion was put to the vote and there were 5 votes in favour and 5 votes against. The Chair then used his casting vote in favour of the motion, and it was RESOLVED to DELEGATE TO PERMIT the application subject to close monitoring and to no extension to the current permitted hours of operation for bank holidays.

Item No. 3

Application No. 20/02926/FUL

Site Location: Additional Development Area, Holburne Park, Bathwick, Bath – Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath (Resubmission of 19/04772/FUL)

The Case Officer reported on the application and his recommendation to permit.

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- There would be increased connectivity for walkers and cyclists between the east and west of the site.
- There would be an increase of two visitor parking spaces compared to the previously refused scheme, however, the position across the whole site remains below the current parking requirements.

- This application should be considered on its own merits; however, the surrounding area is still a material consideration. The eight dwellings contribute to the whole development in this area and are part of the wider project and so should be linked to the S106 agreement.

Cllr Rigby, local ward member, pointed out that this site was originally intended to be part of a school expansion scheme but that this did not go ahead. She was disappointed that there were now no community elements included in this development. She was concerned that there was not adequate visitor parking or affordable housing. She also felt that the design of the development was detrimental to the world heritage site.

Cllr Jackson noted that this application was congruous with the existing properties that have already been built on the site. The design and land usage cannot be changed. The area is well served by public transport. She then moved the officer recommendation to delegate to permit. This was seconded by Cllr Davis who felt that this was the best solution that could be negotiated.

Cllr Hughes stated that he was disappointed at the lack of social housing on the site.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 3 against and 1 abstention to DELEGATE TO PERMIT the application subject to conditions and the completion of a S106 agreement as set out in the report.

(Note: At this point Cllr Sally Davis (Vice Chair) took the chair as Cllr Matt McCabe had declared an interest in the following application).

Item No. 4

Application No. 19/05534/FUL

Site Location: Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath – Erection of 20-metre-high telecommunications monopole accommodating 6 antenna apertures, 4 transmission dishes and 8 ground-based equipment cabinets.

The Case Officer reported on the application and his recommendation to permit.

One local resident and a representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

Cllr Joanna Wright, local ward member, spoke against the application. She objected to the height and bulk of the proposed mast. She was also concerned at the unknown effects of the mast given that there are schools, a nursery, allotments and a football ground in the area. She also expressed concern about the effects on wildlife, the AONB and skyline of a world heritage city. She queried whether fibre optics could be a viable alternative.

Cllr Sarah Warren, local ward member, spoke against the application. She objected to the appearance of the mast and asked the Committee to defer its decision and consider this application along with another similar application which was due to be submitted shortly.

Officers then responded to questions as follows:

- No lights would be erected on the site and this could be secured by condition if necessary. A tree survey has been undertaken.
- Any decision should be made in accordance with the development plan and the National Planning and Policy Framework (NPPF).
- A number of different viewpoints have been provided in the officer report. However, not every potential viewpoint has been included. Some tree pruning would be required, and a condition would be included to request the submission of an ecological landscaping scheme.
- The mast would be used by two providers and is the standard size for this type of technology.

Cllr Hodge stated that the new mast would be highly visible in this beautiful location.

Cllr Rigby stated that there was not enough information about the location and that more viewpoints were required to enable the Committee to reach an informed decision. She then moved that consideration of the application be deferred pending a site visit to enable officers to provide more examples of viewpoints around the city. This was seconded by Cllr Craig.

Cllr Hughes noted that 340 objections had been received and stressed the importance of engaging with the public. The mast cannot easily be camouflaged and would look ugly in this location.

The motion was put to the vote and it was RESOLVED unanimously to DEFER consideration of the application pending a SITE VISIT.

(Note: having declared an interest in the above application Cllr Matt McCabe did not speak or vote on this item).

(Note: At this point Cllr Matt McCabe resumed the Chair).

Item No. 5

Application No. 20/01636/FUL

**Site Location: Friary Dene, Warminster Road, Hinton Charterhouse, Bath –
Alterations to roof and installation of dormer windows.**

The Case Officer reported on the application and his recommendation to permit.

The Chair read out a statement against the application from Hinton Charterhouse Parish Council.

A statement was read out by an agent on behalf of a third-party objector.

The applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The main house and the single storey building are considered to be part of

the original building and the volume increase has been calculated on that basis. This is in line with current greenbelt policy.

- The single storey building was originally used as stables and then became a garage. The buildings are linked and, even if they were separate, they could each expand by one-third, which is the same volume increase as the proposal under consideration.
- There is no requirement to consult Highways England on this type of minor development as they are not a statutory consultee.
- Any subsequent sub-division of the properties would require planning consent.

Cllr McCabe, local ward member, stated that local residents feel that there is a discrepancy with the proposed volume increase. He noted that there were historical issues with this application, which is not an insignificant development. There were also concerns locally regarding highway safety. He moved that consideration of the application be deferred pending a site visit to enable members to better understand the context of the proposal. This was seconded by Cllr Jackson who stated that she would like to view the dimensions of the entrance to the site.

A number of members did not think that a site visit would be of value in this instance. Cllr Craig felt that the application was policy compliant. Cllr Hounsell pointed out that the application did not create a second dwelling.

Cllr MacFie felt that the exit could be made safer and that there could be a condition regarding access and egress.

After listening to the debate Cllr McCabe withdrew his motion with the consent of Cllr Jackson.

Cllr Hounsell then moved the officer recommendation to permit. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 2 abstentions to PERMIT the application subject to the conditions set out in the report.

Item No. 6

Application No. 20/02932/FUL

Site Location: The Coach House, College Road, Lansdown, Bath – Erection of rear and side extension.

The Case Officer reported on the application and her recommendation to permit.

A local resident and her agent spoke against the application.

The agent spoke in favour of the application.

Cllr Lucy Hodge, local ward member, spoke against the application. She stated that 17 objections had been received and pointed out that the site was in a Conservation Area. The new application had the same ground floor wrap-around extension. She felt that this was an overdevelopment of the site. She also felt that the footprint was too large in relation to the original house. This would lead to the loss of the special

character of the area.

Cllr Mark Elliot, local ward member, stated that there have been too many additions to this property and that the Coach House should remain subservient to the main building. He also expressed concern about the driveway and parking spaces.

The Case Officer then responded to queries as follows:

- There were no changes to the vehicular access.
- A condition to protect the existing trees could be added if required.
- The application relates to a separate dwelling and there is no requirement for the Coach House to remain subservient.
- The Deputy Head of Planning explained that the percentage increase in volume was relevant in that it helped to inform the scale of the building, but the statutory test was not one of volume. She advised members to focus on whether the proposal conserves or enhances the Conservation Area.

Cllr Rigby then moved that the application be refused for the following reasons:

- The proposal does not conserve or enhance the Conservation Area.
- The application represents overdevelopment of the site.
- Highway safety concerns relating to the access and egress.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 1 abstention to REFUSE the application for the reasons set out above.

(Note: Having declared an interest in the above application, Cllr Lucy Hodge spoke as local ward member but took no part in the debate or vote).

Item No. 7

Application No. 20/0259/FUL

Site Location: Cromwell Farm, Combe Hay Lane, Combe Hay, Bath – Extension of time for the existing temporary rural worker’s dwelling and dairy building for an additional 3 years.

The Case Officer reported on the application and his recommendation to permit.

A representative from the Parish Council spoke against the application.

A local resident spoke against the application.

The applicant spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The independent rural appraisal supports the view that a 24-hour presence is required to support the business and that the business is viable.
- The application is for a 3-year temporary permission and if the Committee felt that this was too long a time period, then they should refuse the application.
- Any concerns regarding floodlighting on this site would be an enforcement issue. A condition is proposed to control the installation of any external

- lighting.
- The Deputy Head of Planning explained that it was rarely appropriate to link an application to a specific family as the planning permission is linked to the development.

Cllr Hodge felt that the 3-year time period was too long.

Cllr Rigby noted that the three-year permission would only remain in place while this particular business was operating.

Cllr MacFie had concerns that there were no accounts or figures relating to the business and would like to see the accounts each year.

Cllr Hughes felt that the activity of the business should be monitored.

Cllr Davis understood the concerns raised, as the business appears to have taken a considerable time to develop. She stated that, if a further application comes to Committee then more detailed figures would be required. She then moved the officer recommendation to permit. This was seconded by Cllr Hounsell.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 abstentions to PERMIT the application subject to the conditions set out in the report.

Item No. 8

Application No. 20/02480/FUL

Site Location: Knoll Farm, White Ox Mead Lane, Peasedown St John, Bath – Erection of 3 agricultural buildings including cattle barn, workshop/feed store, farmyard manure/straw and hay shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.

The Case Officer reported on the application and his recommendation to permit.

The applicant spoke in favour of the application.

Cllr McCabe, local ward member, supported the application and moved the officer recommendation to permit. This was seconded by Cllr Rigby.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to conditions as set out in the report.

Item No. 9

Application No. 20/03595/FUL

Site Location: 37 Woodland Grove, Claverton Down, Bath, BA2 7AT – Erection of a single storey side lean to extension.

The Case Officer reported on the application and her recommendation to permit.

Cllr Jackson moved the officer recommendation to permit. This was seconded by Cllr Rigby.

The motion was put to the vote and it was RESOLVED unanimously to PERMIT the application subject to conditions as set out in the report.

65 **POLICY DEVELOPMENT**

There were no policy development items.

66 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report. Officers agreed to include details of the officer recommendations when applications listed in the report had been considered by the Planning Committee.

RESOLVED: To note the report.

The meeting ended at 8.55 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 18th November 2020

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	20/01408/VAR	Building Between The House And Old Orchard The Street Ubley Bristol

This application was presented to Committee on the 21st October 2020. The committee resolved to have a site visit in order that the proposal could be fully assessed. Concerns were raised particularly in relation to the accuracy of the plans and the nature of the application i.e. should it be considered as a variation to the previous permission granted.

A virtual site visit was carried out on the 9th November 2020. In order to help the Committee members consider the proposal the corners of the proposed dwelling have been marked out on site. At the site visiting meeting Committee members asked for further photographs of the street so they could fully appreciate the character of the locality in which the site is situated.

These further photographs will be included in the power point presented to the Committee on the 18th November along with photographs taken from the neighbour's balcony.

At the Committee meeting on the 21st October there was a verbal update that an informative in respect of the site owners' riparian responsibilities in respect of the water source on the site was necessary and such an advice has been added to the current report.

In addition, clarification in respect of a VARIATION application has been outlined within the report.

In response to comments raised by the Committee members in respect of the scale of the development the applicant has submitted amended plans which indicate that the proposed single storey rear extension has been removed from the scheme. The addition information submitted by the agent indicates that the scheme as reduced further in size represent a 16% increase in volume from the permitted scheme 17/00295/FUL.

The relevant plans now are as follows:

A104
A101 REV G
A102 REV A all dated 6th November

Further plans have been submitted by Cllr Vic Pritchard raising concerns in respect of the accuracy of the plans submitted. It should be noted these plans have no north point and are not scaled. These plans indicate the amended location of the water feature on the site. This plan appears supports the differences in respect of the water feature as the plan submitted by the agent

The previous scheme 17/00295/FUL drawings as approved have been measured in terms of the distance from The House the closest neighbour to the proposed dwelling and it is confirmed that these measurements concur with the measurements shown on the submitted plans for this application. There is no reason therefore to consider that the submitted plans now submitted are incorrect.

Further comments have been received from Ubley Parish Council:

-Site location plan indicating Cerisdell

Officer comments: The site location plan submitted meets with the requirements of identifying the site as required for an application to be registered. The impact of the development on Cerisdell has been considered.

-The first scheme submitted was for a larger unit than that now being considered so not a variation application.

Officer comments: The issue of the type of application is covered in the Committee report and are relevant to both the original scheme and the scheme as amended. The scheme as originally submitted was larger than that now proposed but the reduction in scale has been as a result of negotiations in respect of the material considerations of the scheme not the type of application.

- The building will be too close to the adjacent dwelling and is too large for the site.

Officer comment: These matters have been addressed within the committee report.

A further comment from a neighbour has been received requesting a condition requiring a third-party surveyor be employed to ensure no damage is caused to the adjacent dwelling.

Officer comment: A retaining wall is proposed on the boundary of the site. The level of excavation is limited and not to be of a scale that is considered reasonable to require such a condition however, an advice has been

proposed to draw the applicant's attention to their civil responsibilities in respect of the boundary.

For ease of reference the previous update report included the following:

To clarify this site is not within the Conservation Area and s72 only applies to sites within Conservation Areas (CA).

The setting of the CA is a material consideration and this proposal due to its mass bulk siting and design is not seen to have a detrimental impact on the setting of the Conservation Area.

A further letter of objection has been received:

Points raised in summary:

- Development too large in the AONB, out of character and is a 5 bedroomed house.*
- Contrary to the mission statement, aims and objectives set out in the CVNP.*
- The application is not a variation.*

These points have been raised in the committee report.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The list of main issues raised should include

- Inaccurate site boundary*
- loss of amenity for neighbours due to flue.*
- Noise disturbance particularly during construction*

Concerns have been raised in respect of noise disturbance. It is recognised that a three bedroomed house will be likely to have a higher number of occupants than a two bedroomed house but once built it is not considered that the proposed 3 bed house would result in an unacceptable level of noise disturbance to the neighbours

There will be a period of disturbance, particularly from noise, during the construction period for neighbours, however this matter would not justify refusal of this application.

The flue that was shown on the submitted plans and was a concern raised by an interested party has been removed from the proposal.

Additional notes and the removal of the flue have been shown on amended plans submitted.

In the section Impact on the character and appearance of the locality and AONB and Impact on amenity it should read 300mm.

A letter has been received from applicant in support of the scheme:

Main issues raised:

In principle residential is acceptable in this RA2 village outside the greenbelt and conservation area.

This application description is the same as that permitted in 2017.

This variation application seeks to amend the approved plans and as a s73 application goes through a thorough and robust consideration process.

The amendments are relatively small

The garage remains as permitted

The materials are stone render and timber

The roof is raised by 300mm

The property proposed is a 3-bed dwelling

The distances to the boundaries east west remain as permitted

The proposal is neighbourhood plan compliant

Parking access and drainage agreed by Consultees

No objections raised by Council Consultees

The modest proposal has been amended to reflect concerns raised.

Item No.	Application No.	Address
01	20/02787/VAR	Bath Quays North Development Site Avon Street Bath

Planning Policy comments – not acceptable in current form. Raise a number of concerns regarding the proposed changes and dispute the Applicant’s justification for them.

Officer Recommendation - following a review of legal interests in the land comprising the application site Officers recommend that the financial review mechanism is secured by way of a planning condition which obliges the parties to enter into a s106 agreement prior to commencement of development. This is as provided for in the outline planning permission granted in April 2019. The practical effect is the same as originally recommended in this Committee report.

1. Delete Recommendation A
2. Amend Recommendation B as follows:
PERMIT subject to the following conditions
3. Additional condition as follows:

“No development shall commence on any part of the land to which this planning permission relates until a planning obligation in the form annexed to this permission at Annex A, or such amended form that secures the same obligations, has been completed with the Local Planning Authority binding that part of the land to be developed to the obligations contained therein and the Local Planning Authority has given written notification to the persons executing the planning obligation that the land has been bound to the satisfaction of the Council.

Reason: To ensure that the appropriate obligations necessary to make the development acceptable in planning terms are entered into in respect of each part of the land affected by the planning permission before any development commences on that part of the land”

4. Amend Condition 38 and 39 as follows:
38 Sustainability

Each reserved matters application shall be accompanied by an Energy and Sustainability Statement setting out full details of the measures to achieve a reduction in CO2 emissions for that part of the site of not less than 30% over Part L of the Building Regulations (2013) and not less than a 50% reduction based on an equivalent Part baseline calculated using SAP 10.1 calculations carbon emission factors. No above ground works shall commence until the Energy and Sustainability Statement has been approved in writing by the Council and the measures for each building as approved shall be implemented in full prior to occupation of that building. The measures shall be maintained thereafter for the duration of the development.

Reason: To ensure the implementation of the development and energy and sustainability outcomes in accordance with the application.

- 39 Biodiversity

Each reserved matters application shall be accompanied by an Biodiversity Statement demonstrating that the development will achieve a biodiversity net

gain for that part of the site of at least 30% over the existing condition. No above ground works shall commence until the Biodiversity Statement has been approved in writing by the Council and the measures for each building as approved shall be implemented in full prior to occupation of that building. The measures shall be maintained thereafter for the duration of the development.

Reason: To ensure the implementation of the development and biodiversity improvements in accordance with the application.

5. Amend Condition 40 as follows:

40 Design Codes

Prior to submission of any reserved matters application detailed Design Codes and Design Guidelines incorporating 'Roofscape – Design Codes and Guidelines Addendum' (AHMM, 20 October 2020) shall be submitted and approved in writing by the Local Planning Authority. The reserved matters shall be in accordance with the Design Codes as approved.

Reason: To ensure the detailed design of the development enhances the character and appearance of the Conservation Area and setting of listed buildings and does not detract from the Attributes of the World Heritage Site.

Item No.	Application No.	Address
02	20/02008/FUL	Unregistered Unit 1-4 Old Station Yard Avon Mill Lane Keynsham Bath And North East Somerset

1. One additional third-party comment received; full details of the objection is retained on file however the material planning considerations are summarised as follows:

- Application hasn't demonstrated use of site will adhere to acceptable noise levels
- Noise report didn't cover all activities at site
- Proposed condition for noise levels is lax
- Regular breaches of permit and conditions occur at the site

2. The committee report refers to S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It should be noted that the site is not within the conservation area and as such the provisions of S72 do not apply in this instance. The effect on the setting of the CA is a material consideration as well as a planning policy consideration.

3. The committee report within the section 'Environmental Protection' refers to the Environmental Protection Act (EPA) and the applicant's best practical means (BPM) defence should action be taken under the provisions of the EPA. This is not a material planning consideration and Members are advised to disregard references to possible future enforcement action under the EPA and as such should determine the application based purely on its material planning considerations.

4. Conditions:

The wording of condition 2 has been amended to require the submission of an assessment to demonstrate the effectiveness of the sound attenuation.

2. Installation of fence (Bespoke condition)

Operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall not commence until the acoustic fences hereby approved have been fully erected and installed in accordance with the approved details and an assessment, undertaken by a suitably qualified person, in accordance with British Standard 4142:2019, has been submitted to and approved in writing by the local planning authority to demonstrate that the development has been constructed to provide the following sound attenuation against external noise:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level ≤5dB and L_{Amax,F} 57dB at bedroom window

Reason: To ensure adequate safeguards are in place prior to the commencement of earlier operating hours in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan.

Because of the amendment to condition 2, condition 3 has been amended to change the trigger for the commencement of the temporary period:

3. Temporary Permission - Use (Compliance)

The operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall expire one year after confirmation is received from the local planning authority that the required sound attenuation levels have been met as required by the details prescribed by condition 2, and the extended operating hours hereby permitted shall thereafter be discontinued.

Reason: To enable the Local Planning Authority to review the impact of the development.

Following the receipt of an amended Arboricultural Method Statement, the wording of condition 8 has been amended to:

8. Arboricultural Method Statement and Tree Protection Plan (compliance)

The development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan dated as received 10th November 2020. Following the completion of the works a signed compliance statement from the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan and to confirm that the approved method statement has been complied with.

Condition 9 has been deleted as the requirements of this condition are now included in the re-worded condition 8.

5. Plans list:

A revised section drawing has been received and therefore the approved plans list has been amended to include this plan:

This decision relates to drawings J7/01043 dated as received 18th June 2020, P19-1252_05, P19-1252_01C, P19-1252_04A and P19-1252_02C dated as received 2nd October 2020, Site Management Plan dated as received 2nd October 2020 and P19-1252_03C dated as received 10th November 2020

Item No.	Application No.	Address
03	20/02926/FUL	Additional Development Area Holburne Park Bathwick Bath

An additional letter of objection has been received from Bath Preservation Trust.

The main issues raised were:

- Submitted application documents are insufficient to make a proper assessment of the proposal;
- Inadequate information regarding design and materials palette;
- Use of render of north elevation would be highly visible and inappropriate in the setting;
- Lack of affordable housing provision is contrary to policy;
- Has not suitable addressed the previous reasons for refusal

The matters raised have already been dealt with in the officer's report.

Recommendation

A clarification to the proposed recommendation is provided below:

DELEGATE TO PERMIT

- 1.) Authorise the Director of Legal and Democratic Services to enter into the same Section 106 Agreement as application 20/02921/FUL which secures the following across the whole Holburne Park site:
 - a) 20 discounted market sale units (12 x 1-bed; 8 x 2-bed) offered to the market at 70% of full value capped at a £187,500 sale price for 1-bed dwellings (consistent with the agreed Section 106 discounted market unit cap) and capped at £316,000 sale price for 2-bed dwellings.
 - b) a viability review; to be carried out near the end of the development and any agreed proportion of any surplus profit to be provided as an additional financial contribution towards the delivery of affordable housing off-site.
 - c) all matters in the original s106 agreement except for the outstanding affordable housing contribution which will be replaced by the current affordable housing offer.

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BATH AND NORTH EAST SOMERSET COUNCIL**MEMBERS OF THE PUBLIC AND REPRESENTATIVES SUBMITTING A
WRITTEN STATEMENT AT THE VIRTUAL MEETING OF THE PLANNING
COMMITTEE ON WEDNESDAY 18 NOVEMBER 2020**

SITE VISIT LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Building between The House and Old Orchard, The Street, Ubley	Cllr Phil Collins (Ubley Parish Council)	Against
		Richard Gordon-Smith	Against
		James Dexter (Agent)	For
		Cllr Vic Pritchard (Local Ward Member)	Against

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
2	Unregistered Unit 1-4, Old Station Yard Avon Mill Lane, Keynsham	Cllr Clive Fricker (Keynsham Town Council)	Against
		Bill Heslop	Against
		Daniel Millward (Agent)	For
		Cllr Andy Wait (Local Ward Member)	Against
3	Additional Development Area, Holburne Park, Bathwick, Bath	Charlotte Taylor-Drake (Agent)	For

4	Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath	Fiona Williams Joanna Robinson (Bath Preservation Trust)	Against (To share 3 minutes)
		Nick Allan (Agent)	For
		Cllr Sarah Warren (Local Ward Member) Cllr Joanna Wright (Adjoining Ward Member)	Against (To share 5 minutes)
5	Friary Dene, Warminster Road, Hinton Charterhouse, Bath	Hinton Charterhouse Parish Council	Against
		Kerry Greenhalgh (on behalf of 3 rd party objector)	Against
		Jaqueline Bird (Applicant)	For
6	The Coach House, College Road, Lansdown, Bath	Judith Cameron Andrew Beard	Against (To share 3 minutes)
		Chris Beaver (Agent)	For
		Cllr Lucy Hodge (Local Ward Member)	Against
		Cllr Mark Elliott (Local Ward Member)	Against
7	Cromwell Farm, Combe Hay Lane, Combe Hay, Bath	Cllr Malcolm Austwick (Combe Hay Parish Council)	Against
		Matthew Phillips	Against

		Frank Shellard (Applicant)	For
8	Knoll Farm, White Ox Mead Lane, Peasedown St John, Bath	Cllr Chris Watt (Applicant)	For

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BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
18th November 2020
DECISIONS

Item No:	001	
Application No:	20/01408/VAR	
Site Location:	Building Between The House And Old Orchard, The Street, Ubley, Bristol	
Ward: Chew Valley	Parish: Ubley	LB Grade: N/A
Application Type:	Application for Variation of Condition	
Proposal:	Variation of condition 2 of application 17/00295/FUL (Erection of detached dwellinghouse & detached garage).	
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Water Source Areas,	
Applicant:	Mr & Mrs E Honeyfield	
Expiry Date:	20th November 2020	
Case Officer:	Christine Moorfield	

DECISION PERMIT

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 Interests of ecology (Compliance)

All works must proceed only in accordance with the following measures for the protection of bats and birds:

a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the existing building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas active nests shall be protected undisturbed until the young have fledged works to dismantle any areas with concealed spaces or crevices shall be carried out by hand, lifting cladding and roofing materials (not sliding) to remove them, and checking beneath each one.

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.
Reason: to avoid harm to protected species (bats and nesting birds)

4 Wildlife Protection and Enhancement Plan (Compliance condition)

The development hereby approved shall be implemented only in full accordance with the approved Wildlife Protection and Enhancement Plan by Engain dated 13th August 2020, with ecological supervision provided for specified activities as detailed; and all wildlife features shall be created / installed accordingly, and maintained and protected thereafter for the purposes of protecting wildlife and providing habitat of value to wildlife.

Reason: to avoid harm to ecology and the ecological value of the watercourse and to provide biodiversity net gain in accordance with NPPF and Local Plan Policy D5e

5 Ecology Follow-up Report (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, completion and implementation of the approved Wildlife Protection and Enhancement Plan in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

6 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.

7 Removal of Permitted Development Rights - No extensions or alterations (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 extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because alterations and extensions to the dwelling could potentially have a harmful impact on the visual and residential amenity of the locality.

8 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access 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 highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

10 Water Efficiency (Compliance)

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

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

11 Bicycle Storage (Pre-occupation)

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

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

12 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor windows on the eastern elevation overlooking Old Orchard (east elevation) and high level window on the western elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

13 Garage / Car Port (Compliance)

The garage and car port hereby approved as indicated on submitted plan A101 REV E and 1480-001 shall be retained for the garaging and parking of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose

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

14 Turning Area (Compliance)

The area allocated for turning, as indicated on submitted plan references A101 Revision E and 1480/002, shall be kept clear of obstruction and shall not be used other than for the turning of vehicles in connection with the development hereby permitted.

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

15 Visibility splays (Compliance)

The access shall retain visibility splays on both its sides, which shall be kept free of obstruction above a height of 900mm at all times.

Reason: In the interests of highway safety.

PLANS LIST:

A102A and A101 REV G
A 104 all dated 6/11/20

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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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.

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.

The applicant is advised to see the following website for more drainage details: <https://www.gov.uk/guidance/owning-a-watercourse>

Civil or legal consents

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

The applicant should be aware that the owner of the property/ land will have 'riparian responsibilities' with regards to all above and below ground watercourse structures within or adjacent to the curtilage of the land. Sensible and regular watercourse and culvert

maintenance will be an important aspect of owning this property. See the following website for more details: <https://www.gov.uk/guidance/owning-a-watercourse>

Item No:	01	
Application No:	20/02787/VAR	
Site Location:	Bath Quays North Development Site, Avon Street, City Centre, Bath	
Ward: Kingsmead	Parish: N/A	LB Grade: N/A
Application Type:	Application for Variation of Condition	
Proposal:	Variation of condition 42 (Approved Drawings, Development Specification and Design Codes) of application 18/00058/ERE03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.)	
Constraints:	Article 4 Reg 7: Estate Agent, Article 4 HMO, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Railway, SSSI - Impact Risk Zones,	
Applicant:	BQN Ltd	
Expiry Date:	9th November 2020	
Case Officer:	Gwilym Jones	

DECISION Delegate to PERMIT

PLANS LIST:

1050_03_03_104 Rev.P6, 1050_03_03_105 Rev.P6, 1050_03_03_110 Rev.P6, 1050_03_03_111 Rev.P6, 1050_03_03_112 Rev.P4, 1050_03_03_114 Rev. P5, 1050_03_03_203 Rev.P4, 17051(05)_100 P1, 17051(05)_101 P1, 17051(05)_102 P1, 17051(05)_103 P1, 17051_(05)_106 P1, 17051(05)_107 P1, 17051_(05)_108 P1, 17051_(05)_109 P1, 17051(05)_113 P1, 17051_(05)_200 P1, 17051_(05)_201 P1, 17051_(05)_202 P1, 17051_(05)_204 P1. Development Specification (July 2020), Landscape Design Codes (May 2018).

Item No:	02
Application No:	20/02008/FUL
Site Location:	Unregistered Unit 1-4, Old Station Yard, Avon Mill Lane, Keynsham
Ward: Keynsham East	Parish: Keynsham Town Council LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 2no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area.
Constraints:	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Railway, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant:	Roger James
Expiry Date:	23rd November 2020
Case Officer:	Martin Almond

DECISION Delegate to PERMIT

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 Installation of fence (Bespoke condition)

Operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall not commence until the acoustic fences hereby approved have been fully erected and installed in accordance with the approved details and an assessment, undertaken by a suitably qualified person, in accordance with British Standard 4142:2019, has been submitted to and approved in writing by the local planning authority to demonstrate that the development has been constructed to provide the following sound attenuation against external noise:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level \leq 55dB and LAmax,F 57dB at bedroom window

Reason: To ensure adequate safeguards are in place prior to the commencement of earlier operating hours in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan.

3 Temporary Permission - Use (Compliance)

The operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall expire one year after confirmation is received from the local planning authority that the required sound attenuation levels have been met as required by the details prescribed by condition 2, and the extended operating hours hereby permitted shall thereafter be discontinued.

Reason: To enable the Local Planning Authority to review the impact of the development.

4 Use of the Eastern Yard (compliance)

The 'Eastern Yard' as identified within the submitted block plan dated as received 2nd October 2020 and the operational statement shall be used only as set out in section 'General Operations Monday to Saturday' of the Operational Statement dated as received 2nd October 2020.

Reason: To define the permission and in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan.

5 Operational statement (Compliance)

The use of the land hereby approved shall be carried out only in accordance with the submitted operational statement reference DM/P19-1252 dated as received 2nd October 2020.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 Noise level limit (compliance)

Noise generated by activities at the development site shall not exceed the following limits, when assessed in accordance with BS4142: 2019 at the nearest residential receptor:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB

06:30 - 07:30hrs Monday - Friday: Assessment Level \leq 55dB and LAmax,F 57dB at bedroom window

Reason: To protect neighbouring residents from exposure to Environmental Noise in accordance with policy D6 of the 2017 Placemaking Plan.

7 Implementation of Wildlife Scheme (Bespoke Trigger)

Within six months of completion of the development hereby approved, a report produced by a suitable implementation of the recommendations of Section 5 of the Ecological Assessment (Ethos Environmental Planning, August 2020) shall be submitted to and approved in writing by the Local Planning Authority. This shall include confirmation that precautionary measures for nesting birds have been followed and that bird boxes and native planting have been implemented.

Reason: To demonstrate the completed implementation of the ecologist's recommendations to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policy NE3 of the Bath and North East Somerset Local Plan.

8 Arboricultural Method Statement and Tree Protection Plan (compliance)

The development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan dated as received 10th November 2020. Following the completion of the works a signed compliance statement from the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan and to confirm that the approved method statement has been complied with.

10 Materials - Submission of samples (Bespoke Trigger)

No construction of the fence hereby approved shall commence (except for the installation of fence posts) until samples of the timber and any timber stain/timber treatment to be used in the construction of the fence panelling 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, HE1, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

11 Site operating hours (compliance)

Notwithstanding the operating hours set out within the submitted operational statement dated as received 2nd October 2020, all working and operations at the site including the operation of machinery, carrying out of any process or the receiving or dispatching of deliveries shall not take place outside the hours of:

Filling of concrete mixing vehicles: Monday to Friday 6:30am to 5.30pm (excluding Bank Holidays which will remain 7.30am to 5:30pm as existing) and Saturdays 8.00am to 1.00pm only

Other specified operations: Monday to Friday 7:30am to 6:30pm (excluding Bank Holidays which will remain 7.30am to 5:30pm as existing) and Saturdays 8.00am to 1.00pm only

Sunday: No working on site.

All other operations as set out within the operational statement remain in effect.

Reason: For the avoidance of doubt and to safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

12 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:

This decision relates to drawings J7/01043 dated as received 18th June 2020, P19-1252_05, P19-1252_01C, P19-1252_04A and P19-1252_02C dated as received 2nd October 2020, Site Management Plan dated as received 2nd October 2020 and P19-1252_03C dated as received 10th November 2020.

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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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.

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:	03	
Application No:	20/02926/FUL	
Site Location:	Additional Development Area, Holburne Park, Bathwick, Bath	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath (Resubmission of 19/04772/FUL)	
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, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
Applicant:	N/A	
Expiry Date:	9th October 2020	
Case Officer:	Chris Griggs-Trevarthen	

DECISION Delegate to PERMIT

PLANS LIST:

1902-MWA-00-XX-DR-L-0055_07 SOFT LANDSCAPE PLAN 3 OF 3
1902-MWA-00-XX-DR-L-0050_09 HARD LANDSCAPE PLAN 3 OF 3
153300-STL-XX-ZZ-DR-A-09005 PL01 SITE PLAN - WESTERN PARCEL
153300-STL-XX-ZZ-DR-A-09004 PL01 LOCATION PLAN - WESTERN PARCEL
153300-STL-XX-ZZ-DR-A-09002 PL01 SITE PLAN
153300-STL-XX-ZZ-DR-A-02003 PL02 PHASE 3B ELEVATIONS

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.

Community Infrastructure Levy

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Condition Categories

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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.

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

Item No:	04	
Application No:	19/05534/FUL	
Site Location:	Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath	
Ward: Bathavon North	Parish: Charlcombe	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets	
Constraints:	Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Mobile Broadband Network Limited	
Expiry Date:	22nd October 2020	
Case Officer:	Chris Griggs-Trevarthen	

DECISION Defer for site visit

PLANS LIST:

- 002 Site Location Plan
- 215 Max Configuration Site Plan
- 265 Max Configuration Elevation

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.

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.

Item No:	05	
Application No:	20/01636/FUL	
Site Location:	Friary Dene, Warminster Road, Hinton Charterhouse, Bath	
Ward: Bathavon South	Parish: Hinton Charterhouse	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Alterations to roof and installation of dormer windows	
Constraints:	Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,	
Applicant:	Mr G. Mock & Mrs J. Bird	
Expiry Date:	14th August 2020	
Case Officer:	Samantha Mason	

DECISION PERMIT

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 (Compliance)

All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Implementation of Wildlife Scheme (Bespoke Trigger)

Within six months of completion of the development hereby approved, a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the mitigation and enhancement recommendations set out in Section 5.1 of Bat Emergence Survey report (Jenny Bennett Ecology, July 2020), shall be submitted to and approved in writing by the Local Planning Authority. The report shall include evidence that precautionary measures have been implemented and at least one bat roost and/or bird nesting feature has been included in the scheme.

Reason: To demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to provide biodiversity gain in accordance with NPPF and policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

4 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. Details shall include:

1. proposed lamp models and manufacturer's specifications, lamp positions, numbers and heights shown on a plan; and
2. details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land to avoid harm to bat activity and other wildlife.

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

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

5 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:

This decision relates to the following plans:

11 May 2020 2378-3 C Proposed Floors Plan
11 May 2020 2378-4 B Proposed Elevations
11 May 2020 2378-7 Site And Location Plans

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.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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.

Community Infrastructure Levy

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Item No:	06
Application No:	20/02932/FUL
Site Location:	The Coach House, College Road, Lansdown, Bath
Ward: Lansdown	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of rear and side extension
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant:	Mr and Mrs Stenning
Expiry Date:	30th October 2020
Case Officer:	Chloe Buckingham

DECISION REFUSE

1 The proposal amounts to over-development of the site contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017).

2 The extensions are of a poor quality design and as such the scheme will not preserve the character or appearance of this part of the Bath Conservation Area. The scheme is contrary to policies D2, D4, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (2017).

3 The increase from a 4-bed to a 5-bed property will exacerbate the existing highways situation at the property. Cars will have to reverse down a narrow driveway which will have a significant negative highway safety impact contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

This decision relates to the plan references;

1903 - S 101, 1903 - S 102, 1903 - SP 101 and received 14th August 2020.

1903 - P 002 - P1, 1903 - P 101 - P1, 1903 - P 102 - P1, 1903 - P 201 - P1, 1903 - S 001 - P1 and 1903 - S 201 - P1 received 9th October 2020.

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.

Community Infrastructure Levy

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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.

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.

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Item No:	07
Application No:	20/02593/FUL
Site Location:	Cromwell Farm, Combe Hay Lane, Combe Hay, Bath
Ward: Bathavon South	Parish: Combe Hay LB Grade: N/A
Application Type:	Full Application
Proposal:	Extension of time for the existing temporary rural workers dwelling and dairy building at Cromwell Farm, Combe Hay Lane, Combe Hay, Bath for an additional 3 years.
Constraints:	White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Shellard & Smith
Expiry Date:	19th November 2020
Case Officer:	Hayden Foster

DECISION PERMIT

PLANS LIST:

This decision relates to the following plans received 22nd July 2020:

- Drawing Number: 71006/02/001 REV - Proposed Block Plan and Location Plan
- Drawing Number: 71006/02/002 REV - Proposed Elevations

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.

Condition Categories

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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.

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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.

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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.

Community Infrastructure Levy

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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.

Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Item No:	08
Application No:	20/02480/FUL
Site Location:	Knoll Farm, White Ox Mead Lane, Peasedown St. John, Bath
Ward: Bathavon South	Parish: Wellow LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of 3no agricultural buildings including Cattle Barn, Workshop/Feed Store, Farmyard Manure/Straw and Hay Shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.
Constraints:	Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, All Public Rights of Way Records, SSSI - Impact Risk Zones,
Applicant:	Knoll Farm LLP
Expiry Date:	22nd October 2020
Case Officer:	Hayden Foster

DECISION PERMIT

PLANS LIST:

This decision relates to the following plans received 15th September 2020:

- Drawing Number: P18-2670_01 Sheet No: 01 Rev E - Site Layout
- Drawing Number: P18-2670_03 Sheet No: 01 Rev E - Building 1 Elevations
- Drawing Number: P18-2670_03 Sheet No: 02 Rev B - Building 1 Plans
- Drawing Number: P18-2670_03 Sheet No: 03 Rev D - Building 2 Plans & Elevations
- Drawing Number: P18-2670_03 Sheet No: 04 Rev E - Building 3 Plans & Elevations

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.

Condition Categories

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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.

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Community Infrastructure Levy

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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.

Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Submission of Samples

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon

as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

Item No:	09	
Application No:	20/03595/FUL	
Site Location:	37 Woodland Grove, Claverton Down, Bath, Bath And North East Somerset	
Ward: Bathwick	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a single storey side lean to extension.	
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,	
Applicant:	Mr Simon Barnes	
Expiry Date:	9th December 2020	
Case Officer:	Danielle Milsom	

DECISION PERMIT

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:

This decision relates to the following plans:

Drawing - 13 Oct 2020 - Proposed Front Elevation Plan

Drawing - 13 Oct 2020 - Proposed Side Elevation

Drawing - 13 Oct 2020 - Proposed Site Plan

OS Extract - 4 Oct 2020 - Site Location Plan

Condition Categories

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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.

Community Infrastructure Levy

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Responding to Climate Change (Informative):

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	16th December 2020
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

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.

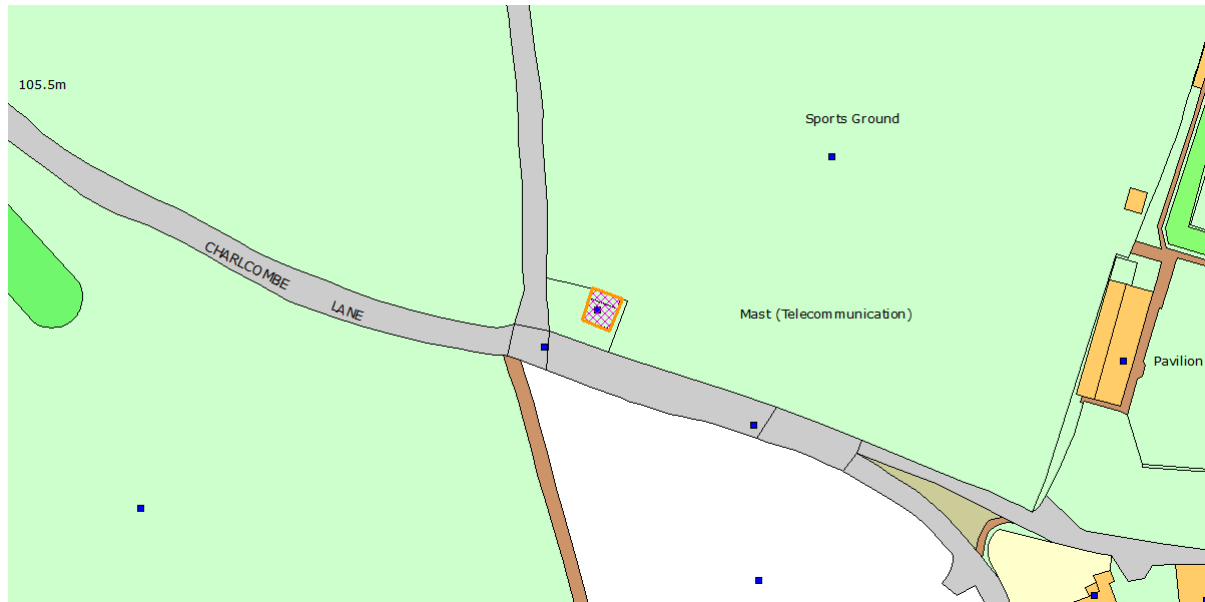
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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:
001	19/05534/FUL 22 October 2020	Mobile Broadband Network Limited Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath, Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets	Bathavon North	Chris Griggs- Trevarthen	PERMIT
002	20/00259/FUL 24 September 2020	Senior Living Urban (Bath) Limited Homebase Ltd, Pines Way, Westmoreland, Bath, Bath And North East Somerset Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space.	Oldfield Park	Chris Gomm	Delegate to PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 19/05534/FUL
Site Location: Telecommunication Mast 54146 Woolley Lane Charlcombe Bath



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets

Constraints: Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mobile Broadband Network Limited

Expiry Date: 22nd October 2020

Case Officer: Chris Griggs-Trevarthen

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

REPORT

REASON FOR REPORTING TO COMMITTEE

Cllr. Kevin Guy, Cllr. Joanna Wright and Cllr. Sarah Warren have all requested that the application is determined by committee if officers are minded to recommend approval. Swainswick Parish Council have also objected to the proposal. In accordance with the scheme of delegation the application was referred to the chair of the planning committee

who decided that the application should be determined by the planning committee for the following reasons:

"I have looked at this application, and the 'on balance' nature of the recommendation for approval. I note the strong support from national government, and the minimising of harm by reusing an existing site. However, given the public interest in this technology, and the infrastructure it requires, this discussion should be held in the public domain."

The application was deferred at the meeting of the November Planning Committee and members undertook a virtual site visit on 7th December 2020.

DESCRIPTION

The application site comprises a small parcel of land (0.1 hectares) in the corner of the Larkhall Sports Club ground which currently hosts an existing telecommunications mast. The current equipment is contained within a fenced compound of approximately 4.5m by 6.5m and consists of a number of cabinets at ground level and a 14.7m high monopole mast with three antennas creating a mast 'head' approximately 1.5m high by 0.75m wide. The compound is posited in the western corner of the sports ground adjacent to junction between Woolley Lane and Charlcombe Lane.

The site is situated within the Bristol and Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty (AONB) and, although not within its boundary, falls within the setting of the City of Bath World Heritage Site. There is a site of nature conservation interest (SNCI) located to the southwest of the site on the opposite side of Charlcombe Lane.

This application seeks to replace the existing mast with a larger mast support more equipment, but within the existing compound. The proposed mast consists of a 19.7m high monopole tower with a mast with six larger antenna and four communications dishes creating a mast 'head' approximately 3.5m wide by 6.5m high.

The applicants have submitted a supporting statement with the proposal and have also provided a Certificate complying with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines on the limitation of exposure of the general public to electromagnetic fields.

PLANNING HISTORY AND OTHER RELEVANT APPLICATIONS

Application reference: 04/01170/FUL

Applicant: Hutchison 3G UK Ltd

Description: Erection of telecommunications base station comprising 15m high monopole and equipment cabinet measuring 1.5m x 1.96m x 0.7m

Status: PERMITTED - 16th June 2004

There is another pending planning application for a telecoms mast located in the same field approximately 60m to the north of the current proposals.

Application reference: 20/03255/FUL

Applicant: Vodafone Ltd

Description: Erection of a 20m high monopole supporting 3no. antennas and 2no. 0.3mm dishes above the top of the pole, the installation of 1no. equipment cabinet on new base and the installation of ancillary equipment.

Status: PENDING CONSIDERATION

ENVIRONMENT IMPACT ASSESSMENT

This application proposal 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.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

LANDSCAPE: No objection, subject to conditions

CONSERVATION: No objection

ECOLOGY: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No comment

SWAINSWICK PARISH COUNCIL: Objection

This Parish Council objects to this application on the grounds of the mast's proximity to residential properties, schooling and leisure activity areas, its intrusion into the AONB and the impact on the visual entrance to this World Heritage Site from Swainswick/Woolley valley and the A46.

5g technology is not proven regarding its safety/potential impact on people and this location maximises any risk to, in particular the younger generations.

CHARLCOMBE PARISH COUNCIL: Support

It will provide improved and upgraded data coverage for people living in the area and will also provide much needed income for Larkhall Sports Club. The Parish Council support these objectives.

It is noted that the new mast will be some 5m taller than the existing mast, and of much bulkier appearance. The Parish Council query whether the mast could be reduced in height to something close to the current mast to allow existing tree screening to minimise the visual impact in this Green Belt/AONB area. They also ask that the entire installation should be painted green to achieve the same purpose and that this be secured by condition.

The Parish Council request that the installers are made to satisfy planners that the new mast will not subject local people and the users of Larkhall Sports Club to increased or unacceptable levels of radiation and that the technology does not pose a threat to privacy

or security. They also request that the mast not require additional repeater masts in the vicinity in the near future.

The Parish Council also seek to have the temporary mast at the top of Colliers Lane removed, if this mast is approved.

COUNCILLOR KEVIN GUY: Objection

This application will significantly breach the sky line in an area of outstanding natural beauty and is not in keeping with the historical skyline of Bath.

COUNCILLOR JOANNA WRIGHT: Objection

This application for a mast is of great concern. Presently the height of the existing mast is not an eye sore in the beautiful ward of Lambridge. This new mast will stand much taller and although set in Bath Avon North actually affects the ward of Lambridge.

It is clear that many residents are concerned about the unknown effects of this new technology and the impact that this could have on the 3 schools in which it is close to as well as the many residents in Lambridge. An Environmental Impact Assessment should be carried out.

There is in fact a well-used allotment site and local football grounds adjacent to this mast That could be seriously impacted. Only recently has a Community Orchard been created on the site of this allotment and the impact that this new technology might have on important insects such as bees could be catastrophic to growing produce, should the level of frequency not be properly understood.

The sheer size of this large new facility will also have a dire impact in an area which borders an Area of Outstanding Natural Beauty.

COUNCILLOR SARAH WARREN: Comment

There is significant local concern about the application on grounds not only of its appearance in the World Heritage Site, but also around possible health implications of the roll out of 5G.

COUNCILLOR ROB APPLEYARD: Comment

There is wide community concern regarding this application around the visual impact of a higher than existing mast and, as it's an enhanced technology, the impact of this developed technology being close to 3 schools. Although, we have limited control on this application can we ensure that all is done to satisfy the real community concerns that exist.

BATH PRESERVATION TRUST: Objection

The application in its current form fails to conserve or enhance the local landscape character of the AONB, is harmful to the character and openness of the Green Belt and would harm the OUV of the World Heritage Site. This application is consequently contrary

to Sections 13, 15, and 16 of the NPPF, and Policies B1, B4, CP6, D2, HE1, NE2, and CP8 of the Core Strategy and Placemaking Plan, and in its current form should be refused. We would strongly recommend that suitable documentation including a Landscape Visual Impact Assessment and alternative design options are submitted before this scheme is permitted to progress further.

THIRD PARTIES/NEIGHBOURS: 343 letters of OBJECTION have been received the main issues raised were:

A large number of the comments were concerned about the visual impact of the proposed replacement mast. The proposed mast was considered too tall and too wide and would result in harm to the landscape, the skyline and the important views. It was considered harmful to the Cotswold AONB, the Bath World Heritage Site, the Conservation Area and the openness of the Green Belt. This harm was considered to be emphasised by design of the mast and its utilitarian appearance.

A significant number of the comments also raised concerns about the safety of 5G technologies, citing the following issues - lack of evidence of safety, evidence of harm to humans, animals, insects and plants, concern about impact upon children and other vulnerable people. The perception and fear of harm arising from the proposed mast was also raised as an issue. Some were also concerned about an invasion of privacy and data security risks which it was suggested might arise with 5G technology.

Concern was raised about construction access for heavy vehicles through the narrow lanes of Charlcombe Lane required to erect the replacement mast.

Some comments suggested that there were technical errors with the application. It was suggested that an Environmental Impact Assessment was required alongside a risk assessment. Several suggestions were made that the application was missing details and technical information about the replacement mast and that there was a lack of consultation undertaken.

A few comments were concerned that the proposals were contrary to the Council's declaration of a Climate and Nature Emergency.

Several comments felt that the proposed mast was unnecessary.

There was a suggestion that the proposed mast would attract seagulls to the area.

Several comments considered that the proposals were contrary to many of the policies within the development plan.

2 letters of SUPPORT have been received. The main issues raised were:

The comments considered the technology important and necessary and approved of increased coverage. They warned against decisions being made on anecdotal evidence rather than science.

1 GENERAL COMMENT was received. The main issues raised were:

There was concern that the correct planning process had not been followed due to a lack of site notice (Officer note: A site notice was displayed subsequent to the receipt of this comment and the statutory requirement has been fulfilled). There was also concern that the application was not accompanied by an environmental impact assessment and that there was limited factual evidence about the impacts of 5G technology.

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

RELEVANT CORE STRATEGY POLICIES

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:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B4 Bath World Heritage Site
- CP6 Environmental Quality
- CP8 Green Belt

RELEVANT PLACEMAKING PLAN POLICIES

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:

- D2 Local Character and Distinctiveness
- D5 Building Design
- D6 Amenity
- D8 Lighting
- GB1 Visual Amenities of the Green Belt
- NE1 Development and Green Infrastructure
- NE2 Conserving and Enhancing the Landscape and Landscape Character
- NE2A Landscape Setting of Settlements
- NE3 Sites, Species and Habitats
- NE6 Trees and Woodland Conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and vibration
- ST7 Transport Requirements for Managing Development

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

LEGISLATION

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

The main issues to consider are:

1. Principle of development
2. Green Belt
3. Landscape, visual impact and heritage
4. Trees and woodland
5. Ecology
6. Highways and access
7. Health
8. Very special circumstances
9. Other matters
10. Conclusion

1. PRINCIPLE OF DEVELOPMENT

Policy LCR7A of the Placemaking Plan supports the principle of telecommunications development and states that they will be permitted if they meet the listed criteria.

Criterion 1 requires that the siting and appearance of the apparatus minimises the impact upon visual amenity, character or appearance of the surrounding area. Criterion 4 requires the development not to have an unacceptable effect on areas of ecology, landscapes or heritage assets such as the World Heritage Site. Both criteria are considered further in the landscape, visual impact and heritage section below.

Criterion 2 applies only to apparatus proposed on a building and does not apply in this instance.

Criterion 3 requires that, in the case of new masts, it is demonstrated that the possibility of erecting apparatus on existing masts or structures has been fully explored. There is an existing mast on this site, but it is a relatively small 15m high monopole which is not capable of accommodating all of the equipment and apparatus required to provide the improved 2G, 3G, 4G, and new 5G coverage. It is also proposed that the new mast will be used by two providers instead of just a single provider. This will reduce the need for additional masts to be in the area whilst ensuring sufficient coverage.

Subject to the consideration of criteria 1 and 4, the principle of a replacement mast in this location is acceptable and consistent with policy LCR7A of the Placemaking Plan.

2. GREEN BELT

In accordance with paragraph 145 of the NPPF, new buildings (or structures) in the green belt are to be regarded as inappropriate development unless they meet one of a few limited exceptions. Paragraph 145(g) sets out an exception for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the green belt than the existing development.

The site contains an existing mast, base station and compound which can all be considered previously developed land. The proposed replacement of the existing mast with a new mast can therefore be considered partial redevelopment of the site.

However, the proposed mast is 5m taller than the existing mast and, more significantly, has a much greater diameter than the existing monopole and contains a much larger mast 'head'. The effect of this increase in size is to create a much bulkier structure which, when combined with the increased height, is considered to have a greater impact upon openness than the existing mast.

It is therefore considered that the proposal does not meet the exception set out in paragraph 145(g) of the NPPF and is therefore considered inappropriate development in the green belt.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The case for very special circumstances is considered in the relevant section below.

3. LANDSCAPE, VISUAL IMPACT AND HERITAGE

The site lies within the Green Belt; the Cotswolds Area of Outstanding Natural Beauty; the indicative landscape setting of the settlement of Bath; and the indicative setting of the Bath World Heritage Site. These multiple designations underscore the quality and importance of the surrounding landscape character, features and views and suggest that it may be sensitive to development which is visually prominent.

Close views of the existing mast are possible from Woolley Lane on the site's western boundary, but the mature boundary vegetation screens close views from Colliers Lane on its southern boundary.

Because of the open sports fields to the mast's north and east, middle distant framed views are possible from the Gloucester Road on the rising eastern slope of the Lam Brook Valley and distant views are possible from the vantage point of Little Solsbury Hill.

The proposed telecoms mast would be 5m taller than the existing mast and would have a much greater diameter and contain a much larger mast 'head'. The effect of this increase in size is to create a visually bulkier structure which, when combined with the increased height be likely to be more prominent in this sensitive area.

However, the increased prominence of the proposals does not significantly change the nature of the development on this site when seen from various viewpoints. The character and appearance of the site remains as one containing a telecommunications mast with associated antennas and equipment, albeit of a larger and more prominent scale.

The adjacent group of Leylandi Cypress trees still provide a decent amount of screening for the proposed mast and act as the primary background within the various viewpoints. The originally proposed light grey finish for the proposed mast and equipment would have been seen against the dark green background of the evergreen foliage of the Leylandii trees. This would be a poor match for the varied colouration of the evergreen foliage.

Following negotiation, it has been agreed that a disruptive (e.g. camouflage) pattern using at least three matt finished colours to match the natural scale and variation of the Leylandii foliage in light, shade and deep shade will be used for the proposed mast. It is considered that securing a suitable paint finish to the mast by planning condition will ensure that the adverse impacts of the proposals can be adequately mitigated. Furthermore, the Landscape Officer has no objection to the proposals.

The application has also been reviewed by the Conservation Officer who has raised no objection in respect of the impact upon the setting of the World Heritage Site. They have considered the impact upon the setting of Twinfield Farm (Grade II listed) which lies approximately 200m to the north of the site. There is limited intervisibility between Twinfield Farm (Grade II) and the proposed mast. Given the distance of 200m, the presence of the existing mast in this location and the intervening tree cover it is considered that the proposals are will preserve the setting and significance of the listed building.

The proposals are therefore considered to conserve the natural beauty of the Area of Outstanding Natural Beauty, the visual amenity of the Green Belt, the landscape setting of the settlement of Bath, the indicative setting of the World Heritage Site and the setting of Twinfield Farm.

4. TREES AND WOODLAND

The site is closely surrounded on its western and southern boundaries by mature boundary vegetation. A tree survey, arboricultural impact assessment and arboricultural method statement has been submitted and demonstrates that the development can be undertaken whilst retaining the surrounding boundary vegetation. These show that a section of hedge (H1) on the northern boundary of the existing site fence would be

removed to facilitate access and construction; that excavations for the foundations of the proposed mast would encroach within the Root Protection Areas (RPAs) of existing trees (G1); and that fencing, ground protection and supervisory measures would be employed to protect existing trees from harm during the proposed works.

The Landscape Officer has queried whether it would be possible to move the compound and the mast to avoid the foundations encroaching upon the RPA's of some of the Leyland Cypress trees on the boundary. However, the applicant does not have control over the land to the north and it is considered that the re-use of the existing compound would be overall less disruptive than its wholesale removal and relocation northwards. It is therefore considered that this relatively minor encroachment into the RPAs is unavoidable and there is no objection on arboricultural grounds.

5. ECOLOGY

The site itself is not subject to any ecological designations, although it is near to the Charlcombe Lane SNCI. The proposals for replacement of the existing mast with a new mast do not raise any significant ecological issues other than the potential impact upon the trees and surrounding mature vegetation.

Arboricultural information clarifies that the works will not require tree removal and removal of other vegetation is limited. This work should be completed outside of the bird nesting season; if this is not possible a nesting bird survey will need to be completed by a professional ecologist prior and mitigation put in place prior to pruning or vegetation removal works. This can be secured by condition.

Additionally, the Council's Ecologist has recommended that a scheme of ecological measures such as new planting and habitat creation is secured, in line with the NPPF and emerging local and national policy requirements for schemes to demonstrate biodiversity 'net gain'. This can be secured through a landscaping condition.

The concerns raised by third parties in respect of terms of risks arising from electromagnetic radiation on local wildlife. There also does not appear currently to be any real consensus or lead from the national / global conservation sector and scientific communities in raising concerns about impacts of 5G on wildlife. However, if an ecological precautionary approach were nevertheless considered to be necessary and appropriate here, then based on the existing structures (and their existing potential ecological impacts) having already been permitted and being already operational, and the location of the site (which although near to a designated Site of Nature Conservation Interest (SNCI) to the south, is not itself within a sensitive habitat or the SNCI), then this scheme could be considered to be appropriately located to avoid and minimise risks to ecology and locations with known ecological sensitivity and is therefore considered unlikely to have any significant impacts upon local wildlife

Furthermore, the scheme complies with existing national standards, guidance and legislation in respect of electro-magnetic radiation and the Council's Ecologist does not consider that there are sufficient grounds to consider there is a likely risk of direct harm from electromagnetic radiation in this location to ecology, in particular protected species or sensitive habitats, sufficiently to object on ecological grounds to this proposal.

6. HIGHWAYS AND ACCESS

The proposal is not likely to generate any significant vehicular trips other than those associated with its construction and occasional maintenance or operational visits from engineers.

The applicant has confirmed that the proposed mast will be delivered to site in sections for ease of transportation, i.e. two columns and one headframe. This will reduce the size of vehicles required to deliver the structure to site and reduce the impact of the construction upon the surrounding local road network.

Access to the site will be achieved via a temporary trackway which will be laid along an existing route which follows runs adjacent to the southern boundary of the field.

The application has been reviewed by the Highways Officer who has raised no objection to the proposals subject to a requirement for a construction management plan to ensure minimal disruption to the road network when being constructed. This can be secured by a planning condition.

7. HEALTH CONCERNS

Numerous comments have raised health concerns about the use of 5G technology. However, the NPPF guidance on this issue is clear and set out in paragraph 116:

Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

The applicant has submitted a certificate of compliance with the ICNIRP public exposure guidelines. This certifies that, when operational, the proposed mast and apparatus used will meet the ICNIRP guidelines and will not pose a threat to safety. The ICNIRP guidelines have been prepared following a wide-ranging review of scientific data on the effects of exposure to human health. This has included major reviews from international organisations and original scientific papers. There is no evidence for the induction of cancer, electrohypersensitivity, infertility or other health effects from exposure at the relevant frequencies.

Various findings from other studies have been submitted in response to the consultation on this application. None of these provide evidence which is more compelling than that presented by the recent ICNIRP guidelines. In light of the compliance with the ICNIRP guidelines, it is considered that the proposals will not have any significant impacts upon human health and complies with national and local policy in respect of this matter.

8. VERY SPECIAL CIRCUMSTANCES

As indicated above, the proposals are inappropriate development in the Green Belt which should only be permitted if very special circumstances exist. Paragraph 144 of the NPPF indicates that '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.

It should also be noted that the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and that any harm to the Green Belt should be given substantial weight.

There are several matters which weigh in favour of the application which must be considered in this balance.

Firstly, the proposed replacement of the existing mast is to enable an upgrade to the telecommunications network to be able to support the latest generation mobile technology (5G). The latest generation in mobile technology utilises shortwave length frequencies with a short range than previous generations and therefore there is a need more telecoms sites and equipment to cover the same area.

There is strong support from national government for the 5G network roll out express through the policies of the NPPF. Paragraph 112 states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Furthermore, paragraph 116 of the NPPF states that Local Planning Authorities must not seek to prevent competition between different operators or question the need for an electronic communications system.

Given the government's stated support for the next generation of mobile technology and the need for a greater number of locations to provide the same level of coverage, it makes perfectly reasonable sense to first seek to upgrade the existing network locations rather than seeking entirely new locations. The applicant describes this as the existing 4G network sites effectively forming the infrastructure "spine" for the next generation of mobile networks.

If this application were to be refused, then the applicant would have to go about finding an alternative location to site the required equipment. Given the need to provide coverage over the same area, this would very likely be limited to similar locations all of which would also be in the Green Belt and would likely be on greenfield land. The proposed location on the site of an existing mast is therefore likely to represent the least harmful location within the green belt.

The application provides information about the benefits that will arise from the roll out of the 5G network. These include enabling higher capacity, increased bandwidth and lower latency than compared to 4G. This will enable significant advancements in terms of connectivity, technology and business. It is difficult to quantify the benefits arising from these advancements, but it is certainly the case that the currently ongoing public health crisis (covid-19) has highlighted the importance of digital connectivity within modern society. These benefits are therefore afforded significant weight in the planning balance.

The accepted need for 5G on this site then raises the question of whether the 5G equipment could be accommodated on the existing mast or a replacement mast of the same height/width. However, 5G operates across multiple spectrums and therefore requires additional antennas and new equipment cabinets. Furthermore, the signals are more prone to being interrupted by structures and natural features. Given the existing height of the tree surrounding the mast and the need for additional equipment, there is need for a replacement mast which is both higher and wider so as to support the additional equipment in a manner where it will not be interfered with by the existing tree line.

In summary, the accepted need and government support for the next generation of mobile technology combined with the logic of utilising the existing mast site as opposed to an alternative green belt site and the overall benefits of increased connectivity are considered to clearly outweigh the harm to the green belt. No other harm has been identified and it is therefore considered that very special circumstances exist which justify the proposed development in the green belt.

9. OTHER MATTERS

Public Sector Equality Duty

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

Those with disabilities which limit their independence or elderly people who are home bound can often be reliant upon digital and wireless technology to stay connected to their family and friends and to access public and private services and goods. The proposed improvements to connectivity associated with the roll out of the next generation of mobile networks could potentially benefit these groups.

Privacy and security

Several comments have been received questioning the security of the latest 5G technology expressing concerns that their privacy may be invaded. No evidence has been submitted to substantiate these concerns and there is no reason to consider that the next generation of mobile technology will be any less secure than the current generation. Furthermore, these matters do not concern themselves with the use of the land and are therefore not material considerations.

Climate Emergency

Several comments received suggest that the proposals are counter to the Council's declaration of a climate and ecological emergency. As is discussed in the report above, the proposals are not considered to have any adverse impacts upon ecology and biodiversity. Whilst the construction of a replacement mast and the associated equipment will entail some carbon emissions (as most construction projects do), the operational phase of the development is unlikely to generate a large amount of carbon emissions. Furthermore, new technological contributions to meeting the climate crisis are likely to

benefit from the increased connectivity provided by the next generation of mobile technology.

Gulls

Some comments suggested that the replacement mast would attract gulls which would be a nuisance to the local area. There is no indication that there is any gull problem associated with the existing mast and equipment and, although larger than the existing, there is no reason to consider that the proposals will result in any significant increase in the number of gulls in this locality.

Application errors and consultation

Many comments point to supposed errors or inconsistencies in the application documents or that it lacked enough detail to be properly considered. The application has been reviewed by the Local Planning Authority and was considered to meet all the requirements of a valid application when it was registered. Planning applications need only provide a reasonable and proportionate level of detail sufficient to understand what is being proposed. Where information was required to enable an assessment of a particular issue, for example in this case tree surveys and an arboricultural impact assessment, this was requested and provided by the applicant during the application process. Officers are of the opinion that there is enough information to determine the application.

Other comments have questioned whether adequate consultation has been undertaken on this planning application. Officers can confirm that all statutory consultation requirements for this application type, as set out in the Town and Country Planning (Development Management Procedure) Order 2015 have been met alongside the requirements set out in the Council's 'My Neighbourhood' planning protocol document. This includes the erection of a site notice displayed on the site for a period of no less than 21 days.

10. CONCLUSION

The proposed telecoms mast is higher and wider than the existing mast it replaces and, as a result, is more prominent. The increased prominence of the proposals does not significantly change the nature or character of the site which is already in a telecoms use. Subject to a suitable disruptive (e.g. camouflage) paint finish to match the natural scale and variation of the Leylandii foliage, there is no objection to the proposal on landscape or visual grounds. It is therefore considered to conserve the natural beauty of the Area of Outstanding Natural Beauty, the visual amenity of the Green Belt, the landscape setting of the settlement of Bath, the indicative setting of the World Heritage Site and the setting of Twinfield Farm.

However, the increased size and prominence of the mast does mean that it represents inappropriate development in the Green Belt for which very special circumstances are required. The accepted need and government support for the next generation of mobile technology combined with the sensible strategy of utilising site of the existing mast as opposed to an alternative undeveloped green belt site and the overall benefits of increased connectivity are considered to clearly outweigh the identified harm to justify the proposed development.

The proposals comply with nationally proscribed health safeguards and, subject to suitable conditions, does not result in any significant harm to trees, ecology and highways.

It is therefore considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

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 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;

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

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

3 Ecological measures and landscaping (Bespoke Trigger)

The mast hereby approved shall not be brought into use until a landscaping scheme providing measures to benefit wildlife has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall showing details of the following:

1. All trees, hedgerows and other planting to be retained;
2. New native species planting and habitat creation;

3. A planting specification to include numbers, size, species and positions of all new trees and shrubs;
4. A programme of implementation for the landscaping scheme.

The landscape works shall be carried out in accordance with the approved details and the agreed programme of implementation.

Reason: To ensure the provision measures to benefit wildlife and to demonstrate biodiversity 'net gain' in accordance with the NPPF and policy NE3 of the Bath and North East Somerset Placemaking Plan.

4 Mast Paint Colour and Finish (Bespoke Trigger)

The mast hereby approved shall not be installed until details and a sample of the painted finish for the mast have been submitted to and approved in writing by the Local Planning Authority. The mast shall thereafter be finished in the approved details prior to it being brought into use.

Reason: To ensure that the painted finish of the mast matches the natural scale and variation of the *Leylandii* foliage in light, shade and deep shade and to ensure that the adverse landscape impacts of the replacement mast are adequately mitigated in accordance with policy NE2 of the Placemaking Plan.

5 Compliance with Arboricultural Method Statement (compliance)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement (Arbtech, 27th August 2020) and Tree Protection Plan (Arbtech TPP 01). A signed compliance statement from the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority on completion of the works.

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

6 Nesting Bird Protection (Bespoke Trigger)

No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with NE.11 of the Bath and North East Somerset Local Plan.

7 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:

1 002 Site Location Plan
215 Max Configuration Site Plan
265 Max Configuration Elevation

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.

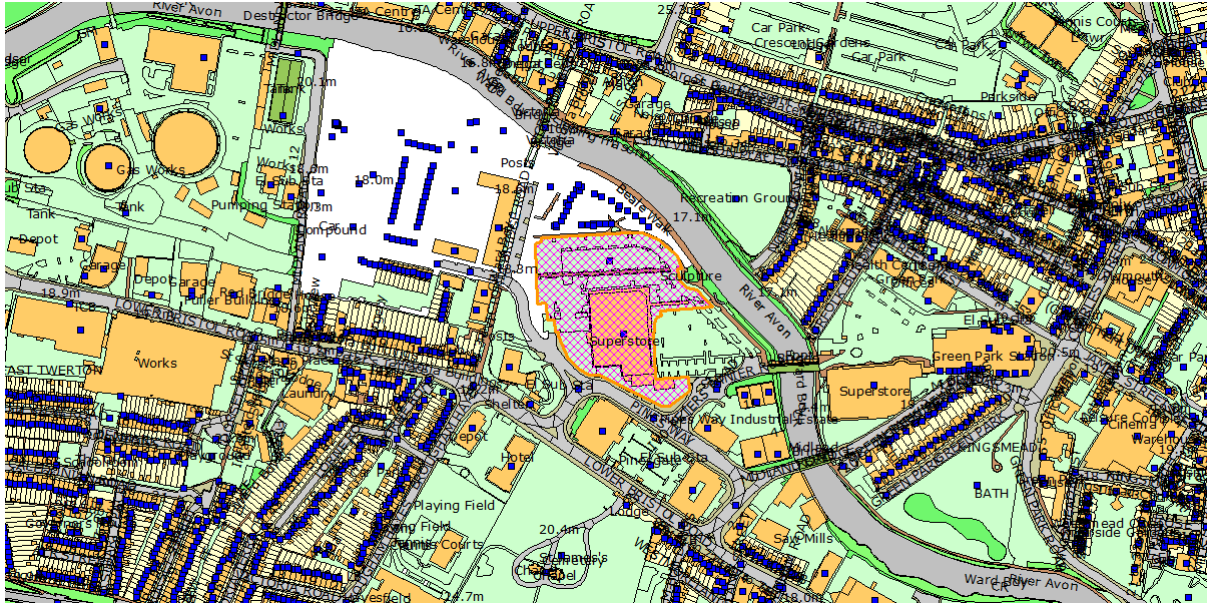
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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.

Item No: 002
Application No: 20/00259/FUL
Site Location: Homebase Ltd Pines Way Westmoreland Bath Bath And North East Somerset



Ward: Oldfield Park **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Shaun Andrew Stephenson-McGall

Application Type: Full Application

Proposal: Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space.

Constraints: Article 4 HMO, Agricultural Land Classification, Policy B1 Bath Enterprise Zone, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Senior Living Urban (Bath) Limited

Expiry Date: 24th September 2020

Case Officer: Chris Gomm

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

REPORT

This application seeks full planning permission to redevelop the existing 'Homebase' site in central Bath and provide a mixed-use development, principally a new care community. Alongside the care community, independent offices are proposed together with associated facilities such as car parking, landscaping, public/private open space and new links/streets through the site.

The Application Site

The site itself, which measures 1.8ha (4.45 acres) in area, is currently occupied by the large Homebase retail shed which ceased trading in August 2020 as well as its substantial associated surface car park and landscaping. The site is situated within the designated Enterprise Zone and Bath Central Area; it is not however within the designated City Centre. The site is also situated within the City of Bath UNESCO World Heritage Site but is not within the conservation area.

The Proposal

In detail the proposed scheme encompasses:

- o Up to 288 residences and suites with integrated nursing care;
- o Associated communal facilities such as a restaurant, café/bar, occupational therapy/wellness centre, a gym, library, treatment/therapy rooms;
- o Associated support facilities (offices, welfare and training etc.);
- o Office space (independent to the care community) of 1865sqm;
- o Back of house and service areas associated with the above including car and cycle parking;
- o Landscaping including publicly accessible connections through the site to the river and new public spaces.

The 288 residences and suites which make up the care community comprise 253 'Guild Living Residences', 30 care suites and 5 care residences. The Guild Living residences are designed as self-contained units of accommodation which are intended to enable residents to maintain independence whilst offering domiciliary care and support services. The care suites and care residences are intended to provide accommodation for those with more specialist care needs such as residential and nursing care.

The accommodation will be restricted to those aged 65 and over (excluding spouses etc.) and potential residents will be subject to a qualifying assessment in respect of the level of care provided. The nature and level of care to be provided is explored in more detail below.

Environmental Impact Assessment

In 2019 the local planning authority received a formal EIA (Environmental Impact Assessment) Screening Opinion request (Ref: 19/04236/SCREEN). The application sought formal determination as to whether that development (approx. 280 assisted living residences; transitional care suite; co living group home, various communal facilities, 1450sqm office floor space, children's nursery and associated facilities and services) required an EIA. The council concluded at that time that the development was not EIA development and as such a formal EIA/ES was not required. The current proposal differs

from that described in the 2019 Screening Opinion but not significantly so. The Council similarly considers that the current proposal is not EIA development.

Relevant Planning History

19/04643/DEM: Demolition of the Homebase Retail Warehouse (Prior Approval Not Required - November 2019)

19/04236/SCREEN: Request for EIA Screening Opinion in respect of redevelopment proposals (EIA Not Required - October 2019)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Member (Cllr June Player): Objection

- o The proposed changes (reduced floor to ceiling heights/removal of roof top air source heat pumps) do not go anywhere near far enough;
- o All buildings heights should be no more than 3/4 storeys;
- o The viewing corridor from Norfolk Crescent and Stothert Avenue do not go far enough and do not overcome harm to the heritage setting of Bath;
- o The viability issue is not the council's responsibility; it is up to the developer to present a scheme that is viable and acceptable;
- o The proposed changes are just 'tinkering' and are tokenistic;
- o There needs to be a view through this development;
- o Insufficient landscaping;
- o The buildings closest to The Mews, Albert Terrace and Western Terrace are still too tall and too close (a VVM is requested from this location);
- o This development falls in Use Class C3 not Use Class C2 and therefore trigger CIL and affordable housing;
- o Poor housing mix and there needs to be affordable housing provided;

B&NES Highways: No objection subject to conditions

- o The proposed use will result in a reduction in the number of two-way trips compared to the existing use, in both the AM and PM peak periods;
- o Electric vehicle charging will be 20% active and 80% passive; The level of cycle parking is acceptable because the nature of the scheme is such that bicycle ownership is expected to be lower;
- o Cycle parking will be reviewed as part of the on-going travel plan and revised as appropriate;
- o The ratio of car parking is 0.47 spaces per unit; this is less than requirements at similar schemes in the city centre and outer zone;
- o The parking ratio however is in line with the 2011 census data which indicates that car ownership in the city centre zone is 0.5 cars per dwelling
- o Residents will be at least 65 years in age and typically over 75 years. Given this and the central location of the development lower levels of car parking is appropriate;
- o The level of car parking proposed is acceptable;
- o The car park will no longer be automated;
- o The level of cycle parking (26 stands for residents and 17 for staff) is acceptable;
- o Provision of the cycle link to Stothert Avenue [and thus the wider network] is key; it is

understood that discussions continue with Crest regarding off-site works;

- o The proposed facilitation of Sainsbury's right of way through the site represents an improvement to the current legally defined right of way;
- o The majority of the vehicles travelling to the petrol station are cars with only a small number of transit-sized vans (which were the largest). Given this low number and the design of the route, which ensures very low speeds, the risk of conflict between vehicles and vulnerable road users will be minimal;
- o Refuse Collection Vehicles can complete the necessary three-point turn fully within the carriageway;
- o The site will be appropriately signed;
- o Vehicle movements will be low throughout the day without the generation of traditional peak hour movements;
- o Residents will need to book slots in advance to collect their cars and advise of return times. There is likely to be a single valet parking and collecting cars but may be additional valets at busier times; this is acceptable;
- o Four parking spaces are proposed for the office use, one with active EV charging and three with passive;
- o The fine detail of the Travel Plan can be agreed and secured by condition;

B&NES Planning Policy Team: Refuse

- o The lack of affordable housing and lack of mix is contrary to Policy SB7 and Policy CP9;
- o Policy SB7 is implicit that 30% of the required 500 units should be affordable; the development plan must be read as a whole;
- o The lack of affordable housing will likely impact negatively on the total quantum of affordable housing that can be delivered on the remainder of the allocation;

B&NES Urban Design: Scope for revision

- o Reductions in building height are welcomed;
- o Further modifications continue to be needed to Buildings C and D including overall reductions in height;
- o Roof pitches are too shallow and resemble flat roofs, it is an incongruous response;
- o Breaks in the roof form provide a degree of visual relief;
- o More articulation and variety of roof pitch would improve appearance and aid assimilation and retention of ASHPs;
- o The viewpoint that has been opened-up from Stothert Avenue is mean, it needs to be wider;
- o There are positive changes to the ground floor frontages and this active frontage will need to be secured;
- o The new town house typology is a fairly simple, pared back approach which is an acceptable development form;
- o The widening of the route between Building C and D is a more appropriate dimension which will facilitate its use as a pedestrian and cycling link;
- o Concern regarding what will happen at each end of this route;
- o The additional tree planting helps to secure and extend Sydenham Park Street;
- o There is a lack of safe, secure and appropriate cycle parking;
- o The design detail of the cycle routes needs to be designed now;

- o Connections to Stothert Avenue are important and cooperation between the adjoining land owners is promising;
- o The design quality between the site and BWR needs to be addressed;
- o The Placemaking Plan requires a Sustainable Transport Route to run through this site. It is not currently provided in the proposed scheme;
- o The concept of buff brick can be supported in principle but further details are required;
- o Metal cladding is overused and needs to be reduced.

B&NES Landscape: Objection/Scope for Revision (but does not recommend refusal)

- o The location of the proposed buildings and their heights relative to the neighbouring buildings should not detract or block views to the Georgian architecture or green hillside setting - especially from historic views;
- o The site is within Zone 3 of the Bath Building Heights Strategy. Here buildings should generally not exceed four storeys but one additional setback storey within the roof may be acceptable;
- o The Building Heights Strategy also suggests that an additional storey may be acceptable when fronting a public space or at corner and gateway locations;
- o It also states however that downward revision may be necessary (i.e. less than 4 storeys when close to existing two and three storey buildings, or in response to heritage assets and view;
- o The current proposal is an improvement compared to previous iterations, but the buildings still block most of the existing views to the green hillsides
- o The current proposal continues to have an adverse impact on the authenticity and integrity of the World Heritage Site;
- o Neither Building C nor Building D front public open space;
- o It might be argued that building D occupies a corner site but the close proximity of two and three storey buildings is of far greater significance;
- o Anything other than two and three storey development on this site would be likely to result in harm to the authenticity and integrity of the Outstanding Universal Value of the World Heritage;
- o Site and would have an adverse landscape impact that could not be adequately mitigated;
- o The revised development proposals would still be contrary to the requirements of Local Plan policies B4 and NE2;
- o Further reductions in building height are necessary

B&NES Ecology: No objection (revisions requested but no objection to the current scheme)

- o Lighting issues are considered to be satisfactory;
- o The scheme as submitted will not be capable of having an adverse impact on bats associated with the Bath & Bradford on Avon Special Area of Conservation (SAC);
- o Light spill and changes to light levels will not significantly impact upon the River Avon;
- o A condition to secure lighting design will be required;
- o The amended note regarding off-site riverside planting is accepted and welcome;
- o The limited provision of Green Infrastructure remains a concern. There is a high proportion of block paving and hardstanding;

- o The extent of hard standing is damaging to the site's potential contribution to green infrastructure as well as wildlife and other functions;
- o Replacement tree planting will not be of an equivalent value;
- o The removal of some trees alongside the river to create the sterile paved "Civic Gateway" area contrary to SB6, remains unchanged and still appears unjustified;
- o Conditions are requested to ensure further revisions to the landscaping of the site which should not be approved

B&NES Conservation: Scope for Revision (but does not recommend refusal)

- o The height of Buildings C and D remain a concern and are considered to be too high;
- o Concern regarding the accumulative impact of tall buildings and the potential for substantial harm to the setting of the Georgian city and the WHS;
- o The above is a widely acknowledged issue for historic towns and cities and recognised by Historic England

B&NES Environmental Monitoring: No objection

- o The submitted air quality assessment is acceptable. It has considered the effects of construction and demolition and shown they are not significant if appropriate mitigation is in place;
- o A Project Environmental Plan (dealing with dust) has been submitted and is acceptable;

B&NES Arboriculture: Objection (but does not recommend refusal)

- o The revised plans no longer include the sizeable substation next to the river corridor which is welcomed;
- o The revised proposals significantly improve the gap between blocks C and D which link to the offsite protected London Planes. This gap appears more in tune with the aspirations of The Core Strategy and Placemaking Plan Policy SB7A;
- o The revised Arboricultural Impact Assessment refers to the replacement of 72 trees to replace the 43 trees identified for removal but the replacements will be confined by the increased building footprints;
- o Overhanging foliage will be cut back to the boundary to enable the development; this demonstrates that the presence of the trees and future growth has not been properly considered during the design of the site;
- o The application is not fully compliant with policies NE1 and NE6 of the Placemaking Plan.

B&NES Economic Development: No objection

- o We welcome that the proposal includes an additional 65sqm for B1 use above our requested 1,800 sqm;
- o The application meets the aims of the Placemaking Plan PMP) in the creation of additional office space within the city;
- o There should be improved flexibility with the office units to enable downsizing or upsizing;

- o The application states an employment impact of 40 full time equivalent jobs, across a range of services including skilled trades such as nursing and occupational health;
- o The development proposals estimate an impact of 234 direct jobs, 155 of which will be taken up by the B1 office use;
- o Economic output (GVA) of the operational scheme is forecast at £10.9m (2016 figures);
- o Construction phase employment and output is also noted and welcomed;
- o A S106 Site Specific Targeted Recruitment and Training in Construction Obligation should
- o be applied. This is estimated to be the following targeted recruitment and training outcomes: work placements: 45; apprenticeship starts: 8; new jobs advertised through DWP: 8 contribution: £26,345.

Environment Agency: No objection subject to conditions

Canal and River Trust: No comment

B&NES Flooding & Drainage Team: No objection subject to conditions

- o The updated drainage strategy is acceptable;
- o The drainage layout is still indicative and does not provide levels, gradients, pipe diameters etc.;
- o A MicroDrainage Source Control model has been used to estimate the size of the attenuation system. Given the size and complexity of the proposed drainage network more a more detailed model (MicroDrainage System 1) should be used to demonstrate its performance.

B&NES Housing: Objection

- o The Section 106 will need to ensure that that the dwellings are dedicated and remain for C2 use only and that the minimum level of care to ensure C2 compliance is ensured;
- o It is hard for Housing Services to accept the C2 designation when this application contains 274 self contained dwellings, such dwellings would normally be considered as planning designation C3;
- o Agreeing this application as planning designation C2 rather than C3 results in a loss of 82 affordable homes;
- o Delivery of affordable housing on this site is a core strategic objective; the zero (0%) delivery of affordable housing is therefore unacceptable and after due consideration Housing Services ask the planning application is refused.

B&NES Education Services: No objection

- o It is disappointing to see that the proposed nursery has been withdrawn from the revised application;
- o Childcare matters are not an issue that will impact on the future residents of the proposed development, but they do need to be taken into account for those who will be employed at the site.

Historic England: Advice

(Historic England have not formally responded to the most recent revisions but have verbally indicated that their advice is essentially unchanged to that summarised below):

- o The proposal will continue to have a detrimental impact on the setting of the Grade II* listed buildings of Norfolk Crescent, the conservation area and the World Heritage Site;
- o Alterations to height has reduced overall massing in places;
- o The overall height continues to have a negative impact on this edge of the conservation area, WHS, Norfolk Crescent and the green setting of the city;
- o The development continues to create a visual block or wall limiting views towards the green bowl - part of the WHS OUV
- o It will create a barrier of building form imposing itself upon the edge of the conservation area and WHS in a negative way;
- o The development fails to preserve the connection between the Georgian city that makes up the conservation area and WHS;
- o Revisions are required to meet the requirements of paragraphs 196 and 200 of the NPPF

B&NES Contaminated Land: No objection subject to conditions

- o There has been a relatively limited exploratory investigation and that recommendations have been made for further investigation. I agree with this proposal;
- o A greater lateral coverage of the site and investigation of the culvert and surrounding area is required as part of the supplementary investigation works;
- o It is also understood that further gas monitoring is or has been undertaken and that the gas risk assessment will require completion;
- o No objection to the application in relation to risks to human health, however it is recommended that contaminated land conditions are placed on the application to ensure that the further investigation and remedial works are completed.

B&NES Enterprise Zone Energy Coordinator: Comments

- o It is necessary for the development to be prepared for a future potential connection to any heat network (as outlined in CP4), irrespective of when such a network might become available;
- o The following measures should be in place for all developments within the Heat Network Opportunity Area: 1. Protected pipe routes; 2. Plant room location; 3. Plant room design.

Wessex Water: No objection

Avon Fire & Rescue: Comment

The development will generate an additional hydrant requirement. The costs will need to be borne by the developers through developer contributions (S.106 Agreement)

South West Heritage Trust (archaeology): No objection subject to conditions

- o The submitted archaeological Written Scheme of Investigation (WSI) sets out a method for investigating and recording heritage assets on the site that is appropriate for the significance of the archaeology and the potential impact on remains; this is acceptable
- o A condition should be attached to the permission requiring the WSI to be fully implemented as set out in the submitted document.

Third Party Representations

Sainsbury's Supermarket Ltd: Objection

- o The proposal does not meet the aims and objectives of Policy SB7 which seeks a mixed-use new city quarter;
- o Right of way as well as the other highway and safety concern regarding the proposal remain unresolved.
- o A 7.5t van will encroach onto the oncoming cycle lane;
- o A 10m HGV has not been assessed attempting to turn left on to the Sainsbury's right of way;
- o Concern remain regarding the height of the proposal, particularly buildings C and D;
- o Harm to the World Heritage Site, conservation area and nearby listed buildings;
- o The potential impact of the construction phase on the Sainsbury's car park and right of way remain unresolved

Bath Preservation Trust: Objection

"BPT maintains that whilst we appreciate the potential of the site for regeneration and positive redevelopment that can benefit Bath, we feel that the revised design fails to reinforce local distinctiveness, neither preserves nor enhances the character of the Bath conservation area, and would harm views into and across the World Heritage Site and conservation area by virtue of its discordant use of materials, and lack of meritorious aesthetic connection with the historic environment. Despite reductions in height, the site as a whole remains visually excessive and over-dominant in height, scale, and massing. The Trust maintains that due to the incorporation of materials such as brick and aluminium cladding, this scheme does not suitably reflect, respect, or contribute to distinctive architectural aspects of local character, and consequently does not relate to or participate in its residential setting. We additionally resist the principle of single-use development, and would ask that the exclusion of key worker and affordable housing is reconsidered and integrated as part of a more sustainable and balanced scheme. This application is therefore contrary to Section 8, 12, and 16 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3, D4, HE1, NE2, CP7, and CP10 of the Core Strategy and Placemaking Plan, and should be refused".

Federation of Bath Residents Associations (FoBRA): Objection

- o Concern regarding the high number of dwellings proposed; too many are to be crammed into the site;
- o The latest revisions do nothing to reduce harm to the World Heritage Site and the setting of listed buildings;
- o The heights/scale of Buildings C and D are even more extreme;
- o The developers will make no CIL payment which would have been around £2.4m;

- o No affordable housing will be provided;
- o The cladding is incongruous;
- o Loss of an important DIY retail facility;
- o The development will increase the pressure on local services;
- o There will be a negative visual impact caused by the proposal as well as a loss of amenity to local residents;
- o The residences provided will probably be unaffordable to local residents.

Norfolk Crescent Green Residents Association: Objection

- o The reduction in height is minor;
- o Regrettably no significant improvements have been made;
- o Overall, the scheme is less coherent than before;
- o Building A/B is 35.35m in height despite Albert Crescent etc being only 29.3-33.15 in height;
- o Harm to listed buildings will remain as well as harm to the OUV of the WHS;
- o The submission downplays the harm caused by the development;
- o The lapsed Pinesgate development is irrelevant;
- o The Landscape and Visual Impact Assessment (viewpoints) are not accurate or representative;
- o The development will be a solid wall of buildings blocking views of the hillsides beyond;
- o Blocks C and D have been lowered by 2m (to 41m) but they are still taller than prevailing Georgian buildings;
- o Developers have ignored the Bath Building Heights Strategy;

Riverside Community Voice (the residents' association for Bath Riverside): Objection

- o Support the redevelopment of the site in principle but serious concerns regarding the current proposals;
- o The density is too high, as many dwellings as possible are being squeezed into this small site;
- o The buildings are too tall and there is very little outdoor space;
- o Royal View and Sovereign Point (the two tall buildings on Bath River) should not be taken as a precedent;
- o The proposed cladding is dark in colour and this will aggravate the sense of enclosure;
- o We would encourage the use of materials which closer to the Bath stone palette;
- o Serious concerns remain regarding the impact of Building A on the Albert Terrace triangle;
- o Doubts about the accuracy of the daylight and sunlight analysis;
- o Serious risk of traffic congestion; the Pines Way gyratory is already congested;
- o There is likely to be an increase in traffic along Stothert Avenue aggravating congestion and air quality;
- o How will delays and queuing be avoided in respect of the car park stacking system;
- o Concern that visitor parking spaces in Riverside will come under significant pressure;
- o Existing pedestrian routes must be kept open;
- o Disappointed that there is no gull or pigeon strategy;

- o We query the assertion that the dwellings are Class C2 residential institutions;
- o Proposed developments along the river must be looked at holistically;
- o Adequate contributions to upgrade infrastructure will be essential;

The Widcombe Association: Objection

- o No objection to the provision of a care community;
- o Concern regarding the scale of the buildings and lack of other housing types;
- o The development has an insensitive and overpowering impact on the Western Riverside;
- o Excessive height, density, brick cladding and scale;
- o Concerns regarding the impact on traffic on the Lower Bristol Road;
- o The development does not appear to reflect the masterplan for the area;
- o The revisions fail to satisfy the majority of the criticisms and remains unacceptable;

212 representations have been received of which 22 support the development and 190 raise objections. The representations are summarised as follows:

OBJECTIONS

- o The proposed buildings are too high and will dwarf other buildings;
- o Some of the development is higher than the adjacent Crest Riverside development;
- o The development is too dense and overdeveloped;
- o The plans are ugly, oppressive and will be an eyesore;
- o The buildings will not fit in, the dark exterior will stick out against Bath Stone;
- o The development will stick out like a sore thumb;
- o The buildings should be constructed of Bath Stone;
- o The oversized roofs are particularly harmful;
- o There will be harm to the World Heritage Site;
- o Harm to the setting of nearby listed buildings including Grade II* Norfolk Crescent and Cumberland House;
- o Bath's world heritage status seems to stop in BA2;
- o This cannot be a serious proposal;
- o Repetition of 60's era brutalism;
- o The view from the hillsides will be appalling;
- o Views to the hillsides will be lost or interrupted;
- o Poor landscaping proposals with a lack of trees;
- o Some of the montages are incorrect;
- o The overall impression is of an isolated architectural style;
- o Lack of outside amenity areas;
- o Harm to wildlife using the river;
- o Has the impact of potential flooding been properly considered?
- o There should be more green space and parking;
- o Parking is insufficient (136 spaces for 288 units) and the stacking system unrealistic;
- o There will be overspill car parking, including from those that currently use the Homebasecar park;
- o Loss of a safe drop-off for Hayesfield School students;
- o Significant extra traffic will be generated on Lower Bristol Road;
- o Albert Crescent and The Mews will be overlooked and over shadowed;

- o The reduction in daylight and sunlight will be contrary to BRE standards;
- o Block A particularly should be moved from back from the boundary;
- o The building is just 15m from The Mews; the guidance is 21 metres minimum;
- o Harm to pollution and air quality;
- o This development runs counter to the Clean Air Zone;
- o The impact of the construction works will be unacceptable;
- o Impact on the NHS and other services;
- o There is no gull or pigeon strategy;
- o Reduction in the number of trees;
- o Building over a Roman road, an archaeological survey will be necessary;
- o The development is proposed as Use Class C2 to avoid affordable housing;
- o No affordable housing is provided, it should be;
- o The development is not Use Class C2, there is just a little optional care;
- o There should be diversity of tenure, there is not;
- o Guild Living should go back to the drawing board;
- o This is a ghetto for the elderly;
- o The need for more retirement homes is questionable given the nearby Pegasus Life scheme;
- o This site is too distant from the city centre so not suitable for retirement residences;
- o Over concentration of elderly accommodation in the area;
- o Concern that they may become available for student letting;
- o Rubber stamped letters of support from local businesses are being submitted;
- o The recent changes do not go far enough;
- o Residents of Bath need a decent DIY store;
- o The application is contrary to Core Strategy and Placemaking Plan policy;
- o Lack of need for the commercial elements since Covid-19;

SUPPORT

- o It is great to see a site not being used for student housing;
- o Great idea, great site, great for the local population
- o This is an outstanding proposition that will enhance the city centre;
- o It is an improvement for the area and important for Bath;
- o It will meet the needs of the ageing population;
- o The development is badly needed;
- o It will provide an inclusive and desirable community;
- o The existing Homebase site has been rundown for years, this development will deal with it;
- o There is regular litter, rats, vandalism and anti-social behaviour. A well-managed development here will lift the neighbourhood;
- o The scale and massing is in keeping with the surrounding area;
- o The development fits in with the masterplan;
- o It will free-up much needed family homes often occupied by elderly people;
- o The development is in keeping with the heights of neighbouring buildings;
- o Bath lacks adequate care facilities and this scheme will begin to redress the balance;

POLICIES/LEGISLATION

The Council's Development Plan 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 Neighbourhood Plans (where applicable) (none applicable within the city of Bath).

The following Core Strategy policies are relevant:

Policy DW1: District Wide Spatial Strategy
 Policy CP2: Sustainable Construction
 Policy CP3: Renewable Energy
 Policy CP5: Flood Risk Management
 Policy CP6: Environmental Quality
 Policy CP10: Housing Mix
 Policy CP13: Infrastructure Provision

The following policies of the Placemaking Plan are relevant:

Policy B1: Bath Spatial Strategy
 Policy B2: Central Area Strategic Policy
 Policy B4: The World Heritage Site and its Setting
 Policy SB7: Green Park Station West & Sydenham Park
 Policy SCR1: On-site renewable energy requirement
 Policy SCR2: Roof mounted/building integrated scale solar PV
 Policy SCR5: Water efficiency
 Policy CP4: District heating
 Policy SU1: Sustainable drainage policy
 Policy D1: General urban design principles
 Policy D2: Local character and distinctiveness
 Policy D3: Urban fabric
 Policy D4: Streets and spaces
 Policy D5: Building design
 Policy D6: Amenity
 Policy D8: Lighting
 Policy D10: Public realm
 Policy HE1: Historic environment
 Policy NE3: Sites species and habitats
 Policy NE4: Ecosystem services
 Policy NE5: Ecological network
 Policy NE6: Trees and woodland conservation
 Policy CP7: Green infrastructure
 Policy NE1: Development and Green Infrastructure
 Policy PCS1: Pollution and nuisance
 Policy PCS2: Noise and vibration
 Policy PCS3: Air quality
 Policy PCS5: Contamination
 Policy PCS7A: Sewage Infrastructure
 Policy PCS8: Bath Hot Springs
 Policy H1: Housing
 Policy H7: Housing accessibility
 Policy LCR9: Increasing the provision of local food growing

Policy ED1A: Office development
Policy CP12: Centres and retailing
Policy ST1: Promoting sustainable transport
Policy ST2: Sustainable transport routes
Policy ST2A: Recreational routes
Policy ST3: Transport infrastructure
Policy ST7: Transport requirements for managing development

Other Local Policy Documents and Guidance

- o Bath City-Wide Character Appraisal SPD (August 2005)
- o City of Bath World Heritage Site Setting SPD (August 2013)
- o Planning Obligations SPD (April 2015)(amended 2019)
- o Bath Buildings Heights Strategy
- o Bath Western Riverside (BWR) SPD

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues are considered to be:

1. Principle of the development including the proposed mix and quantum of uses;
2. The proposed use itself;
3. Design and impact on heritage assets;
4. Residential amenity;
5. Transport and highway considerations;
6. Ecology and the ecological emergency;
7. Flood risk;
8. Arboricultural matters;
9. Archaeology;
10. Contamination and ground conditions;
11. The climate emergency and associated policy/technical requirements

1. Principle including the Proposed Mix and Quantum of Uses

The application site is identified for comprehensive mixed-use redevelopment in the council's Placemaking Plan (Policy SB7). The application site together with the adjacent Pinesgate office development, the Pinesgate Industrial Estate, the Sainsbury's petrol filling station and those parts of Sainsbury's car park south/west of the river, form the 'Sydenham Park' element of the allocation. The Sainsbury's retail store and Green Park station also form part of the wider Policy SB7 allocation and are referred to as 'Green Park Station West' but the detailed development requirements are dealt with separately to Sydenham Park.

Policy SB7 allocates the whole of Green Park Station West & Sydenham Park for mixed-use development comprising employment, residential and retail uses. In respect of uses, the detailed development requirements for Sydenham Park (of which the application site forms only part) are specified as follows:

- o Residential development (over 500 units);
- o B1 employment floorspace of around 14,000sqm GIA;
- o Retail of around 7,000sqm net sales floor space;
- o A hotel of around 150 beds;
- o Complementary food and drink establishments.

It is important to note that Policy SB7 does not specify the nature of the requisite residential development other than explicitly ruling-out student accommodation; as such the policy is open to residential development falling within Use Class C3 (dwellings) and/or Use Class C2 (residential institutions) and indeed any use that is residential in nature falling somewhere in between. Similarly, Policy SB7 does not specify the nature of the B1 employment floor space (Use Class B1 includes a range of uses from offices to light industrial) nor the nature of the retail development (i.e. convenience or comparison goods); there is therefore substantial flexibility within the broad uses that have been specified.

The proposal involves the complete demolition and redevelopment of the existing Homebase DIY store. Members will be aware that the store is now closed and is understood to have closed mid-August 2020. The store and its retail use are not protected by planning policy, indeed as stated it is planning policy that the site be redeveloped. Furthermore, Prior Approval for the store's demolition was given in November 2019 (see Planning History above) and therefore the loss of this retail building is already established.

The proposed development comprises 288 residences with associated communal facilities within a so-called 'care community' environment. Such residences whilst not conventional dwelling houses in nature can nonetheless clearly be defined as a residential use, as is required by Policy SB7. The scheme also proposes 1865sqm of standalone office floor space; such a use falls within Use Class B1 (as was) and as such again complies with the requirements of Policy SB7.

The quantum of proposed development is significantly below that specified by Policy SB7; 288 residences are proposed against the 500+ required and 1,865sqm of B1 floor space is proposed against the 14,000sqm required, furthermore no retail nor hotel accommodation is proposed. It is essential to note however that the Homebase site itself constitutes less than half of the wider Sydenham Park allocation. The remainder of the Sydenham Park allocation which includes the Pinesgate office park, Pinesgate Industrial Estate, the substantial Sainsbury's overflow car park and the PFS, has sufficient capacity to accommodate the residual quantum of development required by Policy SB7, and the current development proposals will in no way compromise the future redevelopment of those sites.

2. The 'Extra-Care' Use itself and Associated Issues

As explored above, Policy SB7 is sufficiently flexible to enable any form of residential development in principle on this site excluding purpose-built student accommodation. There is no objection in principle therefore to a so-called 'care community' here (also known as 'extra care'). It is important to establish however which use class of the UCO (Use Classes Order 1987) the proposed care community falls within as this has significant implications for the scheme, in particular the level of affordable housing provision that can legitimately be required.

The UCO defines Use Class C2 as buildings providing residential accommodation and care to people in need of care (other than a use within class C3); use as a hospital or nursing home or; use as a residential school, college or training centre. Use Class C3 is defined by the UCO as dwelling houses where they are occupied by a single person or family or occupied by up to six people living together as a single household.

The proposed development comprises a significant number of self-contained apartments which on first inspection may appear to simply be a collection of conventional dwellings falling within Use Class C3; the development as a whole however includes a significant number of services, facilities and features which together swing the balance in favour of the scheme falling within Use Class C2. An Operator Statement has been submitted with the application and this confirms that the proposed development includes, amongst other things:

- o A minimum resident age restriction of 65 years old excluding spouses/partners etc.;
- o Residents (excluding spouses etc.) will be the subject of a qualifying needs assessment before taking residence; to qualify therefore residents must be in need of care;
- o Residents will be required to be in receipt of 2.5 hours per week of care as a minimum which whilst low will rise as required;
- o The design and plan of the development will facilitate the provision of the above care and will include substantial communal health and wellbeing facilities such as consultation rooms, a wellness centre, restaurant, lounge, swimming pool and hydrotherapy pool;
- o Accommodation internally is designed to be age-friendly and 100% wheelchair accessible with features such as an emergency call system, lowered surfaces etc.;
- o Nursing, personal and domestic care services will be available on-site 24 hours a day provided by a Registered Domiciliary Care Service;
- o 24-hour nursing care will be received within the 'Care Suites' and these are to be registered as a 'Nursing Home' with the Care Quality Commission;

Taken together it is considered that the above features/restrictions demonstrate that the development sits firmly in Use Class C2. Ultimately as referenced above, the Use Class Order defines a C2 use as residential accommodation provided to people in need of care; the above referenced qualifying care need assessment, together with the provision of a compulsory minimum care package, results in the development meeting that definition; the additional features/restrictions listed above further support that position. It will be necessary for the above limitations, services and features, as well as the wider content of the Operator Statement, to be secured by S.106 Agreement.

Policy CP9 is clear that residential development must contribute towards affordable housing provision; in this area of Bath a 30% contribution is required. The Council's

'Planning Obligations' SPD however explicitly states that "for the avoidance of doubt this requirement [provision of affordable housing] does not apply to accommodation at residential institutions, with a C2 planning use class, for people in need of care such as care homes and nursing homes". Accordingly, no affordable housing can be secured in respect of the current proposal.

3. Design

The design proposals have been the subject of considerable discussion and as a result the scheme has been significantly revised on a number of occasions, both during the course of the application and at the pre-application stage. It is not practicable nor necessary to describe in detail how the design has developed but the most recent amendments have involved significant reductions in height to some of the buildings; this has been achieved through reductions in floor to ceiling heights for example and through the relocation of rooftop plant to the basement. The overall scale and massing of the development has been reduced in order to reduce impact but also to open-up viewing/visual corridors to the hillsides beyond. Importantly, the width of the boulevard/street between Buildings C and D has been substantially increased from 10m to 17m in order to facilitate a viable avenue of trees as well as a segregated cycle route. Substantial photovoltaic arrays have been added to a number of roofs. Earlier iterations of the scheme included a higher number of residences which have since been reduced, as well as a children's nursery which has since been omitted.

The final scheme in essence takes the form of three mixed-use buildings (Building A&B, C and D) arranged around and fronting two streets which pass through the development on an east west alignment. The northern link will provide the principal route to and through the site for pedestrian and cyclists as well as providing vehicular access for service vehicles and residents cars; it will also facilitate a vehicular right of way through the site possessed by Sainsbury's. The southern, secondary link will provide a pedestrian and cycling route through the site to the nearby Sainsbury's supermarket, Green Park station and beyond.

Policy CP6 is the Core Strategy's overarching policy dealing with environmental quality; this seeks to secure, amongst other things, high quality inclusive design. Policies D1-D5 set out the Council's detailed urban design policies; these policies collectively seek to secure high-quality design which is appropriate to its context. In particular, Policy D2 supports development which contributes positively to and does not harm local character and distinctiveness; it prescribes that development is expected to positively respond to site context and improve areas of poor design.

Policy D2 requires design to respond appropriately to urban morphology, including amongst other things block and plot patterns; mix of uses, building heights, massing and scale, and local vernacular. In respect of density, Policy D2 is clear that the density of new schemes must be compatible with the character of the area but equally the policy encourages higher densities in accessible locations with good local facilities, on order to make an efficient use of land.

Policy BD1 (the Bath Design Policy) is clear that submissions must explain how the Bath design values have informed the proposed design approach including its aesthetics,

building form, use, materials and detailing. It must also be explained how the height and scale of the proposal has respected, responded and positively contributed to the character of Bath, including Bath's heritage, its values and views. In addition, Policy BD1 requires proposals to explain how proposals maintain the significance, integrity and authenticity of the World Heritage Site as well as preserve or enhance the character or appearance of the conservation area.

Layout and Overall Form of Development

Policy SB7 sets out a number of broad expectations for the site; these include the provision of what is referred to as 'Sydenham Park Street', a new street running through the site (in effect a continuation of the existing avenue of London Plane trees), as well as options for other east west links through and around the site; the proposed scheme successfully meets these aspirations. The proposed layout incorporates a thoroughfare through the southern corner of the site acting as a continuation of the aforementioned avenue of Plane trees. This area will be pedestrianised, landscaped with street trees and will provide a new high-quality area of public realm which it is hoped will eventually continue off-site through the adjacent Sainsburys land holding. This area has been significantly widened during the course of the application from 10m to 17m to create a viable pedestrian and cycle thoroughfare as required by Policy SB7.

In addition to 'Sydenham Park Street' the layout incorporates a more substantial street between Buildings A/B and C. Again, this thoroughfare will provide an east-west route through the development connecting Bath Western Riverside (and beyond) with the city centre as is required by Policy SB7; it reflects the pedestrian and cycling desire lines identified in the submitted Transport Statement. The broad layout of the site is considered to be a logical and appropriate way in which to accommodate the desire lines through the site as well as addressing the requirements of Policy SB7.

The layout includes extensive private amenity space to the immediate north of Building A/B; this will provide a non-public outside area for the residents of the care community and will ensure provide landscaped separation between Building A/B and neighbouring residential properties in The Mews, Albert Terrace etc.

Architectural Approach

The scheme follows an industrial design aesthetic intended to reflect the site's historic industrial uses; it deliberately avoids mimicking the 'polite' Georgian architecture found elsewhere in the city. Brickwork is proposed as the predominant external facing material alongside metal cladding, which will be employed on the roofs and external walls to provide visual breaks to the elevations. Policy SB7 states that this area, "has a significant opportunity to provide a distinct and contrasting built character to the city centre". Policy SB7 goes on to state that, "this includes the potential of introducing different building forms or typologies and different building materials that can respond to the visual homogeneity of the city". The applicant has been encouraged by the council, through pre-application discussions, to follow a distinct industrial design approach and the approach taken is considered broadly acceptable.

The use of brick with metal cladding has proven to be controversial with a number of third parties, including Bath Preservation Trust for example, but it meets with the approval of

the council's conservation team and urban design officer. It is considered that the use of Bath Stone Ashlar or a design approach following a contemporary interpretation of Georgian architecture for example, would not be appropriate here and would contradict the aspirations of Policy SB7 quoted above. Careful consideration will need to be given to the type, tone and colour of brick ultimately used as well as its bonding pattern; a set of conditions are proposed to ensure that the council has control over such matters; the same is true of the metal cladding.

The proposed buildings will provide an interesting and varied street scene with its own distinct character. The development will create a sense of enclosure within the streets and spaces, both private and public and the proposed buildings are considered to 'turn corners' well, avoiding blank or inanimate elevations. The ground floor of the buildings will provide extensive active frontage where fronting the public realm in the form of feature floor to ceiling glazing to the commercial units. Both the north and south sides of the main thoroughfare are to be lined with the active frontages of the commercial units and the communal areas of the care community (cafe, restaurant etc.); similarly extensive active frontage will be provided on both sides of Sydenham Park Street. This will ensure that both streets are active and lively during the daytime as well as during the evening to a lesser degree. Extensive active frontage will also front Pinesway, on the ground floors of Building C and D, providing activity and some vibrance to an otherwise uninspiring car-dominated gyratory system.

Scale and Massing

The scale and massing of the proposed buildings, in particular the height, has been a key area of contention. Proposed building heights across the development range from two storeys to six storeys. Building A/B is a mix of four storeys (with the top storey designed to read as the roof) and two storeys - where adjacent to Albert Terrace for example. Building C is predominately six storeys albeit with the top storey again designed to read as the roof; the key elevation of this building addressing Pinesway however is to be four storeys in height. Building D is six storeys in its entirety albeit with the top storey designed to be read as a roof.

The Bath Building Heights Strategy (BBHS) states that in this area building heights are recommended to be five storeys (where the top storey is set back and designed to be read as roof). It goes on to recommend however that an additional storey (i.e. six storeys in total) may be acceptable along the Lower Bristol Road except where it is in close proximity to existing 2-3 storey residential areas. It also states that an additional storey (i.e. six storeys in total) may be appropriate when fronting public space or marking key locations such as corners or gateways and mixed-use centres. In this respect, the proposed development accords with the BBHS; the scheme is between two and six storeys with a good degree of variation to break up the roofscape; where six storeys are proposed these are indeed on buildings fronting public space (e.g. Sydenham Park Street) as well as on key corners and gateways, such as the corner adjacent to Pineway.

The BBHS goes on to state however that it may be necessary for building heights to be less than four storeys in this zone in response to heritage assets, residential amenity and to prevent intrusions into views; it also goes on to state that development along the riverside should be subservient to the Georgian city. The council's conservation officer and

urban designer have raised particular concerns regarding the six-storey height of Building C and D; one of the key concerns is the impact of those buildings on the setting of the Georgian city and World Heritage Site. The council's landscape officer has raised similar concerns but focusses on the loss of views of the green hillsides caused by all of the proposed buildings (not just Building C and D).

The application site forms part of the original Bath Western Riverside site and as such is covered by its associated SPD (Supplementary Planning Document) (March 2008) which includes, amongst other things, a set of Design Codes. The SPD is now over 12 years old and is therefore considered to be of limited weight however its Design Codes, particularly in respect of height, remain of interest. The Design Codes state that buildings on the river frontage should be of 5-8 storeys in height with a variety in heights required to break up the massing here. The central parts of the site are also identified in the Design Codes as being suitable for buildings of 5-8 storeys. It is evident that the proposals are in accordance with the BWR Design Codes in respect of height however as stated, these Design Codes should now only be afforded limited weight.

The height, scale and massing of the proposed scheme is considered to be appropriate in respect of how it will be experienced in its immediate context. The development will not for example be incongruous when experienced from the Pineway gyratory system which itself encircles modern buildings of substantial mass (albeit lower in height). Similarly, the development will not appear incongruous or out of place when experienced from within the adjoining Bath Western Riverside (BWR) development. BWR is a substantial redevelopment scheme which includes buildings of considerable scale and height; a number of blocks with BWR are 6-7 storeys in height and the 'landmark' towers are taller again. Building A&B, the building closest to Albert Terrace, BWR and the river is only marginally taller than Albert Terrace itself at four storeys or less.

The submitted Visually Verified Montages (VVMs) provide accurate images of the final scheme from various vantage points. It is considered that the VVMs demonstrate that the development will indeed be of an appropriate scale, height and massing when experienced from the Lower Bristol Road (View 1) and well as from View 2 (the Brougham Hayes traffic lights); it does not appear incongruous or excessive in scale in these views. When experienced at the Pinesway Gyratory (View 3), the development of course presents a significant change but again in this immediate context the buildings do not appear excessive or incongruous, on the contrary they are perceived as appropriate and proportionate in the context of a road of this substantial width. The buildings will be largely obscured from the access bridge to Sainsburys (View 4), initially by the mature riverside trees and in years to come by the potential redevelopment of the intervening car park (which also forms part of the Sydenham Park Policy SB7 allocation).

It is considered the significant amendments to the scheme that have reduced its scale, massing and height have resolved localised issues of overdominance and character however the wider harm that the proposed buildings will cause beyond their immediate setting remains, and this is discussed in the heritage section below.

Impact on Heritage Assets

The application site is within the Bath UNESCO World Heritage Site but is outside of the City of Bath Conservation Area. The adjacent River Avon however forms the boundary of

the conservation area and therefore the development sits within the setting of the conservation area and has the clear potential to affect it.

The application site is situated immediately to the south of Norfolk Crescent (beyond the river), a Grade II* Georgian crescent dating from around 1810. Norfolk Crescent fronts onto Norfolk Crescent Green, a triangular green space adjoining the river. On the northern side of Norfolk Crescent Green is 1-8 Nelson Place which is a palace-fronted Grade II listed terrace of dwelling houses dating from 1805. To the rear of Norfolk Crescent is a terrace of dwelling houses known as Norfolk Buildings; these are Grade II listed and date from 1810-20. The proposed development is also within the setting of a number of Grade II listed buildings on Lower Bristol Road including Victoria Buildings, a terrace of early C19 dwellings, as well as Victoria Bridge itself to the north, a Grade II* suspension bridge over the River Avon constructed in 1836.

Policy HE1 of the Placemaking Plan, alongside Policy CP6 of the Core Strategy, seeks to safeguard the district's heritage assets. Development should preserve or enhance those elements which contribute to the special character and appearance of the Conservation Area. Any harm must be justified and weighed against the public benefits of the proposal; great weight must be given to the preservation of the heritage asset in question. As stated above, Policy BD1 requires proposals to explain how proposals maintain the significance, integrity and authenticity of the World Heritage Site and preserve or enhance the character or appearance of the conservation area.

Core Strategy Policy B4 deals with the World Heritage Site and its setting. It is clear that there is a strong presumption against development that result in harm to the Outstanding Universal Values (OUVs) of the WHS. It states that where a development proposal has a demonstrable public benefit that benefit must be weighed against the level of harm [in the decision-making process].

The heritage concerns that have been raised regarding the height and massing of the proposed development are broadly two-fold; firstly, concern has been expressed by Historic England that the setting of adjacent listed buildings (namely Norfolk Crescent and those adjacent to it) will be harmed and secondly concerns have been raised by the council's conservation officer, landscape officer, urban designer and again Historic England, that the buildings will interrupt and obscure views to the surrounding green hillsides. The green setting of the city, being as it is in a hollow/bowl within the surrounding hills, was one of the reasons for it being inscribed by UNESCO as a World Heritage Site; this green setting is one of the key attributes of its 'Outstanding Universal Value'.

The most recent amendments to the proposal have significantly reduced the massing, scale and height of the buildings in order to open up glimpses of the green hillsides from within and adjacent to the development. Unlike previous design iterations, a small glimpse of the hillside to the south will now be possible from Nelson Place/Norfolk Crescent as well as a small glimpse of the hillside when viewing the development along Stothert Avenue. Notwithstanding the opening up of these hillside glimpses, which is welcomed, it remains undeniably the case that large areas of hillside which are currently visible across the Homebase site will no longer be visible following the proposed development. This reduction in visual connection between the site (and its surroundings) and the wider green bowl/hillsides constitutes harm to the World Heritage Site and its Outstanding Universal Value as well as to the setting of the conservation area. This harm has been identified by

Historic England, the council's conservation officer and landscape officer however all have stopped short of formally objecting to the application and none have gone so far as to recommend that the application be refused. It is considered that the harm to the WHS and conservation area constitutes 'less than substantial harm' in NPPF terms and at the most a middle magnitude of harm within the 'less than substantial' spectrum.

It is important to note that, in addition to the glimpses across the development, views of the surrounding green hillsides will continue to be available from vantage points immediately adjacent to the site and will be unaffected by this development.

In addition to the aforementioned 'less than substantial harm' to the conservation area and world heritage site, there is also considered to be harm (again 'less than substantial harm') to the setting of a small number of listed buildings in Norfolk Crescent; the other listed buildings identified above are considered to be too distant to be adversely affected. This harm again results from the reduction in visual connections between the edge of the Georgian city (represented by these listed buildings) and the wider landscape; to this extent these setting of these listed buildings and therefore their significance is harmed.

Paragraph 194 of the NPPF (as echoed by the council's planning policies) states that, "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"; it is considered that the harm is indeed justified in this case. The site (together with the wider Sydenham Park) is allocated in the adopted development plan for a substantial quantum of development including at least 500 dwellings, 14,000sqm of office floor space and 7,000sqm of retail. This quantum of development simply cannot be accommodated on this site in low-rise buildings and as such if the requirements of adopted council policy are to be realised, it is highly likely that some interruption of the views to surrounding hillsides will result, as will some adverse impingement of the setting of the listed buildings at Norfolk Crescent.

NPPF Paragraph 196 (as echoed by the council's planning policies) goes on to state 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. As referenced above, the identified harm is considered to sit mid-way within the 'less than substantial harm' spectrum.

The public benefits of the proposed development, whilst not as significant as had the development been conventional Use Class C3 housing (with associated affordable homes), are significant nonetheless. The scheme will provide a significant number of assisted living residences for elderly persons whom are in need of care, addressing a demand for specialist accommodation in Bath; this is a substantial public benefit. In addition, by providing this care local hospitals will be supported through the provision of step-down services. Once operational the care community and offices will provide over 200 direct jobs (and additional indirect jobs) as well as the economic output generated by the commercial office elements of the scheme; the proposal will therefore bring significant economic benefits (which would not be provided by conventional housing). The development will also bring with it the site-specific benefits of regenerating an otherwise tired retail shed and unattractive surface car park, which together do not preserve or enhance the setting of

the adjacent conservation area; the provision of the pedestrian and cycling links through the site are also a tangible public benefit. The redevelopment of this site, if approved, will be the first step in the realisation of the wider Policy SB7 allocation and may act as a catalyst for the remainder of the Sydenham Park site to come forward.

The public benefits of this redevelopment scheme, as summarised above, are considered to on balance outweigh the 'less than substantial' harm to the WHS, conservation area and nearby listed buildings. With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Here, for the reasons explored above, special attention has indeed been paid to the desirability of preserving or enhanced the City of Bath Conservation Area and this has been weighed into the balance; the impact of the scheme in this respect is considered to be acceptable for the aforementioned reasons. 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.' Here, for the reasons explored above, special attention has indeed been paid to the desirability of preserving the referenced listed buildings (and their setting) and this has been weighed into the balance; the impact of the proposed development in this respect is considered to be acceptable for the aforementioned reasons.

4. Residential Amenity

Policy D6 of the Placemaking Plan states that development must provide for appropriate levels of amenity including ensuring that existing and proposed development has appropriate levels of privacy, outlook and natural light. It also seeks to ensure that significant harm is not caused to the amenities of existing or future residents in respect of loss of light, noise, odour, overlooking, traffic or other forms of disturbance. The policy requires development to incorporate adequate space and adequate/appropriate waste and recycling facilities (these matters are dealt with in the design section above).

Policy PCS2 (noise and vibration) states that development will only be permitted where it does not cause unacceptable increases in noise/vibration that would have a significant adverse impact on health, quality of life, natural/built environment or general amenity. The policy also prescribes that noise sensitive developments should avoid locations wherever possible where occupants would be subject to unacceptable levels of noise and vibration from an existing noise source.

Industrial and commercial uses are present to the south and immediate east of the site including the Pinesgate office development, Pinesgate Industrial Estate, Sainsbury's petrol station and Sainsbury's car park; there is limited potential for an adverse impact on residential amenity here. To the west of the site are a number of residential properties on Victoria Bridge Road and Stothert Avenue; to the immediate north of the site and immediately adjoining it are a number of residential properties in Albert Crescent, Western Crescent and The Mews; there is the potential for the proposal to have an impact on both of these areas in respect of residential amenity. Further to the east beyond the river is the

residential area centred on Norfolk Crescent; there is the potential, albeit limited, for the development to also have an impact on the amenity of these properties.

Loss of Light/Overshadowing

The application is accompanied by a 'Daylight and Sunlight Amenity Study' which has been revised to take account of the various design amendments. This study, which follows the approach suggested by the Building Research Establishment's practice guidance 'Site Layout Planning for Daylight and Sunlight', analyses a number of factors used to measure the impact of development on neighbouring buildings.

Firstly, Vertical Sky Component (VSC) has been assessed in respect of the neighbouring residential properties likely to be affected by the new buildings. VSC is a measure of available daylight; it is essentially the proportion of the sky visible from each window expressed as a percentage of the whole sky. The maximum theoretically achievable is 40%; the BRE guidelines state that ideally every window should have a VSC of at least 27% or in the case of properties affected by new development, not less than a 20% reduction from previous values. The submitted report confirms that 20 out of 27 cases meet the 20% guideline but there are therefore 7 cases which do not. The report goes on to clarify that these 7 cases only marginally fail to meet the guidelines with those windows experiencing no more than a 27% reduction in VSC compared to the existing situation.

Secondly, the Daylight Distribution (DD) test takes the VSC assessment a step further by calculating the area of the room (rather than just the window) that will receive direct skylight vs the area of the room that will not, before and after development i.e. the area of a room with visible sky. Again, a reduction of more than 20% compared to the existing situation is considered an adverse impact. The submitted report concludes that of the 24 dwellings assessed, 23 of them meet the DD guidelines and do with a 100% outcome i.e. no reduction in daylight whatsoever. One dwelling (two rooms) does not meet the guidelines however these are assumed by the report author to be uninhabitable rooms and therefore not considered relevant.

Moving on to sunlight rather than daylight, the Annual Probable Sunlight Hours (APSH) test calculates the annual probable sunlight hours received by windows facing within 90 degrees of south, before and after development. The main requirement is in living rooms, bedrooms are considered less important and again, a reduction in sunlight in excess of 20% is considered adverse. The submitted report concludes that all windows assessed will meet the ASPH guidelines and will therefore experience appropriate levels of sunlight post-development.

Finally, the submitted report has also analysed the impact of the development on light levels experienced in the neighbouring outdoor amenity spaces. The BRE guidelines advise that for an outdoor amenity area to have an appropriate level of year-round sunlight at least half of it should receive direct sunlight on 21 March (this date is considered to be an appropriate point between winter and summer sun levels). All of the outdoor amenity areas have been assessed as meeting this test.

It is evident from the study undertaken that the levels of sunlight and daylight currently enjoyed by the overwhelming majority of the neighbouring residential properties will not be adversely affected by the development. Some of the residential properties assessed will

experience a reduction in daylight beyond the levels stipulated by BRE guidelines, but only marginally so (between 1% - 7% beyond). The BRE guidelines (which are not policy) recommend exercising a degree of flexibility in urbanised/high density locations and on this. On this basis, as the number of properties affected is very small and that impact in any case will only be marginally beyond the guidelines; the residential properties centred on Norfolk Crescent Gardens are too distant. It is considered that the impact of the proposal on sunlight and daylight is an acceptable one and compliant with Policy D6 in this respect.

Loss of Privacy/Overlooking

As stated above, the closest residential properties to the proposed development are those situated to the immediate north of the site in The Mews, Albert Terrace and Western Terrace, as well as to the north west on Victoria Bridge Road. As a rule of thumb 18metres is generally accepted as the minimum distance (window to window) that residential buildings ought to be sited from one another in order to avoid unacceptable levels of overlooking and resultant loss of privacy. The residential flats on Victoria Bridge Road are in the region of 38m from the proposed buildings at their closest point and therefore will not experience an unacceptable loss of privacy. The Mews is approximately 18m to the north as is Western Terrace (when measured between closest windows). The majority of Albert Terrace is in excess of 18m distant, but the southernmost Albert Terrace property is situated approximately 15m north of the proposed development (measured to windows and roof terrace).

On balance and notwithstanding its proximity, it is considered that the impact of the proposed development on the Albert Terrace property in question will be acceptable in terms of privacy. It is noted from a review of the approved floor plans that the principal rooms within the Albert Terrace property face the river, the windows facing the proposed development tend to be secondary windows. Furthermore, a number of the rooms with windows facing the development are bedrooms as well as a study, rather than key habitable rooms. This internal layout together with the site's city centre location (where a degree of inter-visibility is commonplace) leads to the conclusion that the proposed development is acceptable in privacy terms and in accordance with Policy D6 in this respect.

In respect of other potential harm to residential amenity, it is not considered that the development will present a noise disturbance issue for neighbouring residents or future occupiers. The proposed residential uses are clearly compatible with the existing residential uses; any noise generated by traffic movements is unlikely to exceed the disturbance currently related to the Homebase car park. The proposed ground floor commercial units will be used for office purposes which will be compatible in a residential area; the use of the commercial units for office purposes will be secured by condition.

A high-level 'Site Traffic Management & Logistics Plan' has been submitted with the application; this sets out in broad terms a number of measures deemed necessary to minimise the impact of the construction phase on local residents. The document includes, amongst other things, measures such as limitations on working hours (8am to 6pm Mon-Fri; 8am to 1pm on Saturdays and no working on Sundays or bank/public holidays); these working hours will be secured by condition. The document commits the applicant to providing a comprehensive Construction Environmental Plan (CEP) prior to the

commencement of development; this will be subject to the council's approval and will detail construction delivery arrangements for example as well as noise mitigation measures and control measures for dust. Subject to the agreement and subsequent adherence to the CEP, which will be secured by condition, the impact of the demolition and construction phase on local residents will be acceptable.

The care community is to include extensive catering facilities for its residents; these facilities are likely to necessitate extraction equipment which has the potential to generate noise and odour issues. It is currently too early in the design process to reasonably request such details and therefore a condition is recommended to ensure that the details of any extraction and ventilation equipment is submitted for the council's approval prior to installation. Subject to conditions, the application accords with Policy D6 and PCS2.

5. Highways and Transport Issues

The vehicular access to the development is to be from Stothert Avenue in broadly the same location as the current access to the Homebase car park. Vehicles will be able to enter the site here and access the 136-space residents carpark beneath the podium of Building C via the central roadway. There is no wider routine vehicular circulation proposed around the site beyond this central roadway. The nearby Sainsbury's supermarket however has a legal right of vehicular access across the site (from east to west) from the store itself to the petrol filling station; the central roadway facilitates that right. The layout incorporates a large turning head at the very end of the central road as well as an 18m service bay; this will enable the parking and turning of larger vehicles such as delivery vehicles and refuse/recycling trucks.

The residents' car parking itself is proposed to be within a double and triple stacking system with the aforementioned Building C car park. Residents will not enter the car park but instead vehicles will be dropped-off and collected close to its entrance and parked by a valet; the layout plan shows a designated parking bay for this purpose. 20% of the residents' parking spaces are to be served by active electric vehicle charging points and the remaining 80% served by passive facilities. A further 16 car parking spaces are proposed at street level (2 spaces here will have EV charging) alongside the aforementioned central roadway, as well as 52 bicycle parking stands.

Placemaking Plan Policy ST7 sets out the council's transport requirements for managing development. The policy supports development, in highway terms, provided that: highway safety is not prejudiced; there is safe, convenient suitable access to the site; the development does not introduce an excessive volume, size or weight of traffic onto an unsuitable road system; there is no harm to the historic or natural environment by associated traffic mitigation measures; transport improvements are made where necessary and; secure, accessible cycle storage is provided. Policy ST7 also requires car and cycle parking to be provided on site in accordance with the council's adopted standards and requires there to be no increase in on-street parking where that would affect highway safety or residential amenity. It is important to note that the policy promotes a flexible approach to applying the parking standards where specific circumstances can be demonstrated, such as the application of the council's Accessibility Assessment (which allows for a reduction in car parking provision in more accessible/sustainable locations).

The application site sits in the 'Bath Outer Zone' for car parking purposes. The development, as stated, is considered to fall in Use Class C2. There are no minimum parking standards for Use Class C2 developments within the Outer Zone, only maximum standards. The prescribed maximum standards are 1 space per 2 members of staff and 1 space per 6 beds. There is a minimum requirement of 1 cycle stand per 4 staff members and 1 cycle space per 10 beds.

A Transport Statement (TS) has been submitted with the application and subsequently updated in light of the various design amendments (IMA Transport Planning, Ref: IMA-18-199, October 2020). The TS confirms that the proposed residential car parking ratio is to be 0.47 per dwelling (roughly one parking spaces per two dwellings) and that 1 car parking space per 400sqm is to be provided for the office floor space along with 18 bicycle stands. The TS concludes that trip generation associated with the development will be less than is the case for the existing Homebase store (when it was operating) and that the impact of the scheme on the wider highway network will not be adverse.

The proposed scheme and its associated Transport Statement have been reviewed by the council's Highway Team which has raised no objections to the application subject to conditions. The Highway Team are satisfied that the proposed development will result in a reduction in vehicular movements compared to the existing retail use at both morning and evening peak times. Vehicular movements throughout the day will be low and traditional peak hour movements will not be generated. The quantum of proposed cycle and car parking is considered acceptable; bicycle ownership is expected to be lower here due to the 'care' nature of the use and whilst car parking provision will be lower than at residential schemes elsewhere in the city centre, it will nonetheless be in line with the 2011 census data which showed car ownership at approximately 0.5 per dwelling.

Concerns have been raised regarding the quality, appropriateness and safety of the main thoroughfare in facilitating the Sainsbury's vehicular right of way.; this matter has been reviewed by the Highway Officer. The proposed works represent an improvement to the existing right of way through the Homebase car park. The submitted data reveals that the majority of vehicles currently using this route are cars; the largest vehicles monitored using this route were transit-sized vans and these were only small in number. The low number of vehicular movements and the design of the route, which will restrict vehicle speeds, leads to the Highway Officer's conclusion that the risk of conflict between vehicles using this right of way (and the road generally) with vulnerable road users will be minimal. The proposed access and servicing areas have been found to be acceptable and service vehicles such a refuse collection vehicles are able to access and adequately turn within the site safely. The application accords with Policy ST7 in respect of transport and highway matters.

6. Ecology and the Ecological Emergency

In July of 2020 the council declared an ecological emergency. The impact of development on ecological/nature interests is a material planning consideration and one which is gaining increasing importance and weight. The application site, in respect of existing habitat, is entirely occupied by the modern Homebase retail shed, yard and car park. There are a number of small semi-mature trees however scattered across the car park as well as scrub vegetation. The larger mature trees to the east are off-site on the riverbank and within the adjacent car park. The principal ecological

issue is considered to be the potential impact of the proposed development on the adjacent River Avon in terms of light spill and the impact of that on bats.

Placemaking Plan Policy NE3 states that development that would adversely affect protected species and/or their habitats will not be permitted, and nor will development that would adversely affect internationally important sites (except in exceptional circumstances). In respect of SNCIs (Sites of Nature Conservation Interest) Policy NE3 is clear that development that would adversely affect ecological/biodiversity interests will only be permitted where material considerations outweigh the value of the site (including community and amenity value). Similarly, for UK Priority Species/Habitats and locally importance species/habitats Policy NE3 goes on to confirm that the importance of the development and the need for that particular location must be sufficient to override the value if the scheme is to be permitted.

In all cases Policy NE3 is clear that ecological harm should firstly be minimised; secondly compensatory provision should be made (of at least equal value) and thirdly ecological enhancements must be made. Placemaking Plan Policy NE5 is clear that development is expected to demonstrate what contribution will be made to ecological networks through for example habitat creation; protection, enhancement, restoration and/or management. An Ecological Appraisal (Nicholas Pearson Associates, January 2020) has been submitted with the application; this has been supplemented by an addendum report of October 2020 and a Technical Note: Bats (Nicholas Pearson Associates, December 2019). The surveys confirm that the site has the potential for nesting birds in the trees and dense vegetation. The bat survey recorded a number of species of bats using the site, but none were recorded emerging from trees with roost potential.

The council's ecologist endorses the findings of submitted ecological appraisal etc in respect of potential habitats and protected species on site and concludes that the site is otherwise of low ecological value. She highlights that the development proposals are unlikely to result in a net loss of biodiversity within the site and whilst a number of trees will be lost, the compensatory planting ensures at least a 1:1 replacement.

The River Avon is a locally designated SNCI and the site boundary is approximately 10-15m from the riverbank. The river is a known commuting/foraging corridor for bats associated with the nearby Bath & Bradford on Avon Special Area of Conservation (SAC). The council's ecologist has confirmed that whilst the redevelopment of this site has the potential to impact on the river corridor and its associated habitats through excessive light spill, this particular scheme will not have an adverse impact on the SAC; lighting issues are considered to be satisfactory subject to a condition securing the fine details of lighting design once that is known.

The council's ecologist has raised concern not on ecological grounds but on the grounds of a perceived lack of Green Infrastructure (GI). Whilst noting the proposed off-site riverside planting, the ecologist opines that the proposed areas of hard standing are excessive and damage the site's potential for green infrastructure and wildlife. The council's landscape officer however has raised no such concerns and is considered to be broadly content with the hard and soft landscaping proposals. The ecologist's comments are noted but a preference for a higher quantum of GI must be balanced against the fact that this area is highly trafficked in terms of pedestrian and cyclist movements and this will

increase further following redevelopment (indeed that is one of the requirements of Policy SB7). According, it is necessary for the main thoroughfares, pedestrian/cycle links and the immediate circulation space around buildings to be of hardstanding.

There is to be extensive tree planting within the public realm and substantial planting within the Building A/B courtyard area as well as within the private amenity area and along the riverside elevation. The level of GI provision is ultimately considered to be acceptable however there remains the potential to increase planting and soft landscaping across the scheme; for this reason it is recommended that a revised landscape plan be secured by condition.

In respect of biodiversity net gain, the development includes a number of bird (swift and sparrow) and bat boxes integrated into the built form. These will be positioned on elevations facing the river corridor as well as areas adjacent to areas of green space. Hedgehog connectivity is also to be provided across the site. The detail of the biodiversity net gain measures will be set out in a comprehensive Wildlife Protection & Enhancement Scheme which will be subject to the council's approval and secured by condition. The application accords with Policy NE3 of the Placemaking Plan and the scheme is acceptable in respect of its impact on ecological and biodiversity interests.

7. Arboricultural Matters

Placemaking Plan Policy NE6 seeks to manage trees and woodland on development sites. This policy states that development will only be permitted if it seeks to avoid adverse impacts on trees of value; if it includes appropriate tree retention and planting and; if there is no impact on ancient trees or ancient woodland. If adverse impacts on trees are unavoidable (to allow for an appropriate development) the policy is clear that compensatory provision will be required in accordance with the provisions of the 'Planning Obligations' SPD.

A number of trees are located within and adjoining the application site. The existing Homebase car park contains a significant number of young/semi-mature Lime trees scattered across the site primarily in traffic islands and landscaped areas; these are mostly defined in the submitted Arboricultural Impact Assessment (AIA) as Category C trees (low quality). There are a number of semi-mature trees alongside the River Avon; these are identified as Category B and C trees (medium and low quality). It is important to note that the riverside trees are off-site and are intended to remain mostly as existing. Also, off-site, within the adjoining Sainsbury's car park, is an avenue of mature London Plane Trees (mostly Category B trees) protected by a Tree Preservation Order (TPO); these will also remain as existing.

Within the site 43 trees are to be felled; these trees are small semi-mature trees located within the Homebase car park which will have formed part of the original 1980's landscaping scheme for the Homebase site. The overwhelming majority of these trees are categorised at Category C trees and are therefore considered to be of a low quality; the 44 trees for removal also include however two Category B trees as well as three Category U trees (unsuitable for retention). The submitted AIA also confirms that there are approximately four trees situated very close to the boundary which may also need to be removed.

The council's Arboricultural Officer has reviewed the proposed scheme and has not challenged the categories assigned to the trees in question. Whilst the Arboricultural Officer's objections to tree removal are acknowledged, it must be noted that these trees are not the subject of any TPOs nor is the site within the conservation area; the trees therefore benefit from no formal protection. Furthermore, it is agreed that the trees are mostly of a low quality (Category C and U). As noted above, Policy NE6 does not require the retention of trees per se, rather development is required to 'seek to avoid' any adverse impact with compensation required where harm is unavoidable. It is adopted council policy that the site be comprehensively redeveloped for a significant quantum of development; it is not considered that this objective can be realised without substantial tree removal. The development has sought to avoid an adverse impact on trees, but an adverse impact is clearly unavoidable. The submitted AIA and landscaping scheme confirm that the proposed development will include the planting of some 72 new trees (some of which may be transplanted existing trees) and a financial contribution can meet any shortfall; this will be secured by means of S.106 Agreement. The application therefore complies with Policy NE6 in respect of its impact on-site trees.

The council's Arboricultural Officer has also raised concerns in respect of the proposed development's potential impact on the adjacent off-site London Plane trees which are the subject of a TPO (Ref: 500/297). Policy SB7, as reference above, envisages the formation of a new 'Sydenham Park Street' created through the retention and possibly extension of this avenue of London Plane trees; it is important therefore that the proposed development does not have an unacceptable adverse impact on these trees. The Arboricultural Officer is concerned that given that the submission states that overhanging foliage will be cut back to the boundary, this demonstrates that the presence of the trees has not been properly taken into account. Whilst the Arboricultural Officer's comments are noted, the need for the overhanging foliage to be pruned does not amount to an existential risk to the trees, The Tree Protection Plan and Arboricultural Impact Assessment will ensure the ongoing protection of these trees during demolition, construction and going forward, albeit pruned. The application accords with Policy NE6 in respect of arboricultural matters.

8. Flood Risk

The application site sits alongside the River Avon. The majority of the site falls within land identified by the Environment Agency as being at a medium risk of flooding i.e. Flood Zone 2. Flood Zone 2 is land identified as having between a 1 in 100 years and 1 in 1000 years risk of flooding. A small part of the site is identified as being within Flood Zone 1 i.e. low risk.

Policy CP5 of the Core Strategy deals with flood risk management. This policy requires development to follow a sequential site-selection approach to ensure that vulnerable development avoids areas at risk of flooding; the policy explicitly directs development away from areas at the highest risk of flooding. In addition, Policy CP5 requires that where development does go ahead in areas at risk of flooding it be made safe throughout its lifetime.

The NPPF at paragraph 162 is clear that where applications come forward on allocated sites, the application of the sequential test is not necessary (because it has already been undertaken at the plan-making stage). As stated above the application site forms part of

the Sydenham Park mixed-use allocation pursuant to Placemaking Plan Policy SB7; the sequential test is not necessary.

Notwithstanding no necessity for a sequential test, it is necessary for the development to be planned such that the most vulnerable development is located in areas of lowest flood risk; appropriately flood resistant and resilient; incorporate sustainable drainage systems; residual risk managed safely and; that safe access and escape routes be included (NPPF Paragraph 163). A site-specific Flood Risk Assessment (FRA) has been submitted with the application (Hydrock, 17 January 2020).

The submitted FRA concludes that the site is at a negligible risk of tidal flooding, low risk of surface water flooding, low risk of ground water flooding, low risk from infrastructure failure flooding but as mentioned above at a medium risk from fluvial (i.e. river) flooding. The finished floor levels (FFL) across the development have been set to avoid the modelled flood levels. The residential FFLs are to set at 600mm above the modelled 100-year flood event (plus a 35% allowance for climate change). The commercial elements will be set at 300mm above the modelled 100-year flood event (plus a 25% allowance for climate change); these can be secured by condition. The Hydrock modelling identifies that once an allowance for climate change is taken into account, over the scheme's 100-year design life, then a flood flow route across the site is initiated. The proposed layout ensures that this flow route is not impeded. The FRA reviews potential flood evacuation routes - Stothert Avenue and Pines Way are predicted to be flood free during a 1 in 100-year flood event and these will allow onward movement beyond the floodplain. Flood resilience measures are to be incorporated into the development's construction and the details of these can be secured by condition for the council's approval.

Ultimately the FRA concludes that the proposed buildings will remain free from flooding and that no unacceptable impact on flood risk is predicted for the wider area. The submission has been reviewed by the Environment Agency which has raised no objection to the scheme on flood risk grounds subject to a number of conditions. The application is therefore in compliance with CS Policy CP5 as well as the NPPF in so far as it relates to flood risk matters.

9. Archaeology

Placemaking Plan Policy HE1 seeks to safeguard the district's heritage assets including archaeological remains. It requires therefore, amongst other things, for archaeology to be sustained and enhanced and sufficient information to be submitted demonstrating how development proposals will contribute to an asset's conservation. Furthermore, the policy is clear that great weight is to be given to the conservation of a heritage asset and that any harm must be justified as well as weighed against the public benefits. More specifically to archaeology, Policy HE1 requires scheduled monuments or archaeology of equivalent significance to be preserved in situ; if this is not possible provision must be made for the remains' excavation and recording.

An Archaeological Evaluation & Watching Brief (Cotswold Archaeology, January 2020) has been submitted with the application. The report, in summarising the submitted Heritage Assessment, confirms that the site is beyond the known extent of Roman Bath however it also acknowledges that the B&NES Historic Environment Record (HER)

records two possible routes of the Fosse Way Roman road through the site. The application site is understood to have remained in agricultural use such as pasture or water meadow until relatively recently. The site was developed as a railway yard, depot and goods sheds from the 1870s and the site remained in various industrial uses, including sawmills and an engineering works, until the mid to late twentieth century when the current Homebase store was constructed.

Archaeological fieldwork has been undertaken prior to submission of the application including the opening of a trench across the projected Fosse Way alignment (Trench 2) as well as a number of test pits elsewhere across the site. A metalled surface was identified within Trench 2 and the report tentatively concludes that this may relate to a continuation of the Fosse Way. The remainder of the trenches identified various materials/strata indicative of the site's industrial uses during the 19th and 20th centuries, including for example a length of railway track and area of hardstanding. A Written Scheme of Investigation for a Programme of Archaeological Works (Bristol & Bath Heritage Consultancy Ltd, January 2020) has been submitted alongside, and informed by the Archaeological Evaluation and Watching Brief. The original WSI has been subsequently supplemented by an addendum. The WSI makes a number of recommendations including the opening of a further six trenches targeting the potential alignment of the Roman road (to confirm it) as well as targeting various industrial buildings known from historic mapping to have once been present. Importantly the WSI clarifies that if these further trenches confirm that the modern made ground is over 2m thick then other than piling works the development will have few notable impacts upon archaeological remains.

The submission has been scrutinised by the Council's archaeological advisors whom have raised no objection to the scheme or the proposed WSI. The Council's archaeological advisors are content that the WSI and the information that informs it follows the requirements of the NPPF Paragraph 189 and 199 and that implementation of the WSI be effectively secured by condition. The application, subject to conditions, accords with Policy HE1 in respect of archaeological matters.

10. Contamination/Ground Conditions

The application site as stated above has been in a variety of industrial uses throughout the 19th and 20th centuries; the potential for ground contamination and associated risks is therefore clear. Furthermore, the site is identified as a 'Site of Potential Concern', in respect of contaminated land, in the council's records.

PMP Policy PCS1 (pollution and nuisance) prescribes that development will only be permitted on the proviso that there is no unacceptable risk to the development from existing or potential pollution sources as well as no unacceptable risks of pollution arising from the development itself. Policy PCS5 (contamination) states that development will only be permitted on land known to be, or suspected to be, strongly contaminated provided that there is no significant harm or risk of significant harm to health or the environment; appropriate remediation measures are in place and harm can be suitably mitigated.

A suite of documents has been submitted with the planning application including a Phase 1 and Phase 2 Risk Assessment, a Remediation Implementation Plan, and a Controlled Waters Risk Assessment. Unsurprisingly the Preliminary Risk Assessment identifies potential sources of contamination on and off site and recommends that further

investigations are undertaken. Comprehensive investigation is hindered to a certain extent by the presence of the existing Homebase building and as such further investigation is recommended by the report post demolition.

The submission has been reviewed by the council's Scientific Officer who agrees that further investigation of currently inaccessible areas (such as beneath the building) will be necessary. Furthermore, greater lateral coverage of the site will be necessary as will investigation of the culvert and further gas monitoring and completion of the gas risk assessment. The council's Scientific Officer is broadly satisfied with the work that has been undertaken to-date but requires further investigatory work to be undertaken prior to the commencement of development, together with confirmation that the initial remediation strategy is indeed appropriate; to this end a number of land contamination related conditions are recommended (see below).

Subject to compliance with the below contaminated land conditions it is considered that the risk to the development from pollution sources will be acceptable and that no significant harm or risk of significant harm to health or the environment will result. The development itself presents no unacceptable pollution risks. Accordingly, the application complies with Policy PCS1 and PCS5 of the Placemaking Plan.

11. The Climate Emergency and associated Policy/Technical Requirements

Policy SCR1 (On-site Renewable Energy Requirement) requires development to demonstrate a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. This 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions.

Policy CR2 (Sustainable Construction) requires an overall 19% reduction in regulated CO2 emissions from the development. As set out above 10% of this reduction must be met by renewable energy sources (Policy SCR1); the remaining 9% may be met from other means (such as better insulation for example). The baseline for calculating this reduction in carbon emissions is the level of emissions that would be produced by the development if constructed to simply meet Part L of the Building Regulations (2013).

Placemaking Plan Policy CP4 (District Heating) states that the use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged within a 'District Heating Priority Area' (DHPA). The application site falls within Bath Riverside DHPA and in such locations the policy requires development to firstly incorporate the necessary infrastructure for district heating and secondly connect to existing systems where and when this is available, unless it can be demonstrated that this would render development unviable. There is not currently a district heat or energy network that the site can connect to, however the energy strategy has been developed to allow connection the proposed Enterprise Area network, in the event that it become available during the lifetime of the development.

An Energy & Sustainability Statement has been submitted with the application. The statement confirms that a fabric first approach to design has been followed; this provides a 1.1% saving in regulated carbon emissions. The scheme has been designed to be future proofed for a subsequent connection to the Enterprise Zone heat network; this will

contribute to a 3.1% reduction in regulated carbon emissions overall. In addition, the proposed design includes a substantial number of photovoltaic arrays (184kWp) on the rooftops of Buildings A, B and C; these will increase the reduction in regulated carbon emissions to 19.1% overall. In the event that the heat network is initially unavailable, the submitted statement confirms that a transitional gas boiler solution will instead be implemented and that in that event the 19% policy target would still be met on-site. The calculations and assumptions forwarded in the submitted Energy & Sustainability Statement have been independently verified by the council's consultants.

It is not clear if and when the Enterprise Zone heat network will become available, but it is important that when/if it does, the development connects to it to ensure ultimate compliance with Policy CP4. It is recommended therefore that should permission be granted provision be made in the S.106 Agreement to secure this future connection.

Policy SCR5 (Water Efficiency) requires all dwellings to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. Furthermore rainwater harvesting or another means of capturing rainwater is required if it is technically feasible; this matter can be ensured by means of a compliance condition.

Planning Balance and Conclusion

The application site forms part of the wider 'Sydenham Park' site which is allocated for mixed-use redevelopment pursuant to Policy SB7 of the council's adopted Placemaking Plan. The mix of uses proposed accords with the schedule of uses prescribed by Policy SB7 and the quantum of each use is proportionate the size and nature of the application site as well as to the remaining elements of the Policy SB7 allocation. The scheme will not compromise the remainder of the Policy SB7 allocation coming forward for development.

The proposed scheme successfully reflects the aspirations of Policy SB7 in providing an architecturally distinct riverside community, with a nod to the site's industrial past, and incorporates effective pedestrian and cycling links to the city centre and beyond. The impact of the development on its immediate surroundings including on the amenity of neighbouring residents, the highway network and archaeology will be acceptable.

The scale and height of the development will not be inappropriate to its immediate context but it is acknowledged that a degree of harm will be caused to the World Heritage Site, conservation area and the setting of nearby listed buildings through the obstruction of visual connections between these heritage assets and the city's surrounding green hillsides. This harm will be 'less than substantial' in the terms expressed by the National Planning Policy Framework. The harm in question is considered justifiable due to the allocated nature of the site which requires a substantial quantum of development here; this cannot be achieved within a low-rise development. Meaningful visual connections with the surrounding green hillsides will remain in place in close proximity to the application site. The public benefits of the scheme, which policy requires to be weighed against the 'less than substantial harm', are substantial and include the realisation of the Policy SB7 aspirations for the site, the provision of a significant quantum of accommodation for those in society in need of care and the significant economic and employment benefits generated by the uses. The harm to heritage assets is afforded considerable and statutory weight but the public benefits are ultimately considered to outweigh this harm.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise". This application, for the reasons set out above, accords with the development plan (B&NES Placemaking Plan and Core Strategy). There are no material considerations indicating that a decision other than in accordance with the development plan ought to be taken (i.e. refusal) and as such it is recommended that, subject to a number of conditions and a S.106 Agreement, permission be granted.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 subject to the prior completion of a S.106 Agreement to secure the following matters:

1. A Targeted recruitment and training package;
2. Replacement tree planting and financial contribution where required;
3. Provision of fire hydrants x3 @ £1,500 per hydrant;
4. Future connection to the district heat network should one become available;
5. Securing the C2 use/level of care including (but not limited to) the following stipulations:
 - o A minimum resident age restriction of 65 years of age (excluding spouses/partners etc).;
 - o A qualifying care needs assessment prior to occupation (excluding spouses/partners etc);
 - o The provision of a minimum of 2.5 hours per week of personal care to each resident (excluding spouses/partners etc);
 - o The on-going provision of the communal and well-being facilities;
 - o Age-friendly and wheelchair accessible design;
 - o 24-hour nursing, personal and domestic care services available on site;
 - o 24-hour nursing care within the 'Care Suites'

and subject to the following 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 Withdrawal of PD Rights for Change of Use (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) the ground floor commercial units hereby approved shall be used only for purposes defined as Use Class E(g)(i) and (ii) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use

Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt as to the extent of the permission granted. This application has been assessed on the basis that the commercial units will be used for office purposes (including R&D) only. Alternative uses may result in differing impacts which will need to be assessed by means of a planning application made for that purpose.

3 Archeological Written Scheme of Investigation

The applicant, or their agents or successors in title, must secure the implementation of the programme of archaeological work in accordance with the submitted written scheme of investigation which has approved by the Local Planning Authority (Ref: Bristol & Bath Heritage Consultancy Ltd, January 2020, Report 18010 Rev C) as amended by the WSI Addendum (Bristol & Bath Heritage Consultancy Ltd, 7 October 2020, Report 18010 Addendum Rev A).

The programme of archaeological work shall provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

4 Finished Floor Levels (compliance)

The development hereby permitted shall be constructed with Finished Floor Levels set at a minimum 20.360mAOD as per drawings 18119-MPI-XX-ZZ-DR-A-20-300 P2 Buildings A-B North Building elevation and courtyard and 18119-MPI-XX-ZZ-DR-A-20-301 P2 for Buildings A-B Southern Elevation Buildings. The proposed Finished Floor Levels for Buildings C and D shall be set at a minimum 20.310m OD and 20.250 mAOD respectively as per drawings 18119-MPI-XX-ZZ-DR-A-20-302 P2 and 303 P2

Reason To reduce the risk of flooding to the proposed development and future occupants.

5 Flood Resilience (Compliance)

The development hereby permitted shall be constructed with all flood resistance and resilience measures as detailed in page 13 of the submitted Energy and Sustainability Statement (Rev 00) dated 01 July 2020. The measures shall be fully implemented prior to first occupation and thereafter retained and maintained for the lifetime of the development.

Reason To reduce the impact of flooding to the proposed development and future occupants.

6 Drainage Approach (compliance)

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority which shall be obtained prior to the installation of any drainage works. Any proposals for such systems must be

supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants as required by paragraph 170 of the National Planning Policy Framework.

7 Piling (compliance)

Piling using penetrative methods shall not be carried out other than with the prior written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons To ensure that the proposed, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

8 Storage During Construction/Demolition Phase)

During the demolition and construction of the development hereby permitted, there shall be no storage of spoil, construction or demolition materials within 8 metres of the River Avon or within areas of the site designated as Flood Zone 3 by the Environment Agency Flood Map for Planning.

Reason To maintain the existing floodplain and ensure no material enters the watercourse which could result in a blockage or reduction in conveyance.

9 Prevention of Pollution Strategy (Pre-commencement)

No development approved by this planning permission (including demolition works) shall take place until such time as a scheme for the prevention of pollution during construction has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- o Site security
- o Fuel oil storage, bunding, delivery and use
- o How spillage will be dealt with.
- o Containment of silt/soil contaminated run-off
- o Disposal of contaminated drainage including water pumped from excavations
- o Site induction for the workforce highlighting pollution prevention and awareness

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

Reasons: To ensure protection of the water environment. A pre-commencement condition is necessary because the potential for contaminates is immediate upon commencement.

10 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 DEFRA

and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

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

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

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

11 Contaminated Land - 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 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.

12 Contaminated Land - 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 of the National Planning Policy Framework.

13 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

14 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statement to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

15 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

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

16 Details of Extraction (prior to installation)

Prior to installation, the details of any mechanical extraction or ventilation (excluding that serving individual residential apartments) including external flues and plant shall be submitted to and approved in writing by the local planning authority. All ventilation and extraction shall be installed in accordance with the details so approved.

Reason: In the interest of amenity. The development hereby approved includes various catering facilities which have the potential to emit odour, grease and noise.

17 Hours of Construction and Demolition (compliance)

There shall be no demolition or construction works, or any deliveries to or dispatches from the site, undertaken outside of the hours of 8am-6pm (Monday to Friday) and 8am to 1pm (Saturdays). There shall be no work and the site shall be closed on Sundays and public/bank holidays.

Reason: To protect local residents from undue noise and disturbance.

18 Construction Environmental Plan (pre-commencement)

Notwithstanding the submitted documentation, a site specific Construction Environmental Plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of development (including demolition). The plan must demonstrate the adoption and use of best practice means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include the following:

- 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 Mitigation measures as defined in BS 5528: Part 1 and 2 shall be used to minimise noise disturbance from construction works;
- o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to any air-borne pollutants.
- o Measures for controlling the use of site lighting whether for safe working or for security purposes.

Demolition and construction shall proceed in accordance with the details so approved.

Reason: To protect local residents from unacceptable environmental effects during the demolition and construction phase.

19 Hard and Soft Landscaping (Pre-occupation)

Notwithstanding the submitted documentation, no occupation shall commence until a further hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority showing details of all trees, hedgerows and other planting to be retained, finished ground levels, a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

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

20 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

21 Wildlife Protection and Enhancement (Pre-commencement)

No development (including demolition) 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:

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

(ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report and ecological addendum, including wildlife-friendly planting and landscape details; additional and strengthened Green Infrastructure; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

(iii) Demonstration of measurable biodiversity net gain

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan. NB 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.

22 Ecology Follow-up Report (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, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

23 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.

24 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of the proposed brickwork to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken 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.

25 Parking (Compliance)

The areas allocated for parking and turning, as indicated on the submitted plans, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

26 Electric Vehicle Charging Points (Pre-Occupation)

No building 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 Placemaking Plan.

27 Bicycle Storage (Pre-Occupation)

No occupation of the development shall commence until bicycle storage for at least 86 bicycles (43 stands) has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

28 Residents Welcome Pack (Pre-Occupation)

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and shall include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, car share, car club information etc., to encourage residents to try public transport.

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.

29 Travel Plan (Pre-Occupation)

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

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

30 Service Management Plan (Pre-Occupation)

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

Reason: In the interest of encouraging sustainable travel methods and in the interest of highway safety in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan.

31 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 and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

32 No Window De-Cals (compliance)

No de-cals shall be fitted to the windows of the commercial units hereby approved unless first approved in writing by the local planning authority.

Reason: To ensure that active frontages remain as such.

33 No Consent for Gull Strategy (Pre-Occupation)

No approval is hereby granted for the submitted gull strategy (i.e 'Wildlife Impact Assessment & Strategy to Manage Risk, NBC Environment). A revised strategy shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development hereby approved. The strategy shall be implemented in accordance with the details so approved.

Reason: The submitted strategy is unacceptable, in particular the use of indiscriminate roof top netting which can harm other species. A more appropriate, targeted solution must be found.

34 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

The following plans/drawings are hereby approved:

- o A-01_001 Rev P01: EXISTING SITE LOCATION PLAN
- o A-01_100 Rev P01: EXISTING NORTH ELEVATION
- o A-01_101 Rev P01: EXISTING SOUTH ELEVATION
- o A-01_102 Rev P01: EXISTING EAST ELEVATION
- o A-01_103 Rev P01: EXISTING WEST ELEVATION
- o A-10_001 Rev P01: DEMOLITION PLAN
- o A-10_300 Rev P01: DEMOLITION - ELEVATION - NORTH AND SOUTH
- o A-10_301 Rev P01: DEMOLITION - ELEVATION - EAST
- o A-10_302 Rev P01: DEMOLITION - ELEVATION - WEST
- o A-01_002 Rev P03: PROPOSED SITE LOCATION PLAN
- o A-20_001 Rev P03: ROOF LEVEL MASTERPLAN / SITE PLAN
- o A-20_002 Rev P03: LEVEL 00 MASTERPLAN
- o A-20_003 Rev P03: LEVEL 01 MASTERPLAN
- o A-20_004 Rev P03: LEVEL 02 MASTERPLAN
- o A-20_005 Rev P03: LEVEL 03 MASTERPLAN
- o A-20_006 Rev P03: LEVEL 04 MASTERPLAN
- o A-20_007 Rev P03: LEVEL 05 MASTERPLAN
- o A-20_100 Rev P03: BUILDING A & B - LEVEL 00
- o A-20_101 Rev P03: BUILDING A & B - LEVEL 01
- o A-20_102 Rev P03: BUILDING A & B - LEVEL 02
- o A-20_103 Rev P03: BUILDING A & B - LEVEL 03
- o A-20_104 Rev P03: BUILDING A & B - LEVEL ROOF
- o A-20_107 Rev P03: BUILDING C & D - LEVEL 00
- o A-20_108 Rev P03: BUILDING C & D - LEVEL 01
- o A-20_109 Rev P03: BUILDING C & D - LEVEL 02
- o A-20_110 Rev P03: BUILDING C & D - LEVEL 03
- o A-20_111 Rev P03: BUILDING C & D - LEVEL 04
- o A-20_112 Rev P03: BUILDING C & D - LEVEL 05
- o A-20_113 Rev P03: BUILDING C & D - LEVEL ROOF
- o A-20_300 Rev P03: BUILDINGS A-B - NORTH ELEVATION & COURTYARD SECTION
- o A-20_301 Rev P03: BUILDINGS A-B - SOUTH ELEVATION & COURTYARD SECTION
- o A-20_302 Rev P03: BUILDING C - NORTH & SOUTH ELEVATIONS
- o A-20_303 Rev P03: BUILDING D - NORTH & SOUTH ELEVATIONS
- o A-20_304 Rev P03: SITE - EAST ELEVATIONS
- o A-20_305 Rev P03: SITE - WEST ELEVATIONS
- o A-20_306 Rev P03: SITE SECTIONAL ELEVATION E-E
- o A-20_307 Rev P03: SITE SECTIONAL ELEVATION F-F
- o A-20_308 Rev P03: SITE SECTIONAL ELEVATION H-H & I-I
- o A-20_310 Rev P03: CONTEXTUAL ELEVATIONS
- o A-21_300 Rev P03: TYPICAL BAY STUDY - SHEET 01
- o A-21_301 Rev P03: TYPICAL BAY STUDY - SHEET 02
- o A-21_302 Rev P03: TYPICAL BAY STUDY - SHEET 03
- o A-21_303 Rev P03: TYPICAL BAY STUDY - SHEET 04
- o A-21_304 Rev P03: TYPICAL BAY STUDY - SHEET 05
- o A-30_100 Rev P02: TYPICAL UNIT LAYOUTS - 1 BED M4(2) & M4(3)
- o A-30_101 Rev P02: TYPICAL UNIT LAYOUTS - 2 BED M4(2) & M4(3)
- o A-30_102 Rev P02: TYPICAL UNIT LAYOUTS - 3 BED M4(2) & M4(3)

- o A-30_103 Rev P02: TYPICAL UNIT LAYOUTS - AGED CARE SUITES
- o LTS 101(08) 101 Rev C: LANDSCAPE GENERAL ARRANGEMENT PLAN
- o A-20_115 Rev P01: BUILDING A & B - BASEMENT LEVEL
- o A-20_008 Rev P01: LEVEL B1 MASTERPLAN

2 Environmental Permitting

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Avon, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

4 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.

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 Submission of Samples

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	16th December 2020
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

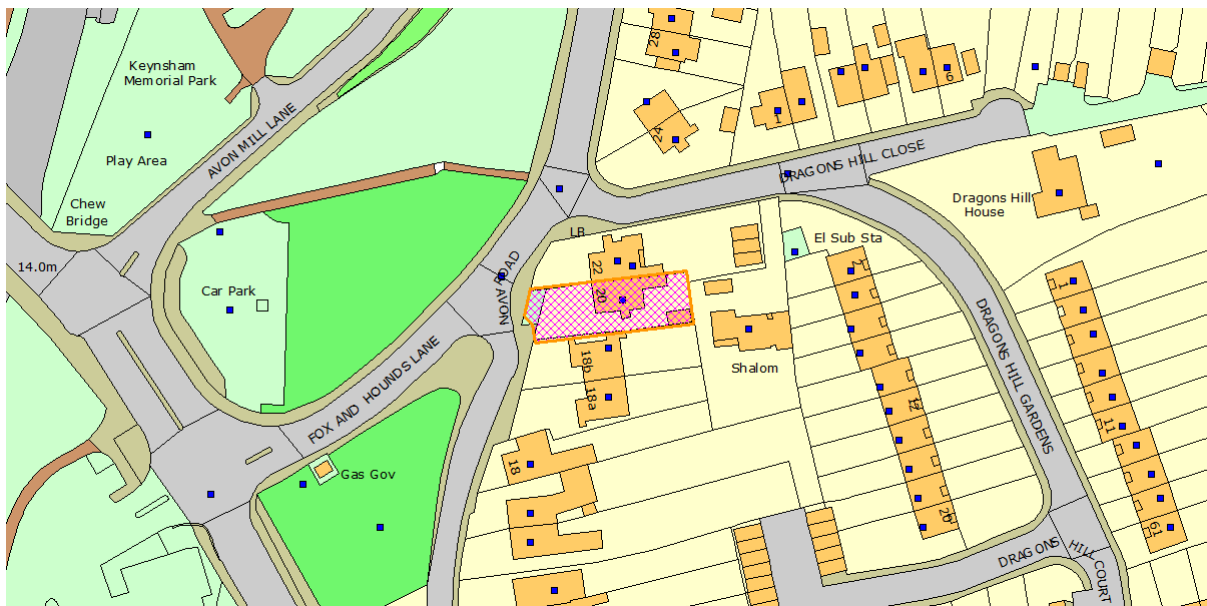
INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/01474/FUL 11 September 2020	Mr S Perkins 20 Avon Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1LJ Erection of 2 storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.	Keynsham East	Emily Smithers	REFUSE
02	20/01475/LBA 11 September 2020	Mr S Perkins 20 Avon Road, Keynsham, Bristol, Bath And North East Somerset, BS31 1LJ Internal and external alterations to include two storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.	Keynsham East	Emily Smithers	REFUSE
03	20/03006/FUL 6 November 2020	Mr John Shackleton 81 Hillcrest Drive, Southdown, Bath, Bath And North East Somerset, BA2 1HE Creation of Loft conversion and installation of rear dormer	Southdown		REFUSE
04	20/01794/FUL 16 December 2020	Toplocation 4 Ltd & Longacre Jubilee Centre, Lower Bristol Road, Twerton, Bath, Bath And North East Somerset Mixed-use redevelopment of site for storage and distribution (Class B8) and erection of 121 units of purpose-built student accommodation (sui generis) following demolition of existing building and associated access and landscaping works.	Twerton	Samantha Mason	REFUSE

05	19/05471/ERES 18 December 2020	Aequus Construction Ltd. Western Riverside Development Area, Midland Road, Westmoreland, Bath, Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.	Kingsmead	Chris Griggs- Trevarthen	PERMIT
06	20/01765/FUL 17 December 2020	Barchester Health Care Ltd Wansdyke Business Centre, Oldfield Lane, Oldfield Park, Bath, Bath And North East Somerset Erection of a 68-bed care home (Use Class C2) following demolition of the existing buildings and structures, with associated access, parking and landscaping.	Oldfield Park	Samantha Mason	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 20/01474/FUL
Site Location: 20 Avon Road Keynsham Bristol Bath And North East Somerset
 BS31 1LJ



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** II
Ward Members: Councillor Hal McFie Councillor Andy Wait
Application Type: Full Application
Proposal: Erection of 2 storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

Constraints:	Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,
Applicant:	Mr S Perkins
Expiry Date:	11th September 2020
Case Officer:	Emily Smithers

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

REPORT

Reason for application being referred to committee:

Keynsham Town Council supported the proposal. The application has been referred to the chair and vice chair of the development management planning committee in line with the planning scheme of delegation. The following comments were made;

Chair:

I have looked at this application and at the issues raised. There is Town Council support, and the extension is described as 'modest'. However, the application has failed to meet a number of policy requirements, even though changes have been made during the application process. On balance, this decision could be explored further by the Committee

Vice Chair:

I have studied the application & note KTC support. As the application has progressed amendments have been made to the proposal to try & address points raised by the planning officer however the impact on the character & appearance of the listed building remains a controversial aspect of the application therefore I recommend the application should be determined by the planning committee.

Application Site:

20 Avon Road forms one of a pair of semi-detached houses built around 1840. The site is located in the Keynsham Conservation Area. The building has been altered with a later two-storey extension to the rear of the building.

Proposal:

Permission is sought for works including the erection of a 2 storey side extension, replacement of front door, replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

Amendments:

Amendments were made to reduce the depth of the two-storey extension, amend the dormer design and show removal of the unauthorised first floor bathroom.

Planning History:

DC - 00/00806/FUL - INVWD - 1 February 2001 - Retention of front boundary fence

DC - 05/01695/FUL - RF - 11 August 2005 - Two-storey side extension and rear conservatory

DC - 05/01726/LBA - RF - 11 August 2005 - Two-storey side extension, rear conservatory and internal alterations

DC - 05/03337/FUL - PERMIT - 23 December 2005 - Two storey side extension and rear conservatory (Resubmission)

DC - 05/03404/LBA - CON - 23 December 2005 - Two-storey side extension, rear conservatory and internal alterations

DC - 17/04826/LBA - CON - 25 January 2018 - External alterations for the like-for-like replacement of the back door

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council:

Support - There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017. The granting of permission on this application should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for any works 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.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)

- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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:

- CP1: Retrofitting Existing Buildings
- CP2: Sustainable Construction
- CP6: Environmental quality

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.5: Building Design
- D.6: Amenity
- HE1: Historic Environment

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. This application involves a listed building and has been assessed against the relevant policies and guidance 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

The application seeks permission for a number of external works including a two-storey side extension and replacement dormer to the rear elevation.

The application is accompanied by a listed building application which will assess the impact upon the fabric and character. The key things to consider under this application will be character and appearance, assessment on impact on residential amenity and any implications to the setting of the listed building and wider conservation area.

Impact on character and appearance of listed building and wider conservation area:

Policy D1, D2, 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 dwelling 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 be supported where, 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 that alterations, extensions or changes of use, or development in the vicinity of listed buildings will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

Replacement Dormer:

As noted in the applicants Heritage Statement, pre-application advice was given in 2019 in relation to works to the property. The pre-application request included advice regarding the replacement of the rear dormer and the applicant was advised 'Subject to design, replacing the dormer at No 20 is considered acceptable in principle provided loss of its historic fabric is outweighed by an improved design.' The advice went on to say that any replacement should reflect the vertical window proportions characterised elsewhere on the house.

The replacement dormer design initially submitted under this application was not considered to sustain or enhance the significance of the listed building by virtue of the size, design and materials proposed. The applicant was advised that any replacement dormer should not exceed the width of the window directly below to ensure a proportionate addition and to show materials and a detailed design appropriate for a historic/listed building.

A number of amendments were submitted with revision D being submitted as the final design. Whilst some improvements have been made from the initial design, it is considered that the dormer would result in a disproportionate addition to the building which would be at odds with its original character. The dormer cheeks and fascia are too wide, giving a heavy appearance to the addition which will dominate the rear elevation. Whilst the alteration of the current dormer is not objected to, it is considered that the proposed replacement would result in harm to the significance of the listed building rather than sustaining or enhancing.

Two-storey extension:

Planning permission and listed building consent were granted in 2005 for the extension of the existing two-storey side addition. These consents were not implemented.

Based on historic map regression, the side addition appears to be original to the building, mirroring the side addition at no.22 which has now been significantly altered.

The existing side addition is modest in width and depth. Amendments were made to reduce the depth of the proposed extension to create a more subservient appearance.

The proposal would still however result in some loss of existing character and the loss of historic fabric through the proposed openings to access each floor.

Whilst it is noted that no.22 has been significantly altered, this would not justify the alterations proposed to the subject site. No.20 has not been so dramatically changed and illustrates how the properties would have been seen in their original form, with a pleasing symmetrical design. It is therefore important to sustain the existing character and prevent the cumulative harm of further inappropriate alterations.

Section 193 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is supported by Placemaking Policy HE1 which states that 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.

Section 196 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.

The proposal includes the replacement of the existing front door with something more in keeping with the character of the building. Whilst this would result in some enhancement, it would not outweigh the less than substantial harm resulting from the proposed extensions. The extensions would provide additional internal space for the applicant, it is however noted that the property is occupied in its current form. The extension and alterations would not therefore be essential to secure the optimum viable use for the building. It is considered that the alterations would result in private benefit only, the submission has not demonstrated any enhancement which could be considered a public benefit to outweigh the less than substantial harm identified.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extensions will fail to preserve the character of the building, further diminishing the uniformity with the adjoining property which forms part of its significance. There is no public benefit to outweigh the less than substantial harm identified. The proposal is not consistent with the requirements, aims and objectives of the primary legislation, planning policy and accompanying guidance.

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 and extent of the proposed extensions and erosion of character it will fail to preserve or enhance the setting or character of the Conservation Area.

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

Amenity Impact

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.

The increase in depth of the existing side extension will not result in any significant change in circumstances to neighbouring occupiers in terms of loss of light. A number of windows already exist on the rear elevation, there will therefore be no unacceptable increase in overlooking compared to the existing situation.

Sufficient amenity space would be retained following the construction of the extension.

Overall, the proposal would not harm the amenity of nearby properties through, unsatisfactory outlook, the loss of privacy or daylight. As such, the development would be in accordance with Policy D6.

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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. Had the proposal been considered acceptable, the development would have been built to meet current building regulations in terms of construction and insulation and an informative would have been added to advise the applicants to consider sustainable construction when undertaking the development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Conclusion:

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF as outlined above and there are no public benefits resulting from the proposal which would outweigh the harm identified to the significance of the listed building and character of the wider conservation area. The proposal is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed extensions would result in harm to the significance of the listed building and appearance of the streetscene to the detriment of the character and appearance of the Keynsham Conservation Area. The proposal fails to preserve the character of the building, further diminishing the uniformity with the adjoining property which forms part of its significance, there is no public benefit which would outweigh the less than substantial harm identified and as such is considered contrary to Policies, D1, D2 and HE1 Placemaking Plan for Bath and North East Somerset (2017) and Paragraphs 193, 194 and 196 of the NPPF.

PLANS LIST:

1 This decision relates to the following drawings:

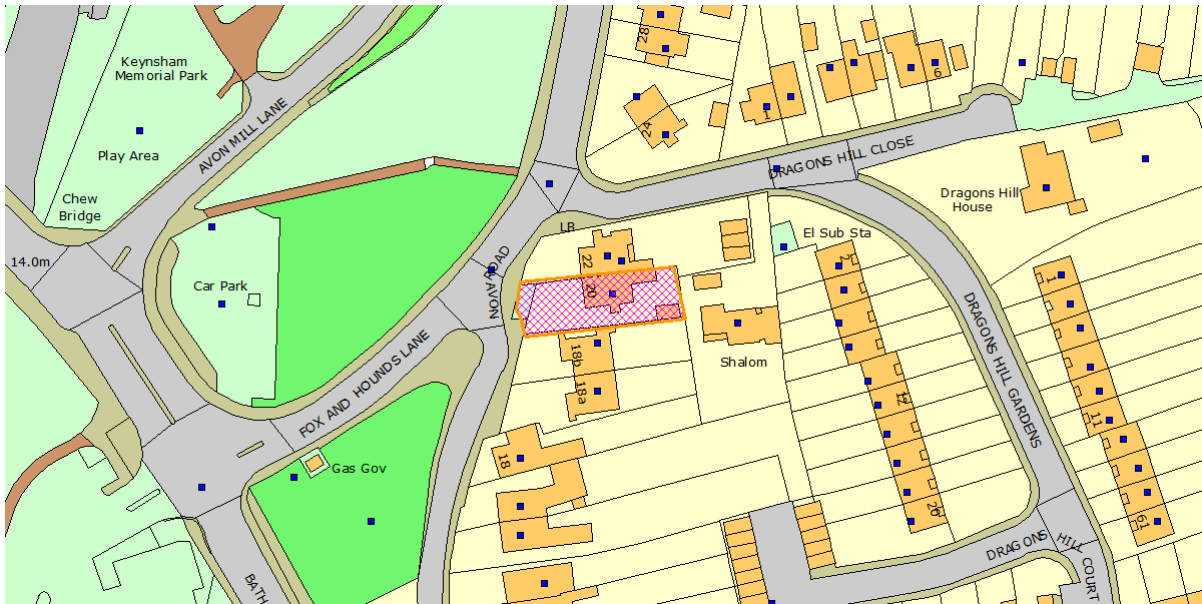
Drawing	29/10/2020	(3)021 REV D	PROPOSED DORMER SASH WINDOW
Revised Drawing	29/10/2020	(3)012 REV D	PROPOSED FIRST FLOOR PLAN
Revised Drawing	29/10/2020	(3)013 REV D	PROPOSED SECOND FLOOR PLAN
Revised Drawing	29/10/2020	(3)015 REV D	PROPOSED SIDE ELEVATION
Revised Drawing	29/10/2020	(3)016 REV D	PROPOSED REAR ELEVATION
Revised Drawing	26/08/2020	(3) 014 A	PROPOSED FRONT ELEVATION
Revised Drawing	26/08/2020	(3) 011 A	PROPOSED GROUND FLOOR PLAN
Revised Drawing	26/08/2020	(3) 020	PROPOSED RAILINGS
Drawing	18/05/2020	(3)017	PROPOSED FRONT DOOR
Drawing	24/04/2020	(3)001	LOCATION PLAN
Drawing	24/04/2020	(3)010	PROPOSED BASEMENT PLAN
Drawing	24/04/2020	(3)002	SITE PLAN

2 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 02
Application No: 20/01475/LBA
Site Location: 20 Avon Road Keynsham Bristol Bath And North East Somerset BS31 1LJ



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** II

Ward Members: Councillor Hal McFie Councillor Andy Wait

Application Type: Listed Building Consent (Alts/exts)

Proposal: Internal and external alterations to include two storey side extension, removal of existing door and replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, Listed Building, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome, Tree Preservation Order,

Applicant: Mr S Perkins

Expiry Date: 11th September 2020

Case Officer: Emily Smithers

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

REPORT

Reason for application being referred to committee:

Keynsham Town Council supported the proposal. The application has been referred to the chair and vice chair of the development management planning committee in line with the planning scheme of delegation. The following comments were made;

Chair:

I have looked at this application and at the issues raised. There is Town Council support, and the extension is described as 'modest'. However, the application has failed to meet a

number of policy requirements, even though changes have been made during the application process. On balance, this decision could be explored further by the Committee

Vice Chair:

I have studied the application & note KTC support.

As the application has progressed amendments have been made to the proposal to try & address points raised by the planning officer however the impact on the character & appearance of the listed building remains a controversial aspect of the application therefore I recommend the application should be determined by the planning committee.

20 Avon Road forms one of a pair of semi-detached houses built around 1840. The site is located in the Keynsham Conservation Area. The building has been altered with a later two-storey extension to the rear of the building.

Proposal:

Permission is sought for works including the erection of a 2 storey side extension, replacement of front door, replacement and enlargement of existing dormer window and new conservation roof light to rear roof slope.

Amendments:

Amendments were made to reduce the depth of the two-storey extension, amend the dormer design and show removal of the unauthorised first floor bathroom.

Planning History:

DC - 00/00806/FUL - INVWD - 1 February 2001 - Retention of front boundary fence

DC - 05/01695/FUL - RF - 11 August 2005 - Two-storey side extension and rear conservatory

DC - 05/01726/LBA - RF - 11 August 2005 - Two-storey side extension, rear conservatory and internal alterations

DC - 05/03337/FUL - PERMIT - 23 December 2005 - Two storey side extension and rear conservatory (Resubmission)

DC - 05/03404/LBA - CON - 23 December 2005 - Two-storey side extension, rear conservatory and internal alterations

DC - 17/04826/LBA - CON - 25 January 2018 - External alterations for the like-for-like replacement of the back door

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Keynsham Town Council:

Support - There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017. The granting of permission on this application should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works 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.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- 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:

CP1: Retrofitting Existing Buildings
CP2: Sustainable Construction
CP6: Environmental quality

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:

HE1: Historic Environment

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. This application involves a listed building and has been assessed against the relevant policies and guidance 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

The application seeks consent for internal and external works including a two-storey side extension and replacement dormer to the rear elevation.

The application is accompanied by a planning application which will assess relevant planning matters.

Policy HE1 of the Placemaking Plan states that have extensions or changes of use, or development in the vicinity of a listed building, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

Replacement Dormer:

As noted in the applicants Heritage Statement, pre-application advice was given in 2019 in relation to works to the property including the replacement of the dormer. The applicant was advised 'Subject to design, replacing the dormer at No 20 is considered acceptable in principle provided loss of its historic fabric is outweighed by an improved design.' The advice went on to say that any replacement should reflect the vertical window proportions characterised elsewhere on the house.

The replacement dormer design initially submitted under this application was not considered to sustain or enhance the significance of the listed building by virtue of the size, design and materials proposed. The applicant was advised that any replacement dormer should not exceed the width of the window directly below to ensure a proportionate addition and to show materials and a detailed design appropriate for a historic/listed building.

A number of amendments were submitted with revision D being submitted as the final design. Whilst some improvements have been made from the initial design, it is considered that the dormer would result in a disproportionate addition to the building which would be at odds with its original character. The dormer cheeks and fascia are too wide, giving a heavy appearance to the addition which will dominate the rear elevation. Whilst the alteration of the current dormer is not objected to, it is considered that the

proposed replacement would result in harm to the significance of the listed building rather than sustaining or enhancing.

Two-storey extension:

Planning permission and listed building consent were granted in 2005 for the extension of the existing two-storey side addition. These consents were not implemented.

Based on historic map regression, the side addition appears to be original to the building, mirroring the side addition at no.22 which has now been significantly altered.

The existing side addition is modest in width and depth. Amendments were made to reduce the depth of the proposed extension to create a more subservient appearance. The proposal would still however result in some loss of existing character and the loss of historic fabric through the proposed openings to access each floor.

Whilst it is noted that no.22 has been significantly altered, this would not justify the alterations proposed to the subject site. No.20 has not been so dramatically changed and illustrates how the properties would have been seen in their original form, with a pleasing symmetrical design. It is therefore important to sustain the existing character and prevent the cumulative harm of further inappropriate alterations.

Section 193 of the National Planning Policy Framework (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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is supported by Placemaking Policy HE1 which states that 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.

Section 196 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.

The proposal includes the replacement of the existing front door with something more in keeping with the character of the building. Whilst this would result in some enhancement, it would not outweigh the less than substantial harm resulting from the proposed extensions. The extensions would provide additional internal space for the applicant, it is however noted that the property is occupied in its current form. The extension and alterations would not therefore be essential to secure the optimum viable use for the building. It is considered that the alterations would result in private benefit only, the submission has not demonstrated any enhancement which could be considered a public benefit to outweigh the less than substantial harm identified.

During the course of the application it became apparent that a bathroom had been installed in a first-floor principle room without the benefit of listed building consent. This resulted in the subdivision of the room through the addition of a partition wall which collides with the chimney breast. The alteration results in harm to plan form and is not considered acceptable. The applicant therefore amended the drawings to show the removal of the bathroom to revert back to the original plan form. Had the submission been considered acceptable, a condition would have been recommended for the bathroom to

be removed within a set period of time and the room made good to rectify the unauthorised work.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the development will affect a listed building or its setting. Here it is considered that the proposed extensions will fail to preserve the character of the building, diminishing the evidence of the former uniformity with the adjoining property which forms part of its significance. There is no public benefit to outweigh the less than substantial harm identified. The proposal is not consistent with the requirements, aims and objectives of the primary legislation, planning policy and accompanying guidance.

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 and extent of the proposed extensions and erosion of character it will fail to preserve or enhance the setting or character of the Conservation Area.

The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

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. This application involves a listed building and has been assessed against the relevant policies and guidance as identified, and these have been fully taken into account in the recommendation made. Had the proposal been considered acceptable, the development would have been built to meet current building regulations in terms of construction and insulation and an informative would have been added to advise the applicants to consider sustainable construction when undertaking the development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed extensions would result in harm to the significance of the listed building and appearance of the streetscene to the detriment of the character and appearance of the Keynsham Conservation Area. The proposal fails to preserve the character of the building, further diminishing the uniformity with the adjoining property which forms part of its significance and will result in the loss of historic fabric. There is no public benefit which would outweigh the less than substantial harm identified and as such is considered contrary to Policy HE1 Placemaking Plan for Bath and North East Somerset (2017) and Paragraphs 193, 194 and 196 of the NPPF.

PLANS LIST:

1 This decision relates to the following drawings:

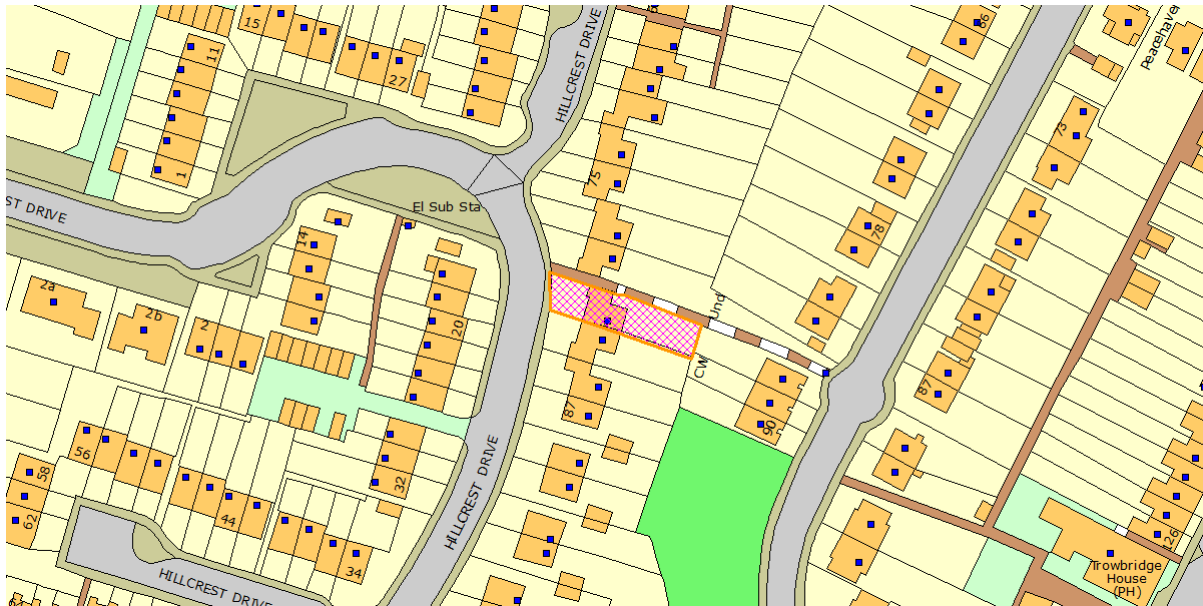
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Revised Drawing	29/10/2020	(3)015 REV D	PROPOSED SIDE ELEVATION
Revised Drawing	29/10/2020	(3)016 REV D	PROPOSED REAR ELEVATION
Revised Drawing	26/08/2020	(3) 014 A	PROPOSED FRONT ELEVATION
Revised Drawing	26/08/2020	(3) 011 A	PROPOSED GROUND FLOOR PLAN
Revised Drawing	26/08/2020	(3) 020	PROPOSED RAILINGS
Drawing	18/05/2020	(3)017	PROPOSED FRONT DOOR
Drawing	24/04/2020	(3)001	LOCATION PLAN
Drawing	24/04/2020	(3)010	PROPOSED BASEMENT PLAN
Drawing	24/04/2020	(3)002	SITE PLAN

2 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Item No: 03
Application No: 20/03006/FUL
Site Location: 81 Hillcrest Drive Southdown Bath Bath And North East Somerset BA2 1HE



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero
Application Type: Full Application
Proposal: Creation of Loft conversion and installation of rear dormer
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr John Shackleton
Expiry Date: 6th November 2020
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

The application refers to a dwelling located in the Southdown residential area of Bath. The site is within the World Heritage Site.

Planning permission is sought for the creation of loft conversion and installation of rear dormer.

Reason for going to committee:

The application was referred to the chair of the committee in line with the scheme of delegation as the officer was minded to refuse but the local ward councillor requested it be heard at committee. In his decision the chair stated 'I have looked at this application, which seems to hinge upon the size. The principle of a dormer is met, there's no harm to

local amenity, and the applicant has reduced the size. I think the committee can look at this further.' The Vice chair did however recommended delegations stating 'I have carefully looked at this application & note the Ward Cllr planning committee request, an acknowledgment of dormers in the area is clear from both the Officer & Ward Cllr. However, the issue is the impact the proposal will have on the dwelling & as the report explains it does not adhere to relevant planning policies, I recommend the application be delegated to Officers for decision.'

Relevant Planning History:

71 Hillcrest Drive:

DC - 17/01900/FUL - WD - 15 June 2017 - Provision of loft conversion and rear dormer

DC - 17/03456/FUL - PERMIT - 27 September 2017 - Provision of loft conversion and rear dormer.

58 Hillcrest Drive:

DC - 17/01312/FUL - RF - 5 May 2017 - Loft conversion and erection of a rear dormer.

AP - 17/00083/RF - DISMIS - 24 October 2017 - Loft conversion and erection of a rear dormer.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

None received from third parties

Committee Request from Cllr Paul Crossley:

I support this application and should the recommendation be to refuse then this is a formal request for the application to be determined by Committee. The application is for a large dormer to the rear of the building. At the back the land falls away to Ivy Ave and so there is no overlooking from the extension. Several buildings on Hillcrest Drive have been modified in a variety of ways. It is a recent estate and it is common for these modern estates to evolve and develop over time with modifications and extensions. Therefore, the application does no harm the look and feel of the estate. As it is a family home being enlarged for a growing family and because there is an adequate drive at the front the extension causes no additional parking issues.

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: 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:

- D1: General urban design principles
- D2: Local character and distinctiveness
- D.3: Urban fabric
- D.5: Building design
- D.6: Amenity
- HE1: Historic environment

National Policy:

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

SPD's:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

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

OFFICER ASSESSMENT

The main issues to consider are:

- Character and appearance
- Residential amenity

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.

81 Hillcrest Drive sits at an elevated location, and due to the topography the property is visible from Ivy Avenue. Steps leading from Ivy Avenue up to Hillcrest Drive are situated immediately adjacent to the property.

The proposed dormer window was originally full width however has now been reduced following the submission of revised plans.

Due to the very prominent location of the property any proposed dormer will be visible to the public realm, and the existing roofline of the property sits above Ivy Avenue, giving both short and long range views to the property. Given the conspicuous nature of the site the dormer design is a key consideration.

The proposed dormer takes up much of the roof slope and would appear overly dominant and bulky. The dormer will be built right up to the ridge rather than set down and so will fail to be read as a subservient addition, resulting in a top-heavy appearance of the property. The placement adding the ridge fails to respect the proportions of the existing dwellings roof. Additionally, the proposed window serving the dormer is a large three pane window which fails to consider the hierarchy of windows, the size appears at odds with the existing fenestration and is consequently an alien feature. The dormer will be an incongruous addition to the host dwelling failing to integrate successfully.

A dormer permitted at 71 is visible from similar viewpoints as 81. The principle of a dormer is accepted in this location, and a proposed dormer a similar size to that at 71 would likely be acceptable, however following negotiation with the applicant a reduction to this size has not been achieved.

The proposal by reason of its design, siting, scale, and massing, is unacceptable and fails to respond to the local context and maintain the character and appearance of the surrounding area. The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and parts of the NPPF.

WORLD HERITAGE SITE:

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

RESIDENTIAL AMENITY:

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.

Although the proposal will slightly increase overlooking to the rear of the property this is not to the extent of causing significant 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 for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

CONCLUSION:

It is therefore considered that the proposal is contrary to with the relevant planning policies as outlined above and the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal by reason of its design, siting, scale, and massing, is unacceptable and fails to respond to the local context and maintain the character and appearance of the surrounding area. The proposal fails to accord with policy CP6 of the adopted Core Strategy (2014) and policies D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and parts of the NPPF.

PLANS LIST:

1 This decision relates to the following plans:

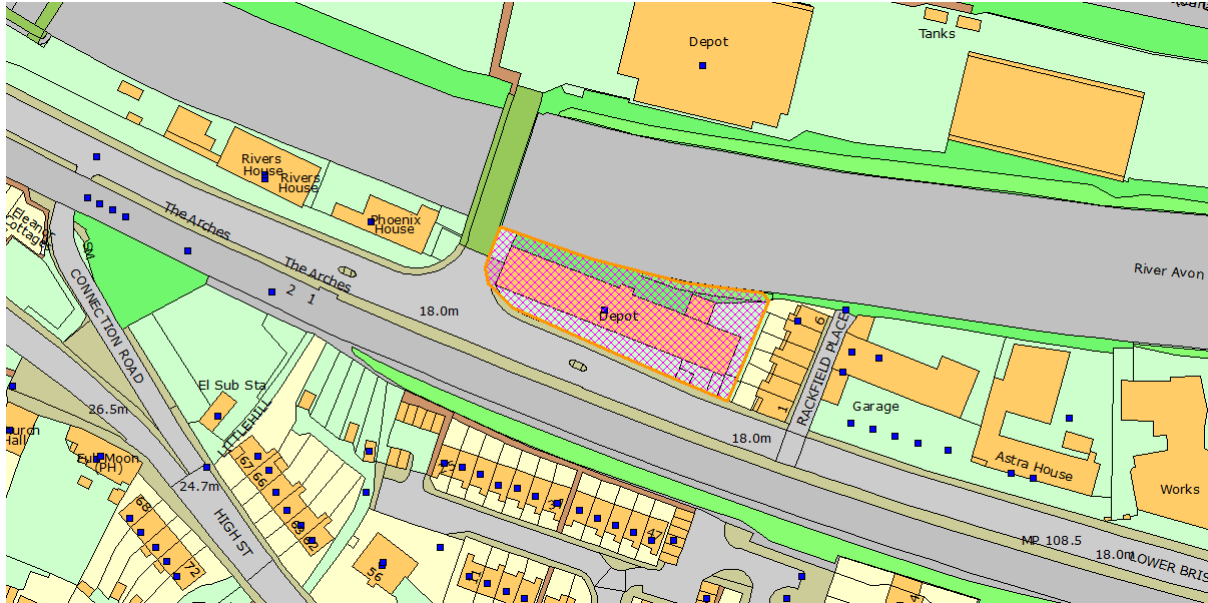
01 Nov 2020 0154/1-C1 D Proposed Floor And Roof Plans
01 Nov 2020 0154/1-C2 D Construction Elevations & Section
20 Aug 2020 0154-0100 Location Plan

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

3 Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No: 04
Application No: 20/01794/FUL
Site Location: Jubilee Centre Lower Bristol Road Twerton Bath Bath And North East Somerset



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Tim Ball Councillor Sarah Moore
Application Type: Full Application
Proposal: Mixed-use redevelopment of site for storage and distribution (Class B8) and erection of 121 units of purpose-built student accommodation (sui generis) following demolition of existing building and associated access and landscaping works.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Zone, Policy B3 Twerton and Newbridge Riversid, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Toplocation 4 Ltd & Longacre
Expiry Date: 16th December 2020
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

This is a resubmission of a proposal to redevelop an industrial site on Lower Bristol Road in Bath currently occupied by a local charity Mercy in Action.

The existing premises sit within the Twerton/Newbridge area of Bath Enterprise Zone and comprise circa 725 sqm of B8 warehouse and storage space. The building is 12m in height at the pitch and the footprint measures approx. 67.3m x 11.6m

The site falls within Bath WHS and Conservation Area, and Flood Risk Zone 2. The site lies immediately adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) supporting high ecological value and a range of wildlife and is used by bats (including bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC)), which utilise the river and its associated bankside habitats for foraging and flight routes.

There is a group of three-storey Grade II listed houses at Rackfield Place set immediately to the east of the site, followed by the Twerton Mill PBSA development. Grade II listed Great Western Railway Twerton Viaduct by Isambard Kingdom Brunel is raised above the opposite side of Lower Bristol Road to the south. To the west lies the bridge to First Group Weston Island bus depot and two-storey buildings occupied by Aldridge Auctioneers and Environment Agency. To the north, the site backs onto the banks of River Avon.

The current scheme seeks to provide a purpose built B8 storage and distribution premises on the ground floor and 121 units of student accommodation on the floors above.

The B8 warehouse and storage space facility would be circa 625 sqm GIA of ground floor warehouse accommodation with an internal loading area; and 232 sqm GiA of office space at mezzanine floor level. The ground floor will provide a pedestrian entrance to the PBSA which is located on the 4 No. upper floors. The student accommodation comprises: 50 No. rooms in 10-bed clusters; 24 No. rooms in 6-bed clusters; 46 studios and 1 accessible studio apartment. A shared outdoors amenity space for the occupants is provided in a form of a roof terrace.

The existing eastern access adjacent to Rackfield Place is retained to provide rear access for maintenance and 6 No. off-street staff parking spaces for the proposed Class B8 use. Additionally, a disabled parking space is proposed on the site frontage to Lower Bristol Road along with an internal access for LGV sized delivery vehicles which will enter and turn within the ground floor area of the building.

RELEVANT PLANNING HISTORY

DC - 00/02278/FUL - WD - 2 July 2004 - Alterations and change of use of existing building to provide B1 office

DC - 17/02914/FUL - WD - 10 October 2017 - Demolition of existing building. Redevelopment of site for the erection of a 3-5 storey building to provide student accommodation (Sui Generis), comprising 136 bed spaces and communal facilities. External works, including hard and soft landscaping and felling/works to existing trees. Proposed vehicular access to Lower Bristol Road and provision of 1 no. parking space and covered cycle parking.

DC - 17/05536/FUL - RF - 12 February 2018 - Demolition of existing building. Redevelopment of site for the erection of a 3-5 storey building to provide student accommodation (Sui Generis), comprising 137 bed spaces and communal facilities. External works, including hard and soft landscaping and felling/works to existing trees. Proposed vehicular access to Lower Bristol Road and provision of 1 no. parking space and covered cycle parking.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ARCHAEOLOGY - No Objection subject to conditions. The proposed development lies within the riverside corridor area of Twerton. While the Heritage Statement submitted (Michael Heaton Heritage Consultants April 2020) suggests there is little archaeological potential, it is our understanding that previous desk-based archaeological assessments of this area have indicated that although the area appears not to have been occupied or developed until the 18th century, there is still some potential for the survival of archaeological deposits, with a historic ferry route across the river Avon and mills in the vicinity. The recent archaeological evaluation (trial trenching) of the adjacent Twerton Mills site appears to have confirmed this, but also revealed extensive disturbance from more recent river and drainage works.

ARBORICULTURE - Objection. The proposal provides no added contribution to tree canopy cover within the city or the strategic green infrastructure corridors along the road and River Avon. The space between the building and riverbank is inadequate to provide meaningful green infrastructure and will remain so unless the footprint can be reduced.

CANAL AND RIVER TRUST - No comments.

CONSERVATION - Objection. Concerns regarding height, design, roof form and materials.

CONTAMINATED LAND - No Objection subject to conditions.

DRAINAGE AND FLOODING - No Objection subject to conditions. The FRA includes a surface water drainage strategy based on the principle agreed within 17/02914/FUL. Since this agreement there has been a slight change in our standards in that we are prepared to forgo betterment of the brownfield flow rate where this would result in attenuation structures within Flood Zone 2 (due to maintenance issues). All sites still need to demonstrate no increase in discharge compared to the existing development. A condition is requested regarding the submission of a detailed surface water drainage design prior to commencement onsite.

ECOLOGY - no objection. While the inadequate buffer zone alongside the River Avon remains an unsatisfactory aspect of the scheme, the ecological provision at the site is now accepted, subject to conditions and sensitive lighting. A Habitats Regulations Assessment has been documented and concludes that, provided light spill levels remain within the thresholds predicted within the submitted lighting assessment, the proposal will not have a significant effect on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

ECONOMIC DEVELOPMENT - No Objection subject to conditions. Whilst Core Strategy Policy B5 states that proposals for off-campus student accommodation will be refused within Bath Enterprise Zone, Economic Development supports this application on the basis that it is providing a net increase in both industrial floorspace and jobs for the site. The retention of such sites for employment uses is of paramount importance, hence our service deems that the investment in purpose-built B8 space to secure the existing tenant's future outweighs the negative of student accommodation being included in the redevelopment plans.

ENVIRONMENT AGENCY - No Objection subject to conditions, however in accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.

ENVIRONMENTAL PROTECTION - No Objection subject to conditions.

HIGHWAYS - No Objection subject to conditions and S106 obligations. The revised plans have addressed the majority of concerns that Highways initially raised about the proposals. Highways do still require further details to confirm that the proposed student element of the cycle parking can be accommodated.

HISTORIC ENGLAND - Raised concerns regarding the application on heritage grounds. The revised design to reduce the scale and massing of the proposed development when viewed from the Lower Bristol Road and from trains on the raised viaduct of the adjacent main line railway is a positive step which will reduce the perceived scale and massing of the building and better assimilate it into the surrounding context. However, questioned the proposed materiality of the buildings. The use of a complex palette of differing materials set against each other is a superfluous veneer, which gives a falsity to the Southern elevation and makes for an unfortunate juxtaposition with the uniformity in materials that characterises the conservation area.

LANDSCAPE - Objection. The proposed building is considerably taller than the one it replaces such that it would physically and visually dominate the streetscape and the neighbouring buildings in a way that the existing building does not. The inclusion of green roofs and a green wall would fail to have a significant impact on close views of the building from the lower Bristol Road and the elevated mainline railway.

NATURAL ENGLAND - No objection.

PARKS & GREEN SPACES - No Objection subject to Section 106 obligation securing a payment of £226,631 to greenspace enhancement projects in the local area to make the development comply with policy LCR6 and the Planning Obligations SPD (amended August 2019).

PLANNING POLICY - Objection. Even though the scheme allowing MiA to continue to operate is welcome, there are significant concerns over the flood risk. The site fails to pass the flood risk sequential test therefore it is considered that the proposed development is, in principle, contrary to Policy CP5.

SUSTAINABLE CONSTRUCTION - No objections. Overall the sustainability strategy and information provided is reasonable for the development. More detailed comments regarding individual points made within the Checklist and Energy & Sustainability Strategy.

OTHER REPRESENTATIONS:

49 contributors sent 36 objections, 3 general comments and 9 letters of support. Key points raised were as follows:

OBJECTIONS:

- In principle objections to redevelopment of the site for student housing
- Oversaturation of PBSAs and HMOs in the locality
- Insufficient parking will result in spilling out onto highways
- 'No car policy' is unenforceable and unlawful
- There is little uptake from students of cycling
- Impact on wider infrastructure, such as public transport and traffic
- Lack of demand/need for more PBSAs from both universities
- No guarantee there won't be a drop in student population after the pandemic
- Need for affordable housing in the area, not PBSAs
- The design and massing of the development are out of keeping with the locality.
- This site can and should deliver more employment
- The proposal takes away a future opportunity to encourage new enterprises or possible expansion of existing companies.
- This proposal offers very little gain in adding green infrastructure
- Evacuation plan within flood zone is not viable
- This scheme offers little in the way of access to the river or enhanced riverscape
- Question on application of Policy CP10 (Housing Mix) in relation to different projects

Federation of Bath Residents:

- Objection. Supports redevelopment of Jubilee Centre for storage and distribution and enabling Mercy in Action to continue operate in the City, but object to the proposed PBSA on the site principally due to lack of quantifiable need or demand.

Bath Preservation Trust:

- Objection. strong in-principle opposition to this proposal on the grounds of the unjustified provision of further student housing, and the proposed height, scale, and massing of the development which would be of detriment to the appearance and character of the Twerton region of the conservation area, and harm the setting of two Grade II heritage assets.

SUPPORT:

- This is becoming a thriving area due to the student accommodation and extension of the faculty of design.
- The current site is a derelict eye sore on the main thoroughfare into Bath
- Concentrating students into purpose-built accommodation as oppose to HMO makes good social sense and will incentivises students to stay on in PBSAs
- Good location in terms of public transport

- A well thought out design
- Less residents' amenity issues
- Easier waste management
- Good for local businesses

Mercy in Action:

- Support. The existing building is coming to the end of its useful economic life and does not meet Mercy in Action's current needs. The proposal will facilitate creation of a modern, efficient and sustainable building and allow the retention of this crucial local charity service within the locality it is needed. The new facility will continue to support the employment and day to day running of Mercy in Action's charity and nine charity shops in and around Bath.

COMMENTS:

- Need to build more homes for next generation and community spaces
- The chancellor of the university has said there is no need for more accommodation
- PBSAs can only be supported if there is a ban on HMOs
- There is too much student housing in the City already
- Increase in height compared to existing is turning the Lower Bristol Road into a concrete canyon unless the buildings are set further back from the road
- Impact of building's illumination on dark flight corridor should be strictly controlled

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

B3: Strategic Policy for Twerton and Newbridge Riverside

B4: The World Heritage Site and its Setting

CP2: Sustainable Construction

CP3: Renewable Energy
CP5: Flood Risk Management
CP6: Environmental Quality
CP9: Affordable Housing
CP10: Housing Mix
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

B5: Strategic Policy for Bath's Universities
D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
ED1a: Office development
HE1: Historic environment
NE2: Conserving and Enhancing the landscape and landscape character
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS2: Noise and Vibration
ST7: Transport requirements for managing development
SCR1: On-site renewable energy requirement
SCR5: Water efficiency
SU1: Sustainable drainage policy

National Policy:

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

SPD's:

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

Buildings Heights Strategy

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

The main issues to consider are:

- Principle of development of use of existing employment land and provision of Purpose-Built Student Accommodation (PBSA).
- Flood Risk
- Heritage, Visual Impact and Design
- Highways safety and parking
- Trees and Green Infrastructure
- Ecology
- Residential Amenity
- Off-site public open space contribution
- Other matters

PRINCIPLE OF DEVELOPMENT:

The key in-principle issues:

- The acceptability of the principle of the redevelopment of this industrial land within Bath Enterprise Zone in the context of Policies DW1 (District-wide spatial strategy), B1 (Bath Spatial Strategy), B3 (Strategic Policy for Twerton and Newbridge Riversides), ED2B (Non-Strategic Industrial Premises), B5 (Strategic policy for universities, private colleges and their impacts) and CP10 (Housing Mix).
- The principle of the redevelopment of this land considering flood risk.

PRINCIPLE OF USE OF THE EXISTING EMPLOYMENT LAND AND PROVISION OF PBSA:

The proposal is seeking permission for a mixed-use redevelopment of storage and distribution (Class B8) and 121 units of purpose-built student accommodation (sui generis) following demolition of existing building.

The site is located in the Bath Enterprise Zone, in particular in the Twerton Riverside area. This area is characterised by its contribution to Bath's industrial history and present-day employment structure.

Policy B5 of the Bath Placemaking Plan drives the location of student accommodation in the city. It states that proposals for off-campus student accommodation will be refused within the Enterprise Zone where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space).

Policy B3 sets out the strategic vision for the Twerton and Newbridge Riverside areas of the Enterprise Zone. Twerton Riverside has contracted as an industrial location in recent decades. The policy states 'that this area is suitable for a broader range of uses and there is scope to redevelop the area to provide new business premises and housing. The area presents an opportunity to host business that is displaced as a consequence of the residential led development of Western Riverside and the growth of the intensification of the Central Area into Sydenham Park. Whilst Newbridge Riverside will remain the core industrial location, Twerton Riverside can provide additional flexibility.'

Policy B1 sets out the wider Bath Spatial Strategy but is relevant here. Part of the spatial strategy plans for a net overall increase in jobs over the plan period, along with the contraction of industrial floorspace whilst sustaining a mixed economy by retaining a presumption in favour of industrial land in the Newbridge Riverside area.

Much of the Newbridge Riverside area is designated as strategic and primary industrial estate, however the Twerton Riverside area, including this site, is not. Instead it is considered Non-Strategic Industrial Premises and is covered by Policy ED2B.

Policy ED2B states that proposal for B8 uses will be considered acceptable in principle subject to other material planning considerations. It goes onto say that 'Non-strategic sites are not afforded the same level of protection for industrial and warehousing (B1c, B2 & B8) uses as those listed in ED2A (Strategic and Primary Industrial Estates). Applications for residential development or others uses will normally be approved unless there is a strong economic reason why this would be inappropriate.'

One of the key changes when compared to earlier refused proposals on the site is that the application now seeks to maintain the B8 employment use on the ground floor, building student accommodation on the upper floors. Additionally, this scheme goes further and the B8 element has been designed to secure the retention of the existing tenant Mercy in Action (MIA). The Planning Statement submitted with the application states that the applicant has agreed terms with MIA subject to planning, whereby MIA will take a leasehold interest for the proposed ground floor and associated mezzanine level.

The proposal will provide an increase in employment floorspace, increasing from 725sqm to 856.8sqm. It will also result in a planned increase in employment from 20 to 25 full time staff and 10 to 15 part time jobs. This is considered to comply with the economic aspirations of policy B1.

Whilst the site will also accommodate student accommodation on the upper floors, given that a B8 use will be retained at the site which will be increasing in floor space and

increase the number of jobs in an area that is adjacent to location of high employment deprivation, it is considered that the proposal complies with policy ED2B as there are no strong economic reasons why this proposal would be inappropriate.

Securing the occupier for the ground floor is considered to provide a long-term operation which leads to a contribution to the economic objectives of Policy B3 and to the wider area. Student accommodation on the upper floors appears to result in an opportunity cost of the site not being developed entirely for employment uses. Given its strategic location within the Bath Enterprise Zone and on the Lower Bristol Road, student accommodation included within the proposals is seen as a limiting factor. Nevertheless, policy B3 allows for residential development and flexibility of uses in the Twerton Riverside Area. As such the inclusion of student accommodation is not considered to directly conflict with the policy in this instance due to the retention of B8 space.

Policy B1 looks to increase the overall housing stock of BaNES over the plan period, it also looks to enable the provision of new off-campus student accommodation by facilitating growth in the overall number of students whilst avoiding growth of the student lettings market. Policy CP10 has regard to Housing Mix, it states that the mix of housing should contribute to providing choice in tenure and housing type having regard to the character and accessibility of the location. The proposed purpose-built student accommodation will ensure that the student lettings market of properties (HMO's) does not proliferate, additionally the site is located near to other purpose-built accommodation therefore forming part of the character of the wider area.

The proposed uses, as described above, are seen as acceptable in the context of policy ED2B, B3, B1 and CP10, the policies in which the vision and spatial strategy for the city in relation to delivering housing, and economic development is set out, therefore it is considered that, in this instance, the proposal for off-campus student accommodation within the Enterprise Zone is also compliant with Policy B5. As such the principle of the two uses (B8 warehousing and *suis generis* student accommodation) is acceptable subject to other material planning considerations as discussed below.

PRINCIPLE OF DEVELOPMENT CONSIDERING FLOOD RISK:

The 2008 Strategic Flood Risk Assessment (SFRA) shows the application site is entirely within Flood Zone 2 with the edge to the riverside falling within Flood Zone 3a.

Policy B3 of the Placemaking Plan identifies this area at risk of flooding. It states that 'The sequential approach to site layout is required to be informed by a site-specific FRA. As minimum, the floor levels of new developments have to be raised at the appropriate level taking into account the vulnerability classification informed by the FRA'.

Policy CP5 of the Core Strategy outlines flood risk management; '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'.

Paragraph 155 of the NPPF states that inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It

goes on to state that this will be achieved, inter alia, through the application of the Sequential Test and, if necessary, the Exception Test.

The Flood Risk Vulnerability Classification Table within the NPPG classifies student halls of residence as 'more vulnerable' and offices; general industry, storage and distribution such as the proposed facility for Mercy in Action, as 'less vulnerable'.

The NPPG indicates that where developments contain different elements of vulnerability, the highest vulnerability category should be used. The proposal is therefore considered to be in the 'more vulnerable' category of development.

The Flood Risk Vulnerability and Flood Zone 'Compatibility' Table within the NPPG indicates that 'more vulnerable' development can be appropriate in Flood Zone 3a, provided that the Sequential Test and Exception Test are passed.

SEQUENTIAL TEST:

Paragraph 158 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The NPPG states that 'For individual planning applications... the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.'

The applicant has submitted their assessment of the availability of sequentially preferable alternative sites for the development. The area of search for alternative sites was defined as being within the urban area of Bath with the following additional criteria:

1. Available sites (with and without planning permission) of up to 0.2ha (i.e. of a comparable size to the application site that will be suitable to accommodate the proposed development) within Flood Zone 1, within 300m of a public transport route, and located within the Bath Housing Development Boundary and University of Bath's Claverton Down campus, as defined on the Local Plan Policy Map
2. Alternative sites that do not suffer from any abnormal constraints that would impact on the viability of the site.
3. Alternative sites that are currently available for sale at a price that would mean the proposed development is viable.
4. Alternative sites that are not safeguarded/allocated in the Local Plan for another use.

It is considered that given the proposed accommodation is intended to serve students attending one of the cities universities, restricting the area of search to the city of Bath is reasonable.

However, it is considered that some of the criteria are unduly restrictive in limiting the area of search.

Whilst there would obviously be a preference for alternative sites to be close to bus routes for the universities, accessibility within most areas of the city of Bath is good enough to serve student accommodation. Additionally, it is unclear why only those bus routes serving the University of Bath and not Bath Spa University have been included. Bath Spa University campus hasn't been included in the final defined search area map shown in appendix A of the Sequential Test submission, there is no justification for this admission. Furthermore, it is considered that the benefits of providing greater accessibility to public transport would not outweigh the reduced flood risk arising from a sequentially preferable site that is further than 300m from a bus stop.

It is also considered that ruling out all sites which are within or partly within Flood Zone 2 fails to capture all sites which would be sequentially preferable to the application site. The application site is within Flood Zone 2 and 3a. Alternative sites which are only or partly within Flood Zone 2 should also be included within the area of search as these would represent sequentially preferable sites.

In respect of criterion 3, sites do not have to be for sale for them to be considered available. Following a review of appeal decisions, the correct approach is that the availability of sites is appropriately tested by reference to the availability of land for a similar development to that proposed, rather than the issue of the availability of such land to the applicant in question.

The search area is therefore not agreed and not considered adequate by officers for the purposes of undertaking the sequential test. This is considered grounds for refusal in regards to policy CP5 and the NPPF.

Notwithstanding the above reservations about the search criteria, the agent has reviewed the following in identifying reasonably available sites;

- i. site allocations in the core strategy and placemaking plan,
- ii. the Claverton Down Campus,
- iii. the HELAA and Local Plan Review,
- iv. and residential and PBSA sites.

In respect of point i), the agent has discounted all of the 21 site allocations within the Core Strategy and Placemaking Plan save their own site. They state that none of these are available. An assessment of each individual site has not been made and therefore it has not been made clear why some of the sites have been ruled out. For example, Burlington Street is a site of 0.13ha on the southern end of the west side of Burlington Street that is currently used as car parking for St Mary's Church. It is allocated under policy SB16 of the Placemaking Plan for 'residential development, which can include student accommodation'.

As for point ii), the agent states that there is no available land at the University of Bath's Claverton Down Campus because this has been fully built out or committed under the current master plan.

This is incorrect as the site was released from the Green Belt in 2007 specifically to provide developable space for the university, including student accommodation under Policy SB19. Policy SB19 sets out the following development principle for the campus:

Development on campus should contribute to the full spectrum of the University's needs, including academic space, all the accommodation space that is needed for the growth in the intake of first years from 2011 and a major share of the accommodation space that is needed for their subsequent years of study. This essentially means that the university is required to meet the majority of its student accommodation needs on the campus if it intends to grow. There is also clearly sufficient space available within the already allocated area on the campus for the proposed development. The university letter upon which the report relies does not state that there is no available space on campus for PBSA. It states that there are no arrangements with the developer and that currently 'there are no opportunities to expand the campus until the new Masterplan is agreed'. The Claverton Down campus site however is identified as an area which can come forward now under the current allocation policy (SB19) without the need for the masterplan to be formally endorsed by the Council. Additionally, as mentioned above, it has not been made clear why the Bath Spa University campus has not been included when it is much closer to the site than the University of Bath.

In regard to iii), the agent has identified 42 sites within the HELAA (found in Appendix C of the Sequential Test document). The agent discounts 39 of these sites as not being suitable for the development and discounts the remaining 3 sites as being 'unavailable'. There is no methodology included within the document, and it has not been made clear why many of the sites are 'not sequentially more suitable' when, for example, some of them sit solely within flood zone 2, rather than 2 and 3a like this site does. It has also not been made clear why the ones identified as acceptable are not currently available. It is assumed this is because of the four previously aforementioned search criteria, however these criteria are disputed by the Council as set out above.

Finally, the agent has looked at sites with permission for residential and PBSA development. The agent instructed Savills to assist in this. Apparently, Savills have confirmed that all permitted and proposed PBSA sites are currently contractually committed and therefore not available. Again, as discussed above, simply because the land is not available for sale to the applicant does not mean that the site is not reasonably available to bring forward the proposed development. The Council considers that there are reasonably available sites with planning permission or for PBSA development within the area of search. For example, there are at least two sites that currently have planning permission or are being assessed for planning permission for PBSA. These are Jews Lane, and the Scala.

Jews Lane is a site of approximately 0.1ha in the Twerton area of Bath within flood zone 1. It has recently achieved planning permission under application reference 18/02831/FUL for student accommodation. The existence of planning permission for student accommodation on this site demonstrates that the site is appropriate for the proposed development. It also demonstrates that the site is available for development and is being actively promoted for a student accommodation development. There is clear evidence that the developer wishes to take this forward as they have discharged pre-commencement condition (ref: 19/05380/COND) and sought minor variations to the scheme (ref: 19/05449/NMA) as the detailed design work has evolved. It can therefore be considered that the site is appropriate for the proposed development and is clearly available (and ready) for development.

The 'Scala' site on Shaftesbury Road is not allocated and not contained within the 2018 HELAA, but the Council recognise its potential for redevelopment. There is currently a planning application being considered by the Council on this site for student accommodation as well as a residential block and some retail. The site is within flood zone 1 and is not within any policy designation where the principle of student accommodation is restricted. These factors, alongside the provision of 96 beds of student accommodation shown in the current application, demonstrate that the site is appropriate and could accommodate the student accommodation. Given the current planning application the site is considered available.

The agent has submitted a further addendum to the sequential test document, setting out reasons why the four sites identified above are not available. The agent states that the scope of the area of search has been agreed between the applicant and the council, however this is not the case. The main reason why the agent considers the four mentioned sites unavailable is that they don't consider the PBSA element of the scheme can be disaggregated from the purpose-built commercial space for MIA. They state that in this case there is a clear cross funding link between the PBSA and the re-provision of purpose-built commercial space for occupation by MIA. The fully repairing and insuring (FRI) lease agreement, which is subject to the grant of planning permission, sets the rent for MIA at approximately 40-45% of an equivalent open market rent, cross funded by the provision of the student accommodation. However, the officer considers that the a PBSA scheme could be used to cross subsidise the rent of the B8 unit in any location, this does not necessarily mean it needs to be provided on this site. It has also not been evidenced that MIA can only take the lease on at 40-45% of the open market rent, nevertheless while securing the future use of MIA is a welcomed benefit it is not necessary to make the scheme acceptable, and in future another B8 user could take over the space paying 100% of the market rate and therefore not relying on cross subsidisation from student accommodation.

The Council disagrees with the results of this addendum document and considers that these sites as reasonably available alternatives has not been disproved, nevertheless the council also considers that the area of search is incorrect for the purposes of the sequential test and therefore more sites may also actually be reasonably available that have at present been ruled out.

Conclusion on Sequential Test:

The area of search is considered to be inadequate for the purposes of the sequential test, as the criteria for establishing it are not justified and unduly limiting. There are alternative sites which are considered appropriate and available for the PBSA element of the proposed development; therefore the proposed development fails the sequential test and should not be approved. The proposal is found contrary to Policy CP5 of the Core Strategy for Bath and North East Somerset as well as the NPPF.

HERITAGE, VISUAL IMPACT AND DESIGN

To reiterate, planning permission is being sought on the proposed demolition of the existing Jubilee Centre building and the erection of a mixed-use redevelopment of storage and distribution unit and 121 units of purpose-built student accommodation.

The site is located to the west of Bath city centre with river flanking the site to the north and the Lower Bristol Road to the southern boundary. It is within the Bath Conservation Area and the World Heritage Site (WHS), and more specifically within the Brassmill Lane, Locksbrook and Western Riverside Character Area of the Bath Conservation Area. The draft conservation area appraisal for this area identifies the green river corridor as binding the character of the area together and making a positive contribution to the green setting of the WHS. The site is also adjacent to the relatively new Twerton Mills development, and between the two sites is a Grade II listed terrace of buildings known as Rackfield Place that date from the mid C19. The site is also directly opposite the Grade II listed GWR Twerton Viaduct.

It is agreed that existing building dates from the 1970s and possesses no heritage or architectural merit that would warrant its retention. It has a neutral visual impact on the character and quality of the immediate area. Therefore, its demolition and redevelopment of the site are acceptable in principle.

There is, however, an expectation of enhancement and statutory requirement to ensure that the replacement development has special regard to the setting or any features of special architectural or historic interest of the listed buildings, and the desirability of preserving or enhancing the character or appearance of conservation areas.

The site is approximately 0.16ha, the current footprint of the building on site covers most of the site area and is orientated with the front elevation facing onto the Lower Bristol Road. The proposed building follows the same orientation and layout on a similar footprint with the inclusion of hardstanding for parking associated with the B8 use. Both the landscape and Arboricultural Officer considered the layout proposed fails to make space available for planting or practical tree retention given the built forms proximity to the boundaries of the site.

The Bath Building Heights Strategy provides a useful framework within which decisions can be made about the appropriate height of new buildings to ensure the protection of the OUV of the World Heritage Site. It states that the height and scale of new development should respect and respond and contribute to the character of Bath, building on its heritage and values associated with it. This site is located in the 'valley floor area' of the Building Heights Strategy, for this area the document makes clear that building shoulder height should be 4 storey, this is taken to generally be the eaves of the building.

The Placemaking Plan states that the heights of buildings are an important aspect of the visual homogeneity of the city, and new developments need to respond creatively and sensitively to their exceptional context. The World Heritage Site Management Plan expands on this by describing that building heights throughout the city are relatively consistent and low-rise. One of the attributes of OUV of the World Heritage Site is the visual homogeneity of the city due in part to the uniform scale and height of buildings.

In response to the first round of consultations, the roof form has been revised from sawtooth/ pitched to mansard/ flat roof and the top storey on the western end of the building has been set back.

While these changes have resulted in a reduction in the actual as well as the perceived height of the building, which is welcomed, the proposed building is still 5.5-6 storeys high.

It is taller and more prominent than the one it replaces or any of the surrounding buildings facing Lower Bristol Road. The nearby Twerton Mill development is being used as a height's marker, however unlike what is proposed here, the taller blocks of Twerton Mill are deliberately set to the back to the river-facing part of the site, which is also more generous in size. At the southern road-facing end, the majority of Twerton Mill is varying between 8m (near Rackfield Place) and 11m (fronting the Lower Bristol Road) and the facades are more fragmented. At Jubilee Centre, the building occupies the entirety of the plot and presents a much higher (up to 16.7m) façade at a considerable length (approx.67m) which is considered to physically and visually dominate the streetscape and the neighbouring buildings.

This site is located towards the western end of the Lower Bristol Round towards the edge of the city rather than the heart, it is considered that heights of buildings here should provide an appropriate transition from the taller buildings located more centrally to the lower buildings moving away from the centre. This proposal would result in the singularly tallest building in the immediate locality.

The amended design and proportions appear to be now inspired more by the formal C18 townhouse of the Georgian city than the C19 industrial and wharf character of area. This concept results in an architecturally confused, generic appearance that fails to successfully address this specific Conservation Area context. Notwithstanding the loss of many of the industrial buildings that would have occupied the western riverside area of the City, the legibility of a surviving, residual industrial character is strong and clear, and therefore this is regarded as the starting point and guiding principle for design in this part of the city. The 'saw tooth' form of roof of the previous submitted scheme was/is regarded as successful in responding to the character and context of the area. The current roof form of the middle and western sections is flat and lacks the articulation of the predominant pitched roof forms that exist in the immediate area and across the entire historic city.

The materials have been altered during the course of the application and now include buff brick, rubble stone, and standing seam metal cladding. The amended palette of materials is now regarded as acceptable and more appropriate for the context. The only potential issue is the use of 'Buff' brick, which is not regarded as inappropriate in principle, but would need to be controlled by condition to ensure a brick is used of the correct appearance and quality.

In response to hard and soft landscaping greater areas of green roof are proposed and an area of tarmac surfacing at the rear of the building has been replaced with reinforced grass. The inclusion of green roofs, green walls and climbers would fail to have a significant impact on close views of the building from the lower Bristol Road and the elevated mainline railway. While green walls are of some additional benefit they are, by their very nature, maintenance intensive and unsustainable and it is still considered that inaccessible green roofs and the vertical greening of buildings should be seen as an addition to and not a substitute for street tree planting and accessible soft landscape and public realm. It is not considered that the landscaping of the site successfully contributes to local character or enhanced the site.

Overall, the proposed design is considered to be unsuccessful, failing to take cues from or positively integrate with the local character of the area due to its height, scale, massing

and form. The proposal is considered contrary to policies D1, D2, D3, D4, and D5 of the Placemaking Plan.

Objections and concerns in regard to design and heritage have been received from Conservation Officer, Bath Preservation Trust and Historic England. Given the aforementioned, in its current form the proposed development would have a detrimental impact on the setting of the listed terrace and the viaduct, would fail to preserve or enhance the character and appearance of this part of the Bath Conservation Area, and would be detrimental to the authenticity of the WHS and its historic development narrative.

The proposed development results in harm to the Bath World Heritage Site and Bath Conservation Area. This harm has been identified as 'less than substantial'.

The NPPF makes clear that less than substantial harm to the significance of designated heritage assets should be weighed against the public benefits of the proposal. It is also important to note that in applying this balancing exercise, the statutory requirement in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is 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 possess, and to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. It is not considered that the proposal would lead to public benefits that would clearly outweigh the identified harm.

Public benefits could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. In this instance, removal of the existing building is seen as a neutral factor, and therefore this is not included as a public benefit. There are several public benefits and material considerations which weigh in favour of the application.

Firstly, the proposals would provide student bedrooms for use by university students and would support the growth aspirations of the universities by helping them to meet the demand for student accommodation. The use of PBSA to achieve this aim has the potential to relieve the pressure for further housing stock within Bath being converted to HMO accommodation. However, there is little evidence that building new PBSA will release existing HMO accommodation back to family housing stock. It should be noted there is no currently identified target for student accommodation within the current Core Strategy, except for the strategy to develop about 2,000 study bedrooms at the Claverton Campus as expressed in policy B5. Whilst the provision of these bedrooms is clearly a benefit of the scheme, there is no agreed target against which this can be measured. It is not correct therefore to suggest that the proposals would contribute towards meeting a formally identified 'need'. This element has therefore been afforded limited weight.

The proposal will provide an increase in employment floorspace, increasing from 725sqm to 856.8sqm. It will also result in an increase in employment from 20 to 25 full time staff and 10 to 15 part time jobs. This weighs in favour of the development.

The scheme would generate CIL contributions of over which can be spent on infrastructure on the Council's regulation 123 list. This weighs in favour of the application.

The construction of the proposed development would generate a number of local employment opportunities and opportunities for local suppliers. However, it should be noted that this only a temporary benefit of the scheme for the duration of the construction period and therefore this has been afforded limited weight.

The proposed building will be more energy efficient than the existing building, however this is a separate policy requirement and therefore is not considered a significant benefit as any scheme now brought forward on the site would require improved energy efficiency to be policy compliant with the wider development plan. This has been afforded little weight.

It is not considered that the public benefits identified above, either individually or cumulatively, outweigh the less than substantial harm that has been identified to the heritage assets. The harm mainly derives from the height of the proposal and the design character. Officers are mindful that greater weight must be placed on the desirability of heritage protection and that these benefits could be achieved and delivered without harming the setting of the heritage assets and the surrounding conservation area through a reduced height and revised concept for the design, using appropriate cues from the site heritage and locality. It is therefore considered that the proposals are contrary to the NPPF, policy HE1 of the Placemaking Plan and policy B4 of the Core Strategy.

ARCHAEOLOGY:

South West Heritage Trust have been consulted on this application as the council's archaeological consultee.

The proposed development lies within the riverside corridor area of Twerton. While the Heritage Statement submitted (Michael Heaton Heritage Consultants April 2020) suggests there is little archaeological potential, it is understood that previous desk-based archaeological assessments of this area have indicated that although the area appears not to have been occupied or developed until the 18th century, there is still some potential for the survival of archaeological deposits, with a historic ferry route across the river Avon and mills in the vicinity. The recent archaeological evaluation (trial trenching) of the adjacent Twerton Mills site appears to have confirmed this, but also revealed extensive disturbance from more recent river and drainage works. As such if permission were being granted this could have been dealt with via a condition for the archaeological monitoring of all groundworks.

RESIDENTIAL AMENITY:

The application site is located outside the residential areas of Newbridge and Twerton, sitting within the predominantly industrial western end of Lower Bristol Road. However, there is a short terrace of dwellings located immediately to the east of the existing building (Rackfield Place). It is noted that the easternmost wing of the new building drops in height to approx. 10.5m, which roughly repeats the existing relationship of these houses with the gable end of Jubilee Centre that currently comes to approx. 9.5m under the eaves. The separation distance of approx. 9-10m would remain the same. The windows on the eastern elevation are proposed to be obscure glazed. The roof-level outdoors space for the students is set further to the west, which should avoid overlooking or noise issues. In terms of the commercial use of the ground floor, this would not be significantly different to

existing. As such it is not considered that the residential amenity of the existing residents would be unacceptably compromised.

The introduction of student accommodation into the mix of uses inevitably affects the type of industrial use that could be integrated into the proposed employment space. Significant limits would likely have to be placed upon hours of operation, noise levels, timing of deliveries, ventilation and extraction to avoid having any negative adverse impacts upon the potential occupiers of the student accommodation (and existing residents). Nevertheless, these factors are more limiting for the future commercial occupier rather than the residents above as it is possible to design appropriate mitigation measures and limit the use by conditions. As such, it is not considered that the proposed mix of B8 and residential uses would in principle be detrimental to the residential amenities of the future residents.

The proposed residential accommodation will also be impacted by noise from road and rail. The applicant has submitted an acoustic report which demonstrates that the proposed development can achieve acoustic ambience for the future residents and surrounding amenity. It is noted that the acoustic measurements were completed during the current Covid 19 pandemic and therefore the assessment of both road and rail traffic noise would be significantly reduced at the time of the assessment. The Acoustic report does reflect this aspect and allows for reasonable adjustments to be made to compensate. To ensure that the development can meet the acoustic criteria contained within the report a condition can be included. It is noted that the Environmental Protection Team have not raised an objection to the scheme.

HIGHWAYS MATTERS:

The Highways Development Control Team have been consulted on this application. Policy ST7 of the Placemaking Plan sets out the transport requirements for managing development.

Given that the commercial floorspace proposed is not significantly larger than the existing building, this element of the proposal is not expected to have any materially greater impact on the local highway. The student accommodation is proposed to be car free, therefore it is expected that additional trips generated by the PBSA will primarily be via walking, cycling and public transport, and additional vehicle traffic will be confined to servicing and deliveries.

Vehicle access to the development will be taken directly from Lower Bristol Road via a gated entrance along the eastern edge of the site providing a route to 6no. parking spaces at the rear of the proposed building. Additionally, a disabled car parking space is proposed on the site frontage to Lower Bristol Road along with an internal access for LGV sized delivery vehicles which will enter and turn within the ground floor area of the building. There is an area behind the footway which is proposed to be used as delivery bay for larger vehicles. The existing western vehicular access adjacent to the bridge access to the depot site to the north will be closed.

Highways initially raised concerns about the layout of the proposed delivery bay and requested that a stage 1/2 Road Safety Audit (RSA) should be conducted to assess the

access and servicing proposals prior to making a recommendation. The RSA has now been completed and Highways accept the designer responses proposed to mitigate the problems identified, most of which can be incorporated at detailed design stage.

Vehicle visibility drawing to both the left and right for vehicles entering /egressing the accesses have been provided, together with confirmation that the eastern gated access will not open towards the highway and this is acceptable.

Additional S106 financial contributions are offered towards accessibility improvements; parking measures; upgrading Twerton Mill bus stop and reducing delay to public transport on Lower Bristol Road within the vicinity of the site. For longer distances, rail travel provides a suitable option with the Oldfield Park station situated a 1.2 km walk to the east of the site

The principle of car-free PBSA development is in accordance with the current development plan. A S106 Agreement containing fully worked up strategy will be required to ensure this is the case, in similar terms to those applied at the nearby Twerton Mill student accommodation.

Further details have now been provided in regards to the 44 student cycle parking spaces which will be achieved via a two tier structure system, this is considered acceptable.

Off-street parking policy ST7 requirements for B8 (warehousing) is a maximum standard. The proposal seeks to re-provide 7 parking spaces, including one space for disabled to the front.

For up to 235sqm the policy requires 1 space per 50sqm or if above 235sqm: 1 space per 250sqm. The Transport Addendum explains the calculation applied is: 5 spaces for 235sqm plus 3 spaces for 620sqm. Highways' reading of the standard is that for a development above 235sqm 1 space per 250sqm is permitted and this would equate to a maximum of 4no. car parking spaces.

However, the officers note that the on-street car parking is in high demand in this location, and it is considered that the proposed number of car parking space is appropriate and will avoid transferring unmet parking demand onto residential streets. There are 4no. car parking space in a tandem arrangement at the rear of the building, which may not provide optimum usage due to one space blocking the other. Nevertheless, it is considered acceptable for workplace parking. These spaces would appear to occupy the full width between the building and river edge. The applicant has confirmed that in terms of emergency access to the rear of the building for staff and students, there is a route to the west of the building which can be used if necessary.

In addition, a minimum of 1 cycle parking stand per 400sqm of B8 floor area is required which equates to 3no. cycle stands. An area within the ground floor warehouse has been designated and this is acceptable. Cycle parking to the front of the building has been increased from 3 stands to 4 stands, providing 8 cycle parking spaces for visitors and this is acceptable.

Further details of the Student Move-in/Move-out Strategy have been provided in the Transport Addendum and this is acceptable at this stage.

The proposed waste and recycling store for the student accommodation is adequate. In addition an area has now been designated within the warehouse area for the B8 use of the site, this will ensure that residential and commercial waste is kept separate and stored off the highway.

It is proposed that that service vehicles will be advised within the service management plan for the site to arrive at the development from the west only. A banksman will be required for any service vehicle access on the frontage of the site and this will be included as part of the Servicing and Waste Management Plan for the site.

A framework travel plan is submitted with his application. It is proposed that prior to occupation the appointed management company of the student accommodation will develop a full Travel Plan based on this Framework document. The Student Travel Information Pack will also be updated by the Management Company prior to occupation, to contain up-to-date information on local services.

The above elements would have been secured by condition if permission were being recommended, however the application is recommended for refusal. Additionally, if permission were being granted a construction traffic management plan would also have been required to be submitted prior to commencement of the development due to the scale of the development and location on an 'A' class highway.

Overall the proposed scheme is considered acceptable in regards to highways matters and compliant with policy ST7 of the Placemaking Plan and the NPPF.

TREES AND GREEN INFRASTRUCTURE

The site is between two strategic corridors; the Lower Bristol Road which is a primary route into the city and the River Avon which is a strategic green infrastructure corridor. The proposed building footprint does not permit the inclusion of green infrastructure along the river which is lacking in this location.

The proposal also requires that trees growing out of the riverbank and those retained at the front will require crown reduction to enable the building to be constructed as stated in the accompanying Arboricultural Report. The need for future pruning is inevitable as a result of the proximity of the building. Cars parked beneath the canopies of the Sycamore trees (identified as T6-T8) will be susceptible to seasonal debris including aphid honey dew.

The building width and length has not been altered to increase the space available for planting or practical tree retention.

In view of the lack of space provided, the replacement tree planting to the north, as shown on the Planting Plan, is placed on the narrow and steeply sloping riverbank rather than on secure and stable land beyond. The new trees as well as the existing Sycamores are therefore likely to be managed as coppice.

It is noted that the proposal has now been revised to remove the two Silver Birch at the front of the site and replace with one multi-stemmed tree with no apparent enhancement

in the space made available for its growth. Given the extent of the building footprint, demolition, construction and landscaping proposals, the retention of the two Silver Birch at the front of the building was not considered realistic in any case.

Based on the tree replacement obligations referred to within the Planning Obligations SPD there is a requirement for the planting of 11 trees which clearly cannot be accommodated on site. Appendix 2 within the West of England Joint Green Infrastructure Strategy 2020-2030 provides an Example Draft Green Infrastructure Area Profile for Bath. Landscape issues identified include loss and deterioration of trees along river Avon within Bath mainly due to development encroachment (against principles in WHS Setting SPD).

Any development along the river should therefore be aiming to strengthen tree cover, which this application doesn't achieve. The very limited buffer zone adjacent to the river is considered insufficient for the purpose of achieving strengthened green infrastructure and providing adequate space for establishment of trees with meaningful stature, canopy extent and room to grow in the long term. This aspect of the scheme has not been altered and therefore, despite the revisions to the landscape scheme providing improved habitat provision, the buffer zone remains too narrow. This constraint continues to severely limit the ability of the scheme to provide functional connective green infrastructure. It is not considered that the proposal fully engages with the aspirations of the Green Infrastructure Strategy, or that the scheme makes a positive contribution to the Green Infrastructure network through the creation, enhancement and management of new, and existing Green infrastructure assets. The proposal is therefore considered contrary to Policy NE1 and NE6 of the Placemaking Plan.

ECOLOGY:

An ecological report is submitted and the bat survey findings of the building are accepted; further updates to these surveys may be required should commencement development be delayed by another year. The report also confirms existing habitat present along the bank of the river, comprising trees, scattered and dense scrub and ruderals. The habitat map and aerial photos show these habitats, as existing, provide a more or less continuous connective vegetated strip between the existing building and the river; this also contributes to the ecological value of adjacent and connected habitats beyond the site.

Further revisions have been made to the planting scheme to incorporate additional native shrub planting. The additional planting is now considered to compensate more adequately for the impacts on existing habitat extents along the river bank, and habitat and ecological provision is more fully integrated within the constraints of the scheme.

The questions regarding lighting have also been clarified and the council ecologist is satisfied that the scheme can be implemented within the thresholds of light spill levels over the River Avon and bankside habitats that are required to avoid harm to bats, including bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and other wildlife. The lighting report will need to be adhered to and predicted light spill levels will need to be secured by condition and remain enforceable in the long term.

A Habitats Regulations Assessment has been undertaken and concludes that, subject to the sensitive lighting requirements being adhered to, the proposal will not have a

significant effect on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC), SAC bats or supporting habitat to the SAC.

As previously advised, the very limited buffer zone adjacent to the river is considered insufficient for the purpose of achieving strengthened green infrastructure and providing adequate space for establishment of trees with meaningful stature, canopy extent and room to grow in the long term.

However, given the limited ecological value already present at the site and the more recent revisions to landscaping I do not consider these limitations of the buffer zone to be sufficient in this instance to sustain a reason for refusal on ecological grounds (they do form a reason for refusal on Arboricultural Grounds, see section above). The council ecologist has therefore withdrawn her objection on these grounds.

OFF-SITE PUBLIC OPEN SPACE CONTRIBUTION:

The residential element of the development proposed would be occupied by 121 persons, who will generate demand for green space. Green Space Strategy has assessed the existing supply of Parks & Recreation Ground in the Twerton ward to be in deficit of -2.98ha and the adjacent Newbridge ward a deficit of -3.35ha.

The typologies of greatest relevance to a proposal of this scale and type are Parks & Recreational Ground, Natural Green Space and Amenity Green Space (allotments and play space are excluded in this case). The total demand for greenspace equates to 3509m². The request is justified due to the area having an insufficient capacity to accommodate the recreational demands of additional residents without a greenspace improvement project. Onsite public open greenspace isn't proposed or practical, therefore the development is reliant on existing or new off-site provision for the recreational needs of the residents. The development site is adjacent to the Waterspace River Park / River Line project, the green space demands generated from the development can be met through a S106 payment to this project to make the development acceptable in planning terms in compliance with policy LCR6.

Without the contributions referred to below and the subsequent delivery of a recreational greenspace improvement project, the occupiers of the development would place additional pressure on the existing facilities within the area, which are already insufficient in quantity terms to meet the needs of the area, to the detriment of the particular facility.

The development will generate a need for green space and Placemaking Policy LCR6 clearly states that new developments will be required to make provision for or contribute towards green space to mitigate impact in accordance with the standards set out in the Green Space Strategy. Accordingly, the contribution is necessary to make the development acceptable in planning terms.

The contributions referred to above are directly related to the development as they are calculated on the basis of the residential occupancy of the development and will be used to mitigate the impact of the development on existing recreational greenspace, upon which pressure will be placed by the occupiers of the development.

The Placemaking Plan policy and Green Space Strategy requires that the impact on green space from occupants of new development is mitigated. Future occupants would increase the pressure on green space, therefore the contribution for greenspace improvements is directly related to the development and is justified.

The contributions are fairly and reasonably related in scale and kind. The requirement has been worked out on a proportionate basis based on standards set out in the Green Space Strategy and in scale with the total net occupancy of the development. Future occupants would increase the pressure on green space, therefore the contribution for greenspace improvements is directly related in kind to the development and is in accordance with policy.

The applicant has agreed to the level of contribution and as such the proposal is considered to comply with Policy LCR6 of the Bath and North East Somerset Placemaking Plan, as well as the Council's Planning Obligations SPD (amended August 2019) and the NPPF.

CONTAMINATED LAND:

The application has been submitted with the following report: Former Hollis Building (Jubilee Centre), Bath. Phase 1 Desk Study. Card Geotechnics Ltd. May 2020.

Taking account of the sensitive nature of the development (i.e. student residential accommodation), the potentially contaminative historical use of the site as an Engineering Works and Depot and the potentially contaminative historical uses in the area and the conclusions and recommendations of the report for further investigation, monitoring and risk assessment, the contaminated land officer has recommended conditions if permission were granted in regards to investigation, risk assessment, remediation and report unexpected contamination.

SUSTAINABLE CONSTRUCTION AND RENEWABLES:

Policies CP2 and SCR1 of the Placemaking Plan requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met. For major new build this figure is expected to be 19% CO2 emissions reduction from all measures including at least 10% from renewables only. The overall reduction from all measures is indicated as 37.4%, which is compliant with and exceeds the policy requirements.

OTHER MATTERS:

Other material considerations such as a drainage strategy and sustainable construction matters have also been considered (as per consultee comments) and appropriate conditions could be imposed to cover these aspects of the proposal.

CONCLUSION:

In line with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, planning application should be determined in accordance with development plan, unless material considerations indicate otherwise.

As identified above, the proposal would conflict with the terms of policies related to flood risk, heritage and design, as well as green infrastructure and trees.

Whilst the proposal presents some benefits, these are not considered to outweigh the numerous and significant conflicts with the Core Strategy, the Placemaking Plan and the NPPF.

The Officer recommendation is for REFUSAL.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

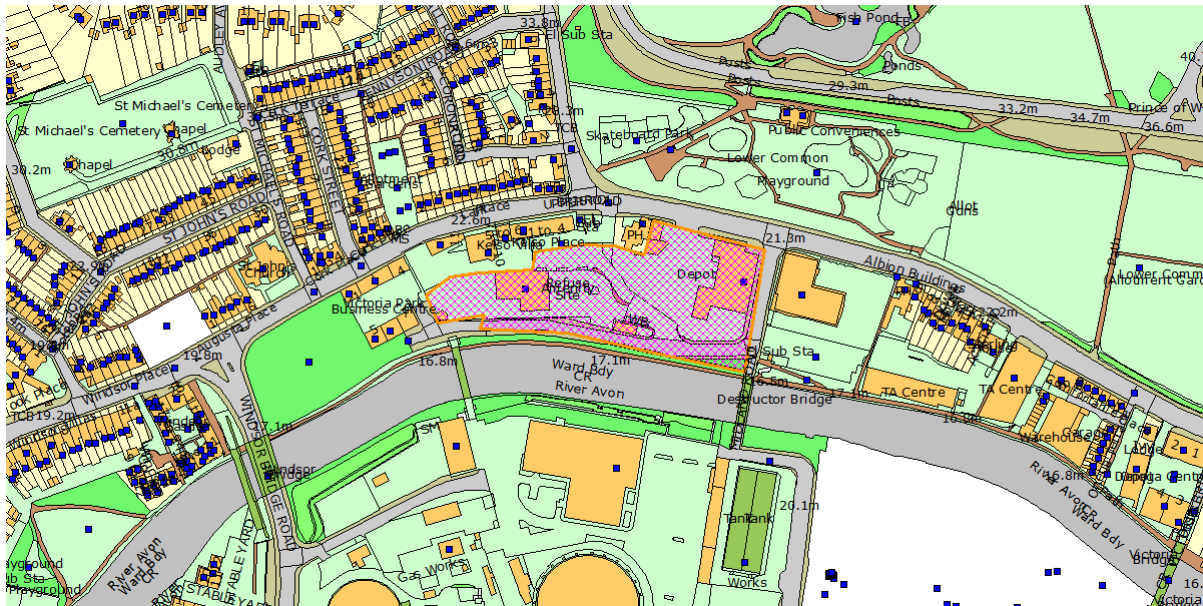
1 The proposed development includes 'more vulnerable' use, which would be located within Flood Risk Zone 2 and 3a. The area of search criteria has not been agreed, and it has not been satisfactorily demonstrated that there are no sequentially preferable sites which are reasonably available for the proposed development in areas with a lower probability of flooding. The proposed development therefore fails the Sequential Test and is contrary to policy CP5 of Bath and North East Somerset Council Core Strategy and Placemaking Plan (July 2017) and Paragraph 158 of the NPPF (2019)

2 The proposed scheme by reason of its bulk, height and design would lead to harm being caused to local character, the setting of the listed building and the wider character of the conservation area, and World Heritage Site. This would materially conflict with the Bath and North East Somerset Placemaking Plan policies D6, HE1 and H3 and the NPPF (2019)

3 The proposed scheme fails to demonstrate that opportunities have been maximised to design Green Infrastructure (GI) into the proposed development, or that the scheme makes a positive contribution to the GI network through the creation, enhancement and management of new, and existing GI assets. The proposal also fails to provide space available for planting or practical tree retention. As such, the application is in conflict with Policies NE1 and NE6 of the Bath and North East Somerset Placemaking Plan (July 2017).

PLANS LIST:

Item No: 05
Application No: 19/05471/ERES
Site Location: Western Riverside Development Area Midland Road Westmoreland Bath



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Sue Craig Councillor Andrew Furse

Application Type: Reserved Matters App with an EIA

Proposal: Approval of reserved matters pursuant to outline planning permission 06/01733/EOUT for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B1 Bath Enterprise Zone, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Aequus Construction Ltd.

Expiry Date: 18th December 2020

Case Officer: Chris Griggs-Trevarthen

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

REPORT

REASON FOR REPORTING TO COMMITTEE

The applicant is Aequus Construction Limited and in accordance with the scheme of delegation the application must be determined by committee.

DESCRIPTION

The application site currently comprises the refuse and recycling depot located off the Upper Bristol Road, between Victoria Park to the north and the River Avon along its southern boundary. There are several existing buildings on site including a large warehouse style building with a void beneath, various depot buildings and some associated office buildings. The site also contains several high retaining walls around some of its boundaries, particularly around the western half of the site.

The site is located within the boundary of the Bath World Heritage Site and Conservation area. It also falls within an Air Quality Management Area and large parts of the site are within flood zone 2. The River Avon is designated as a Site of Nature Conservation Interest (SNCI). There are a number of listed buildings near the site, the closest of which are Kelso place (Grade II) and Kelso Villa (Grade II). Victoria Park is designated as a Historic Park and Garden.

The site forms part of the approved outline planning permission for the wider Bath Western River redevelopment (ref: 06/01733/EOUT). The outline planning application (17.9 hectares) was granted with the following description:

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping

This application seeks reserved matters (layout, appearance, landscaping and scale) pursuant to the outline planning permission for the erection of 176 dwellings; retail / community space (Use Class A1/D1); access; parking; landscaping and associated infrastructure works following demolition of existing buildings and structures.

RELEVANT PLANNING HISTORY

The most relevant planning permission is the outline permission for Bath Western Riverside redevelopment. There have been numerous other reserved matters application for other parts of the development area, but these are less relevant and therefore not listed for the sake of brevity.

06/01733/EOUT - Bath Western Riverside Redevelopment

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1,

A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping
Application status: PERMITTED

17/00186/FUL - Avon Studios

Erection of 94 No. bed spaces of purpose-built student accommodation (sui generis), 14 No. residential studios (Class C3); and associated communal and ancillary facilities
Application status: PERMITTED

15/05699/FUL - Former Gas Works (Westmark site)

Demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis), comprising 394 bed spaces, ancillary facilities, 149sqm of ground floor flexible space (Class B1 and D1), new access to the river towpath, car and cycle parking provision and landscaping.

Application status: REFUSED

ENVIRONMENTAL IMPACT ASSESSMENT

The original outline planning permission was EIA development and contained an Environmental Statement which was updated in a series of addendums. This concluded that with the implementation of suitable mitigation measures, there will be no significant residual environment effects. As discussed in the report below, the current proposals are considered to fall within the ambit of the outline consent and it is therefore concluded that the proposed development will not have any significant adverse effects on the environment and the original findings of the Environmental Statement remain valid.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

CONSERVATION: No objection, subject to conditions

LANDSCAPE: No objection, subject to conditions

ARCHAEOLOGY: No objection

HIGHWAYS: Scope for revision

No objection in principle, but some outstanding safety concerns about pedestrian and vehicles conflicts between blocks F and G. Recommend a Road Safety Audit is undertaken.

ECOLOGY: Scope for revision

The Council's Ecologist has concerns about whether suitable riparian vegetation can be retained as some of the land for the ecological buffer falls outside of the site boundary.

The planting scheme still proposes a potential breach of the Wildlife and Countryside Act 1981 (as amended) in relation to planting of Virginia creeper. This species should be removed from the planting scheme.

Officer note: A revised planting schedule has since been received which removes Virginia creeper from the planting scheme and proposes all native species.

ARBORICULTURE: Scope for revision

Indicative tree planting is shown on drawing S106 - L-09147 PL08 along the River Avon, however, this is outside the red line boundary and will be restricted as a result of limited space and existing retaining structures.

This proposal represents a further incremental loss in opportunities within the city for tree planting to make a positive contribution to the green infrastructure network along the river and access routes into the city centre.

ENVIRONMENTAL HEALTH: Comments

No objection in respect of internal noise levels, subject to conditions. Some concerns regarding the adverse impact of existing noise to future residents for the proposed external amenity areas.

CONTAMINATED LAND: No objection, subject to conditions

HOUSING: Support

PUBLIC RIGHTS OF WAY: No objection

DRAINAGE AND FLOOD RISK: No objection, subject to condition

NATURAL ENGLAND: No objection

The proposals will not result in adverse impacts from light spill on the bat populations using the river corridor. The Council's ecologist's comments in relation to planting and riverside habitats still need to be addressed.

AVON & SOMERSET POLICE: No objection

ENVIRONMENT AGENCY: No objection

CANAL AND RIVER TRUST: General comment

Overall, the Trust feel that the proposal has an appropriate scale and form for the location and will likely make a positive contribution to the riverscape. Association with past use and building forms is a good approach to anchor the new development to the site and the reorientation of block G to echo previous buildings on the site is welcome. The metal cladding for most of the water facing blocks is a bold and interesting choice, although time will tell how successful it proves to be in townscape terms. The waterside blocks have fairly open frontages and appear to engage reasonably well with the river, and it is good to see the frontages broken up with potential accesses to the riverside between them.

The Trust consider that the choice of brick will be critical and assume that samples will be required. They comment that the projecting balconies on the waterfront blocks, although

acceptable in principle, appear somewhat jarring and at odds with the primary building materials. They consider that these details could be refined and reconsidered as they let down what would otherwise be a good quality scheme.

BATH PRESERVATION TRUST: Objection

The Trust have the following concerns about appearance of the scheme with regards to its design and relationship with the surrounding townscape and its contextual setting:

Whilst the Trust appreciate that the height of development is limited to three storeys along the roadside, the Trust maintains that the proposed design does not suitably demonstrate an understanding of the area through a lack of local distinctiveness in its use of form, material, or detailing. An excessive use of brick is highly inappropriate within an area defined by its use of a Bath stone palette in either coursed rubble or ashlar.

The use of incongruous brick materials, particularly along the Upper Bristol Road in Blocks A, B, and H, and the lack of form or detailing relating to the existing historic environment would have little relation to the character of the Bath conservation area. The scale, massing, and uniformity of Blocks D, E, and F along the riverside could result in an over-dominant yet undistinctive appearance that is architecturally and materially isolated from its local environment contrary to Paragraph 127, Section 12 of the NPPF, and Policies D1, D2, D3, and D5 of the Core Strategy and Placemaking Plan.

The Trust feel that the current balcony design visually disrupts the proposed gabled form of the buildings facing onto the riverside and overrides any attempt at building articulation.

Whilst the current total of affordable housing proposed within this portion of development is 25%, the Trust feels that this is insufficient when considering that the expected proportion of affordable housing within the Bath North and West area is 30% as defined by Policy CP9 of the Core Strategy and Placemaking Plan.

The Trust asserts that whilst they appreciate the potential of the site for regeneration and positive redevelopment that can benefit Bath, we feel that the proposed design fails to reinforce local distinctiveness, neither preserves nor enhances the character of the Bath conservation area, and would harm views into and across the World Heritage Site and conservation area by virtue of its discordant use of materials, and lack of meritorious aesthetic connection with the historic environment. It is demonstrative of 'anywhere' design that does not reflect, respect, or contribute to distinctive architectural aspects of local character, and consequently does not relate to or participate in its residential setting. We would encourage that the use of materials and form is reconsidered to better complement the existing streetscape of Upper Bristol Street as well as the Blocks D, E, and F's riverside setting whilst also becoming visually distinctive buildings in their own right.

RIVERSIDE COMMUNITY VOICE: Comment

Riverside Community Voice is the Residents' Association for Bath Riverside. They welcome the intention to develop the waste depot site for housing. We would have preferred to see a lower density, but we recognise that the overall quantum of development has already been determined and is unlikely to be altered.

They feel that the development is trying to over-develop its site and is focussed too heavily on referencing the industrial heritage rather than taking its cue from the mix of different residential and commercial buildings along this stretch of the Upper Bristol Road.

The changes to the balconies in Block G from vertical to horizontal does make them less severe, but the vertical structures remain on the other buildings with river frontage, which seems strange. They are not clear why building G is 5 storeys and of a completely different palette of materials.

They are concerned that the frontage on to Upper Bristol Road is dominated by red brick. There is very limited use of red brick in the vicinity and the proposal to make such heavy use of it along the Upper Bristol Road frontage will not sit well with neighbouring buildings.

The changes at the junction of Upper Bristol Road and Midland Road will provide a more coherent entrance to the site. It will be essential to introduce more pedestrian-friendly traffic management arrangements to improve the route from the Destructor Bridge to Royal Victoria Park. The current island arrangement is not adequate when the traffic is heavy.

There is limited green space within the development, whether for public use or confined to residents. They note that the planning application refers to creating a community within the wider Bath Riverside development. Creating a thriving community requires having attractive indoor and outdoor space for people to congregate. While the residents of the new apartments will be able to make use of Royal Victoria Park, they will also need easy access to outdoor space within the development itself.

THIRD PARTIES/NEIGHBOURS: 2 General comments have been received from third parties and neighbours. The main points raised were:

Concern about the impact of residential buildings being located close to the garden of Victoria Pub & Kitchen on Upper Bristol Road. The concern is that new residential occupiers may make complaints about noise disturbance from the premises resulting in restrictions being placed upon the pub.

Another comment was pleased to see the proposed pedestrian access to the riverside through the site from Upper Bristol Road. However, they also want reassurance that a suitable pedestrian crossing will be added to Upper Bristol Road and/or Midland Road due to concerns about community and highways safety.

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 West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - o Policy GDS.1 Site allocations and development requirements (policy framework)
 - o Policy GDS.1/K2: South West Keynsham (site)
 - o Policy GDS.1/NR2: Radstock Railway Land (site)

- o Policy GDS.1/V3: Paulton Printing Factory (site)
- o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

RELEVANT CORE STRATEGY POLICIES

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:

- DW1 District Wide Spatial Strategy
- SD1 Presumption in favour of Sustainable Development
- B1 Bath Spatial Strategy
- B4 City of Bath World Heritage Site
- B5 Strategic Policy for Bath's Universities
- CP2 Sustainable Construction
- CP4 District Heating
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP7 Green Infrastructure
- CP10 Housing Mix
- CP12 Centres and Retailing
- CP13 Infrastructure Provision

RELEVANT PLACEMAKING PLAN POLICIES

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:

- SCR1 On-site renewable energy requirement
- SCR2 Roof mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- D1 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
- NE1 Development and Green Infrastructure
- NE2 Conserving and enhancing the landscape and landscape character
- NE3 Sites, species and habitats
- NE6 Trees and woodland conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and vibration
- PCS3 Air Quality
- PSC5 Contamination
- PCS7A Foul sewage infrastructure
- LCR2 New or Replacement Community Facilities

ST1 Promoting sustainable travel
ST7 Transport requirements for managing development
BD1 Bath Design Policy
S8 Western Riverside

SUPPLEMENTARY PLANNING DOCUMENTS

The following supplementary planning documents are relevant to the determination of this application:

Bath City-Wide Character Appraisal SPD (2005)
Bath Western Riverside SPD (2008)
City of Bath World Heritage Site Setting SPD (2015)
Sustainable Construction Checklist SPD (2018)
Planning Obligations SPD (2019)

NATIONAL POLICY

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance can be awarded significant weight.

LEGISLATION

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.'

There is also 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

The main issues to consider are:

1. Principle of development
2. Compliance with outline planning permission
3. Design
4. Highways and parking
5. Residential amenity
6. Ecology

7. Trees and woodland
8. Contaminated land
9. Archaeology
10. Flood risk
11. Drainage
12. Sustainable construction and district heating
13. Affordable Housing
14. Other matters
15. Conclusion

1. PRINCIPLE OF DEVELOPMENT

The site is currently in use as a waste depot and recycling centre. It already has outline planning permission for residential redevelopment as part of the wider Bath Western Riverside development (ref: 06/01733/EOUT). This application seeks the approval of the reserved matters of layout, scale, appearance and landscaping with the matters of access having already been determined at outline stage.

The principle of development has therefore already been established and cannot now be challenged.

2. COMPLIANCE WITH OUTLINE PLANNING PERMISSION

Whilst the principle of development is not in question, it is necessary to assess whether the proposals submitted fall within the ambit of the approved outline planning permission.

Submission of reserved matters

Condition 2 of the outline planning permission requires that reserved matters applications are submitted within 9 years of the date of the grant of the outline planning permission. The outline planning permission was granted on the 23rd December 2010 and the current reserved matters application was validated on the 12th December 2019. The current application therefore complies with condition 2.

It should be noted that the time limit expressed in condition 2 has now expired and no further reserved matters applications can be submitted. In effect this means that no further development can come forward under the outline planning permission.

Quantum of development

The outline planning permission includes up to 2281 residential homes and apartments. Condition 10 b) of the outline permission requires that a minimum of 107 dwellings be delivered within the current reserved matters area.

The application proposes 176 dwellings within the reserved matters area and therefore meets the minimum requirement of condition 10 b). The outline planning permission has to-date delivered 830 homes. The proposals for 176 dwellings on this site will therefore not exceed the maximum number of homes allowed within the outline permission (2281).

Land use

The approved land use plan indicates that this site should primarily comprise residential development, but that one block of development adjacent to the Upper Bristol Road should contain a shop or cafe at ground floor level.

The reserved matters proposal is consistent with the approved land use plan in that it proposes primarily residential development but includes a small ground floor shop unit adjacent to the Upper Bristol Road.

Layout

Layout is not an approved matter for this site, but the outline permission does include a site layout plan which shows the illustrative locations of the proposed development blocks within this area. The proposed reserved matters layout makes some relatively minor deviations from this illustrative plan. The main changes are summarised below:

1. The long riverside block (B37B) split into two shorter blocks and re-orientated to better follow the course of the river;
2. The 2 blocks adjacent to Upper Bristol Road and Midland Road (B34 and B35) have been merged to create an L-shaped block with development now occupying the corner near to the junction of the two roads;
3. The terrace on western side of the site (B38B) has been re-orientated so that they sit parallel to the Kelso Place on the Upper Bristol Road;
4. A pedestrian route from Upper Bristol Road to the towpath opened up through the centre of the site.

Despite the above changes, the layout of the scheme remains substantially in accordance with the approved site layout plan.

Scale

In terms of scale, the approved site layout plan (1268/P/105 Rev Q) establishes proposed minimum ground levels, maximum numbers of storeys and building height parameters.

All the blocks within the reserved matters proposals comply with the minimum ground level and maximum number of storeys parameters.

Most of the proposed blocks also comply with the building height parameters except for the block adjacent to Midland Road (B) and the block adjacent to Kelso Place (H). Blocks B and H both exceed the approved height parameters by 1m. However, this relates primarily to the top of the pitched roof forms, with the shoulder height of both blocks falling well within the height parameters. Furthermore, several of the blocks within the proposal fall below their approved height parameters. Overall, the proposals are substantially in accordance with the approved height parameters.

Open Space

The approved open space strategy parameter plan (1978WR SD011 Rev E) indicates that the site should contain a mixture of private, public and communal open space.

Whilst the reserved matters proposal contains some minor variations, the overall quantum and distribution of private, public and communal open space is considered to be substantially in accordance with the approved parameter plan.

Open water management and habitat creation

The outline consent also includes parameter plans in respect of habitat creation (197BWR SD012 Rev F) and open water management (197BWR SD013 Rev F). The most significant deviation is that the current proposals do not contain brown/green roofs. However, this is a result of the incorporation of pitched roof forms which are more desirable from a character and appearance perspective. The habitat creation proposals include some minor deviations but incorporates a greater amount of soft landscaping (including tree planting) within the central street areas of the scheme. Despite slight deviations from the approved parameter plans, overall, the proposals remain substantially in accordance with these parameters.

Access and movement

In terms of access, the outline planning permission contains a number of relevant parameter plans including Movement Strategy Plans for cars, (1268/P/114-2 Rev E) pedestrian and cycle (1268/P/114-1 Rev E) and buses (1268/P/114-3 Rev E). These show that the main vehicular access to the site is via Midland Road and runs east/west through the lower portion of the site. They also show a variety of pedestrian/cycle routes through the site including some primary north-south routes from Upper Bristol Road to the riverside towpath.

The reserved matters proposals include some minor deviations in the precise location of these routes but maintain the overall structure of routes through the site. It is therefore considered to be substantially in accordance with these parameters.

Conclusions on compliance with the outline planning permission

In conclusion, it is considered that the current reserved matters application is within the ambit of the outline planning permission and substantially in accordance with the approved parameter plans.

3. DESIGN

Mix of uses

Whilst primarily residential, the proposals do also include a small shop use located at the junction of Midland Road and Upper Bristol Road. This will help bring some additional activity to the street scene and help to activate this prominent corner location.

Streets and public realm

As discussed in the sections above, the scheme layout has slightly changed from the approved outline. The approach adopted has the following advantages:

1. It creates a central public space within the development;
2. Improves connectivity and access to all the routes through the site;
3. Improves the opportunities for providing soft landscaping within the internal streets of the development;
4. It creates a better relationship between the residential blocks and the river they address;

The proposed layout provides for adequate spacing between the blocks whilst also clearly defining and enclosing the streets and spaces created. The central space is broadly triangular in shape and is well defined by the surrounding buildings. It contains a decent amount of soft landscaping and provides an attractive central space and piece of public realm to serve the development. Its position at the nexus of the two main routes through the site also mean the it will act as a meeting point which will help to bring activity to the street scene.

Whilst there is some on-street parking proposed, most of the parking provision is in an underground car park. The proposals are therefore not dominated by parking which allows the buildings and landscaping to better contribute towards the character and appearance of the streets.

The majority of the proposed dwellings are provided with good landscaping and defensible space and there is a clear distinction between public and private space evident throughout the scheme.

The north-south route which runs from the Upper Bristol Road through the centre of the site down to the riverside towpath is a key positive within the scheme. It improves connectivity to the riverside whilst also providing an attractive landscaped route for pedestrians. It also helps to create a strong visual connection to the riverside through the site.

Whilst it would have been preferable for the main north-south route to have been ramped rather than using steps, the change in levels from Upper Bristol Road to the river towpath means that this is not feasible. However, the scheme does include an alternative ramped route which provides access for cyclists or those with a mobility impairment.

The layout also includes improvements to the riverside through the additional of new ramped and stepped accesses.

Overall, it is considered that the proposals will improve the public realm of the Upper Bristol Road, Midland Road and the Avon River Corridor and increase public access between them.

Furthermore, having reviewed the application the Landscape Officer considers that the proposed hard and soft landscaping would positively contribute to creating a high-quality environment; would enhance landscape character and biodiversity; and would provide sustainable public access and other landscape benefits.

Height, scale and massing

As discussed in the sections above, the reserved matters proposal is substantially in accordance with the height and scale parameters established through the outline permission.

The heights on the scheme vary between 3 to 5 storeys and, whilst the proposals represent a substantial increase in the density and height of built form within the site boundary, the proposed heights are in line with the recommendations within the Bath Building Heights Strategy that "building shoulder height should be 4 storeys" and "one additional setback storey within the roofscape is likely to be acceptable".

The Landscape Officer has commented to suggest that while the increase in height of the proposed development would necessarily have an impact on local views from the Upper Bristol Road, Victoria Park and the Avon River corridor; these views are likely to be affected by proposed development of Bath Western Riverside to the south of the river in any case. It is therefore considered unlikely that the development would have a significant impact on relevant key attributes of the Outstanding Universal Value of the World Heritage Site.

The slight change from the outline permission to split the long riverside block (B37B) into two shorter blocks has helped to break up the massing of what would have otherwise been an extremely long linear block. The variety in the sizes and shape of the proposed development blocks and the effective use of pitched roofs to create an attractive roofscape mean that the massing of the development is reduced in longer views of the site.

Overall, it is considered that the height, scale and massing of the proposed development is acceptable.

Appearance, architecture and identity

The proposals seek to draw upon the history of the site and Bath's industrial heritage to inform its character and identity. The application makes a compelling case for adopting this approach and addressing the city's often overlooking industrial past.

This approach is primarily expressed through the building forms, which reflect the utilitarian forms of the previous industrial uses on the site. The repetitive pitched roof forms of the riverside blocks successfully evoke the repetitive pitched roof forms of the former gas works building which sat alongside the river and can be seen in historic photographs of the site.

The approach is also reflected in the choice of materials within the proposed development which seek to respect the industrial heritage of the site. The application therefore proposes to use a palette comprising rubble bath stone, metal cladding and red brick.

Other aspects of the design, such as the utilising of the exposed steel structures for the balconies on the river frontage further enhance the character and identity of the proposals.

Whilst there has been some criticism of the proposed palette of materials from third parties who do not agree with the use of red brick and would prefer to see a greater use of Bath stone, the Conservation Officer is supportive of the proposed approach and, subject to conditions requiring samples of the materials to be approved, it is considered that the overall architectural approach, including use of materials and design, is generally good and appropriate for the context and reinforces the historic industrial narrative in this part of the city.

Impact upon World Heritage Site

The site lies within the World Heritage Site in an area along the river corridor which is subject to significant redevelopment and regeneration.

The proposals result in an increase in the height and density of built form on the site compared to the existing. However, whilst the increase in height of the proposed development would necessarily have an impact on local views from the Upper Bristol Road, Victoria Park and the Avon River corridor; these views are likely to be affected by proposed development to the south of the river in any case and it is considered unlikely that the development would have a significant impact on relevant key attributes of the Outstanding Universal Value of the World Heritage Site.

Furthermore, the appropriate height, massing and roofscape of the proposals means that it will not detract from the sweeping views across Bath or the primacy of the Georgian city centre.

It is therefore considered that the proposals will preserve the Outstanding Universal Value of the World Heritage Site.

Impact upon setting of Listed Buildings

In terms of listed building, there are two specific considerations - Grade II Kelso Place and Kelso Villa, which, whilst just outside the site boundary, are nonetheless intrinsically linked to it both visually and historically. Grade II Lark Place, a listed terrace, is also directly opposite the site and its setting also needs to be considered.

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.' In respect of this duty, it is considered that the existing waste site does not preserve or enhance the setting of any of these heritage assets. The layout, scale, landscaping and appearance of the proposed scheme is entirely appropriate for the context and will therefore provide an enhancement to the setting of these listed buildings.

Impact upon Conservation Area

The Bath Conservation Area Character Appraisal notes the site as falling within the Brassmill Lane, Locksbrook and Western Riverside character area. The character appraisal notes the following:

"considerable coherence of building heights despite the diversity of uses". Commercial buildings are predominantly single storey, while residential buildings are mostly 2 stories, extending to 3 or 4 storeys in places. Modern development to the south of the river has seen 4 to 7 storey blocks replace the gasometers and retort house. Building forms are varied between 19th century terraces, mid-20th century semi-detached houses and "commercial shed terraces".

The existing waste site facilities and recycling depot are identified as negative buildings and townscape features within the conservation area. The appraisal also notes that "sensitive and appropriate redevelopment of unused and under-used commercial/ industrial sites close to the city" is cited as an opportunity to improve the character 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 respect of this duty, it is considered that the proposals will remove the existing negative buildings and townscape features, replacing them with a residential development which is of an appropriate scale, massing and design for the area. The proposals are therefore considered to enhance the special character and appearance of the Conservation Area.

4. HIGHWAYS AND PARKING

Access and highways safety

Access to the site was agreed at outline stage and the reserved matters are substantially in accordance with this. The access from Midland Road running through the site is therefore acceptable in principle.

The development adopts a shared surface approach to the street with different landscaping treatments utilised to prioritise pedestrians and cyclists over cars. This approach is acceptable and has raised no objection in principle from the Highways Officer, subject to a 20mph speed limit.

However, the Highways Officer has raised some concerns about the turning area provided between blocks G and F. This area is required to provide turning for refuse and other large vehicles but could also be used by other smaller vehicles for turning. This area also contains a flush footway crossing the turning area. There is concern that pedestrians using the footway, especially those with a visual and/or mobility impairment, are given no indication that they are sharing "their space" with motor vehicles, least of all a refuse collection vehicle.

The Highways Officer has noted that refuse collection vehicle drivers are professional drivers and that on the occasions that a reversing manoeuvre is required, one of the crew exits the vehicle and acts as a Banksman to ensure that the safety of vulnerable road

users is not prejudiced. However, they are concerned that drivers of other vehicles which use this area to turn will not be as careful.

Having reviewed the submitted plans it is considered that the risk of conflict in this location is relatively low. Until development of the land immediately to the west of the access road comes forward, this part of the site will essentially act as a cul-de-sac where levels of traffic will be minimal and vehicle speeds will be low. Should development come forward on land to the west it will enable this to become more of a through route which will negate the need for this turning area to be used at all. It is therefore considered that the proposals will not unduly prejudice highways safety and is acceptable on highways grounds. Notwithstanding this conclusion, it is considered reasonable and appropriate to require a road safety audit to be undertaken to identify whether any further improvements to highways safety can be achieved in this part of the site. This can be secured by condition.

Parking

Condition 51 of the outline planning permission specifies the ratio of parking spaces per dwelling which are required across the whole development. This indicates that parking should be provided at an average ratio of no less than 0.7 spaces per new residential dwelling. There is no requirement to comply with the current parking standards under policy ST7 of the Placemaking Plan as these matters have already been determined by the outline planning permission.

The total requirement for the 176 dwellings proposed is 128 spaces. The proposals provide for 129 parking in the following locations:

Basement car park	111 spaces
Alongside access road	13 Spaces
Midland Road	4 Spaces
Total	128 spaces

Spaces within the basement car park will not be allocated to specific units but will be made available for lease on an annual basis.

A total of 46 accessible spaces are proposed and will meet the Optional Technical Standard 4(2) in Building Regulations Approved Document M, and the Lifetime Homes Standard. They will be provided on street (17) and in the basement car park (29).

The applicant has confirmed that around 50 of the proposed spaces will be made available with electric charging points.

Car parking provision will comply with the requirements of the outline planning permission and is considered acceptable by the Highways Officer.

Condition 52 of the outline planning permission requires an average ratio of no less than 0.5 covered cycle parking spaces per dwelling across the site. The current reserved matters proposals exceed this requirement and provide 176 cycle parking spaces, equating to 1 cycle space per dwelling.

Most of the cycle parking will be provided within the basement car park, offering a secure, lit and weather protected location in which to store bikes. A second cycle store will be provided beneath the raised gardens behind the dwellings in the north east corner of the site.

Cycle parking provision therefore complies with the requirements of the outline planning permission and is considered acceptable by the Highways Officer.

Highways Adoption

The application states that the highways within the site will be offered up for adoption to the Council. The Highways Officer has raised some concerns regarding the adoption of the internal access roads, particularly where these cross the basement car park due to liability concerns. However, these matters fall outside of the planning process and can be considered through separate highways agreements (s38 agreements) and there is no reason to objection to the reserved matters application on these grounds.

5. RESIDENTIAL AMENITY

The proposals include a variety of different apartments and maisonettes arranged in a variety of forms across the site. Each of the proposed dwellings is provided with adequate living space and access to outdoor amenity in the form of private gardens, communal areas or balconies overlooking the river. Each dwelling is provided with adequate outlook, light and privacy. Overall, it is considered that the proposals will provide a high-quality living environment for its potential occupiers.

In terms of nearby occupiers, there are relatively few residential properties close to the application site.

The nearest residential property is Avon Studios, a development comprising 94 bed spaces of purpose-built student accommodation and 14 normal residential studios, which is located to the east of Midland Road. The separation provided by the road and the orientation and scale of the buildings means that the proposed development will not result in any loss of light, outlook or privacy from the occupiers of Avon Studios.

Other properties near to the site are primarily commercial in nature.

Kelso Villa and Kelso Place lies immediately north of the application site on Upper Bristol Road. Both are occupied as commercial offices. The rear gardens of block H of the proposed development share a boundary with the access road and parking area which serves both Kelso Villa and Kelso Place. However, there is a significant change in the level of the land here such that there is a large retaining wall along the northern boundary. There is enough separation between the rear of 1-4 Kelso Place and the rear of proposed block H to prevent any harmful loss of light, overlooking or overbearing impact from occurring.

Kelso Villa does not sit directly behind any of the proposed blocks of accommodation. The nearest proposed blocks are G and H, but due to the separation distance and the

orientation of these buildings there are unlikely to be any significant loss of outlook, privacy or light issues.

The closest property potentially affected by the development is 'Victoria Pub and Kitchen' situated on Upper Bristol Road which would share two of its boundaries with the site (south and east). The operators of this public house have raised concerns that the proposed residential development adjacent to them will result them receiving complaints about noise and disturbance and that this might ultimately impact upon the operation of their business. Their current opening hours are indicated as being 12-10pm everyday and the property includes a small pub garden to the rear which shared a boundary some of the rear gardens serving block H. Some concern has also been raised by the Environmental Health Officer in respect of the potential for adverse impact of existing noise upon the proposed external amenity areas of the development.

However, there is a significant change in levels at the boundary with the pub and the gardens serving block H are on much lower land than the pub and its garden. Noise occurring in the pub garden is therefore likely to be less disruptive than if it were on the same level. The proposed boundary fence has also been increased from 1.8m to 2.3m to aid with noise attenuation. An updated noise assessment has been prepared by the applicant which demonstrates that the noise from the pub's external areas is not likely to result in any adverse impact or disturbance to the internal environment of the occupiers of block H.

In light of the above, it is considered that there is no objection to the proposals on residential amenity grounds.

6. ECOLOGY

An ecological assessment (Tyler Grange, December 2019) has been submitted alongside the application and reviewed by the Council's Ecologist. The site comprises buildings, hardstanding, occasional scattered trees and pockets of ruderal vegetation. The River Avon Site of Nature Conservation Interest (SNCI) is adjacent to the south. This includes a strip of native and non-native scrub and semi-mature trees along the towpath, part of an important habitat and green infrastructure corridor. The River corridor is used by dispersing rare, light-sensitive bat species as identified in the submitted ecological assessment.

Protected species surveys of the site identified an individual summer day roost for a soprano pipistrelle bat within one of the buildings. All existing buildings on the site will be demolished as part of the proposals. A Natural England licence will therefore be required, and the three derogation tests of the Conservation of Habitats and Species Regulations 2017 would need to be met.

The first test is that that there is no satisfactory alternative. In this case the site already has outline permission for redevelopment and forms part of a key allocation within the development plan. A 'do nothing' approach is therefore not feasible as the site needs to be developed to realise the allocation within the development plan. Furthermore, the existing buildings on the site are large unitarian warehouses or ancillary offices which are not

suitable for conversion to residential accommodation. It is therefore considered not to be feasible to retain the identified roost in situ and convert the existing buildings.

The first test is therefore considered to be met.

The second test is to consider whether there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. As discussed above, the site forms part of a key allocation within the development plan and its redevelopment will make a significant contribution towards meeting the housing needs of the district in line with the agreed spatial strategy. Furthermore, the proposals provide a number of other benefits including improved connectivity to the riverside and the removal of negative buildings from the Conservation Area. When this is weighed against the loss of an individual roost for a soprano pipistrelle bat, these matters are considered to amount to imperative reasons of overriding public interest.

The second test is therefore considered to be met.

The third test requires that the proposals should not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The Council's Ecologist has reviewed the submitted appraisal and has concluded that the proposals would maintain the favourable conservation status of this species.

The third test is therefore considered to be met.

The proposals therefore meet the three derogation tests and are considered likely to be granted a Natural England licence. Therefore, there is no objection to the loss of the roost.

Light spill onto the River Avon is another key ecological consideration for this site. Concerns were originally raised that there was insufficient information to rule out any likely significant effect upon from the development upon light sensitive species using the river. However, a revised lighting scheme and assessment has been submitted (e3 Consulting Engineers, January 2020). These were able to address the previous concerns related to lighting design.

The modelling now includes details of external lighting which is welcomed. Consideration has been given to restricting light spill onto the riverside and the proposals broadly comply with Waterspace Design Guidance. A baseline assessment has not been completed, but the justification for this on the grounds of removal of existing lighting on site is accepted. Providing the lighting design is implemented as detailed, the proposals will not result in adverse impacts on bat populations using the adjacent River corridor and the proposals should meet Bath and North East Somerset Placemaking Plan Policy D8. This can be secured by condition.

Furthermore, Natural England have confirmed that they remain satisfied with the lighting proposals and the Council's Ecologist has confirmed that there is no risk of significant impacts on the Bath and Bradford-on-Avon Special Area of Conservation as a result of the proposals.

The Council's Ecologist has raised concerns about the use of non-native species within the planting scheme, including Virginia creeper which is subject to legal controls under schedule 9 of the Wildlife and Countryside Act 1981. These concerns were raised with the applicant and a revised planting schedule was submitted removing Virginia creeper and including only native species.

The Council's ecologist has also raised concerns about the delivery of a 6m vegetated buffer from the River Avon SNCI which is referred to in the applicant's ecological appraisal. Parts of this buffer fall outside of the red line of the application site. Whilst this land is not within the application site, the delivery of these works is will come forward as part of the Council's Bath River Line project. The s106 agreement associated with the outline planning permission for Bath Western Riverside included a financial contribution (£225,000) towards 'North Bank Public Footpath Improvements' which has already been paid to the Council. Furthermore, the Bath River Line project has outline business case approval from WECA and its planned to submit the full business case to unlock £3.5m in July 2021. The programme for these works as part of the Bath River Line Project indicates that these works will come forward either during winter 2022 or at a date to be agreed to fit in with development proposals to maintain a green corridor. Given the existing funding and programme of works it is considered that the ecologist's concerns about delivery of this ecological buffer can be set aside. Furthermore, it is considered that the proposed development will not prejudice the delivery of suitable riparian habitats or green infrastructure alongside this part of the riverbank.

7. TREES AND WOODLAND

The application site currently contains 11 individual trees and 2 groups. The Arboricultural Impact Assessment (AIA) identifies that all trees on site and part of a group of offsite trees would require removal to accommodate the development. This includes 7 individual trees and 1 group of trees of low arboricultural value, and 4 individual trees and 1 group of trees of moderate arboricultural value.

The loss of trees from the site would entail a minimum number of 24 replacement trees in accordance with the Council's tree replacement formula within the Planning Obligations SPD. The application proposes a scheme of soft landscaping which includes the provision of 40 new trees to be planted as part of the development.

However, the Council's Arboriculturalist has raised objections on the grounds that they consider insufficient space has been provided along the Upper Bristol Road and river frontages of the development to provide adequate replacement planting. They also comment to indicate that some of the planting is provided outside of the red line application boundary on land adjoining the towpath.

Whilst the concerns of the Council's Arboriculturalist are noted, even without the off-site planting (which will be delivered as part of the Council's Riverline project as discussed in the ecology section above) the proposals would deliver 26 replacement trees within the site boundary. The exceeds the minimum number of replacements required under the tree replacement policy. Furthermore, the Landscape Officer is satisfied that the soft landscaping proposals for the scheme are acceptable and would positively contribute to

creating a high-quality environment; would enhance landscape character and biodiversity; and would provide sustainable public access and other landscape benefits.

8. CONTAMINATED LAND

The proposals have been reviewed by the Council's Scientific Officer. The reserved matters application has not included any contamination assessment reports. However, it is noted that investigation and risk assessment reports and outline remedial strategy were submitted as part of the outline application, covering the wider site area.

Taking account of the sensitive nature of the development (i.e. residential apartments), the sensitivity of the environment (hydrogeology and hydrology) the potentially contaminative historical use of the site as a Waste Destructor Site, Part of Gas Works, and Depot the Scientific Officer has recommended conditions requiring further investigation, remediation and verification. Such conditions are already attached to the outline planning permission and therefore do not need to be repeated on this reserved matters application

9. ARCHAEOLOGY

The archaeology potential of the Site and potential impacts resulting from the proposed redevelopment were discussed as part of the Environmental Statement submitted as part of the Outline Application. Planning condition 30 on the outline planning permission requires an archaeology programme of investigation and recording and therefore such conditions do not need to be repeated on this reserved matters application

10. FLOOD RISK

Large parts of the site are located within flood zone 2 where there is a medium probability of fluvial flooding. The principle of development has already been established through the outline planning permission and therefore there no requirement for the development to pass the sequential or exceptions tests. However, the application has been accompanied by a site-specific flood risk assessment. The Environment Agency have reviewed this submission and have raised no objection. The flood risk assessment demonstrates that the development will be safe for its lifetime and will not raise flood risk elsewhere.

11. DRAINAGE

A drainage strategy has been provided within the application and have been reviewed by the drainage team. The submitted strategy is acceptable in principle, subject to the final detailed drainage design being secured. Planning condition 16(b) on the outline planning permission requires the provision of a detailed surface water drainage scheme and therefore such conditions do not need to be repeated on this reserved matters application.

12. SUSTAINABLE CONSTRUCTION AND DISTRICT HEATING

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. The Sustainable Construction Checklist SPD requires there is be at least a 19% reduction in carbon emission above the baseline. Policy SCR1 requires major developments to provide enough renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%. Furthermore, the site is located within a District Heating Priority Area where policy CP4 where development is expected to connect to existing district heating networks where available.

An energy statement and completed sustainability construction checklist has been submitted with the application which demonstrates that the proposals will achieve a 37.97% reduction in carbon emissions compared to the baseline. The checklist demonstrates that at least 17.28% of this reduction will be achieved via on-site renewables.

The checklist includes a list of the measures that included to help achieve this including:

- o Connection to the Western Riverside district heating system;
- o Consideration of building orientation and solar gain;
- o U values higher than building regulations part L;
- o Good air tightness;
- o Low energy usage lighting and appliances;
- o Use of Mechanical Ventilation Heat Recovery (MVHR) in all kitchens;
- o Use of timber framed construction to provide good air tightness and levels of insulation;
- o Smart controls for heating, hot water and ventilation for each dwelling.

The proposals are therefore considered to exceed the required energy reduction and on-site renewable requirements of policies CP2 and SCR1 of the Core Strategy and Placemaking Plan. They also meet the requirements of policy CP4. These matters can be secured by condition.

13. AFFORDABLE HOUSING

Planning condition 45 of the outline planning permission requires that affordable housing is provided in accordance with the affordable housing scheme associated with the outline planning permission. Affordable housing is not a reserved matter and provision has been made for it as part of the outline planning permission. There is therefore no scope to require 30% affordable housing on this site in line with policy CP9, either through a condition or through a section 106 planning obligation.

The level of affordable housing to be delivered through the planning system will be dependent upon the availability of grant funding with the final details agreed in accordance with condition 45 of the outline planning permission. However, the affordable housing scheme attached to the outline consent is very dated and changes by central government to national grant funding policy mean that this condition can no longer be relied upon to enforce the affordable housing provision originally assumed at the time the outline planning permission was granted.

Notwithstanding the above, the applicant has voluntarily committed to pursuing grant funding to enable the delivery of affordable housing, subject to viability testing of the development. The reserved matters application indicates the intention to provide 25% affordable housing and has shown how this could be provided on-site. These are illustratively shown as including a mix of one and two bedroom apartments alongside 6no. maisonettes. The indicative tenure split is 77% social rent and 23% shared ownership in line with the Council's Planning Obligations SPD. The Council's Housing team are satisfied with the approach adopted and are supportive of the illustrative plans.

Whilst voluntary and non-binding, the commitment to provide affordable housing is of course very much welcomed by officers. It is important to note, however, that the provision of affordable housing is not a material consideration in relation to the determination that must be made under this reserved matters application, as it does not relate to the reserved matters, namely scale, layout, appearance and landscaping. It is noted here because of its general interest to members, but as it is not a material consideration it must be disregarded when determining this application and cannot form part of a reason for or against granting the approval sought by the applicant.

14. OTHER MATTERS

Urban Gulls

Condition 53 of the outline planning permission includes a requirement to provide a pigeon/gull management plan prior to the occupation of each phase of development within the wider Bath Western Riverside site. There is therefore no objection or concerns in relation to the management of urban gulls,

Conditions

The outline planning permission is subject to a significant number of conditions which cover a significant number of matters including landscaping/planting details, phasing plans, remediation, verification, archaeology, flood risk, drainage, demolition method statements, construction and environmental management plans, ground works plans, refuse/recycling collection details, opening hours, urban gull management plan, etc. These conditions will apply to the proposed development. It is therefore not necessary to repeat any of these conditions on any reserved matters consent. The only additional conditions proposed are those that are particular to the reserved matters proposal and not already covered by the outline planning permission.

Legal agreement

The outline planning permission contains condition 11 which, inter alia, requires that the development cannot commence until the owners of the land and all other land within this stage of the Bath Western Riverside development enter into a s106 agreement on substantially the same terms as the agreement covering the outline planning permission.

However, there is no requirement for the applicant to enter into an agreement at the reserved matters stage. Therefore, no legal agreement has been prepared in respect of the current reserved matters application.

Public Sector Equality Duty

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

The proposals will provide a ramped access down to the towpath where currently there is none. This is considered to increase accessibility across and through the site and within the wider locality for those with disabilities which make navigating steps difficult or impossible. This is therefore regarded as a benefit of the scheme and can be secured by condition.

The use of a shared surface approach to the streets within this development may raise concerns with those with a visual or mobility impairment. The concerns associated with the use of a shared surface approach by those with visual/mobility impairments are acknowledged. However, the design approach which prioritises pedestrians and cyclists over motor vehicles will ensure that vehicle speeds are minimised and the potential for conflicts reduced. Furthermore, the Highways Officer has recommended a 20mph speed limit for the internal access roads and a road safety audit to be carried out. This further reduces the potential for conflict. Furthermore, it is considered that the benefits of the approach taken (e.g. the prioritisation of pedestrians/cyclists over motor vehicles) outweighs the potential harms to this group.

15. CONCLUSION

It is considered that the proposed layout, scale, appearance and landscaping fall within the ambit of the outline planning permission and will result in a scheme which enhances the character and appearance of the area. It will improve pedestrian and cycle connectivity within this area and provide better links and access to the riverside. The proposed redevelopment will deliver a significant number of new homes in a form which is appropriate in its scale, height and massing and does not adversely affect the Outstanding Universal Value of the World Heritage Site. It will also deliver homes which exceed the carbon reduction and renewable energy requirements of the Council's sustainable construction policies.

It is therefore considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

PERMIT

CONDITIONS

1 Stage 2 Road Safety Audit (Pre-commencement)

No development shall commence until a brief for an independent Stage 2 Road Safety Audit (in accordance with GG119) of the detailed design has been submitted to and

approved in writing by the Local Planning Authority. The brief shall include the CV of the Audit Team Leader and Audit Team Member.

No development shall commence until the independent Stage 2 Road Safety Audit has been undertaken in accordance with the approved brief and the results submitted to and approved in writing by the Local Planning Authority. A representative of the Local Highways Authority shall be present at the Stage 2 Road Safety Audit site visit as an observer.

Reason: In the interest of highways safety in accordance with policy ST7 of the Placemaking Plan. This is a pre-commencement condition because the stage 2 road safety audit must be undertaken at the detailed design stage. If development were to commence prior to the audit being undertaken it may prejudice its outcomes.

2 Wildlife Protection and Enhancement Scheme (Pre-Commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, consistent with the recommendations in Section 4.19-4.40 of the approved Ecological Assessment report (Tyler Grange, December 2019), have been submitted to and approved in writing by the local planning authority. These details shall include:

(a) A Construction Ecological Management Plan including a location plan and specification for fencing of exclusion zones to protect habitats including the adjacent SNCI, method statements for all necessary measures to avoid or reduce ecological impacts during site clearance and construction, findings of update surveys or pre-commencement checks of the site and details of involvement by an ecological clerk of works;

(b) Full and final details of proposed bat mitigation and enhancement measures (which may if desired take the form of a European protected species licence application method statement), or, a copy of a European Protected Species licence showing that a licence has already been granted, together with details of any additions or minor revisions to the Bat Mitigation and compensation measures described in the approved report;

(c) Detailed specification and location plan detailing ecological compensation and enhancement measures including native and wildlife-friendly planting, provision of bat roosting features and/or bird boxes and provision of gaps in boundary features to allow continued movement of wildlife.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), National Planning Policy Framework and policy NE3 of the Bath and North East Somerset Placemaking Plan. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases. Integrated enhancement measures also need to be specified before construction.

3 Arboricultural Method Statement (Pre-commencement)

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

4 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 or a sample panel of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

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

5 Stage 3 Road Safety Audit (Pre-occupation)

No occupation of any part of the approved development shall commence until a brief for an independent Stage 3 Road Safety Audit (in accordance with GG119) has been submitted to and approved in writing by the Local Planning Authority. The brief shall include the CV of the Audit Team Leader and Audit Team Member.

No occupation of any part of the approved development shall commence until the independent Stage 3 Road Safety Audit has been undertaken in accordance with the approved brief and the results submitted to and approved in writing by the Local Planning Authority. A representative of the Local Highways Authority and Avon and Somerset police shall be invited to attend the daytime and night-time Stage 3 Road Safety Audit site visits.

Reason: In the interest of highways safety in accordance with policy ST7 of the Placemaking Plan.

6 Indoor acoustic insulation (Pre-occupation)

On completion of the works, but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved:

1. Maximum internal noise levels of 35dBLAeq, 16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively.
2. For bedrooms at night individual noise events (measured with F time weighting) shall not (normally) exceed 45dBLAmax.

Reason: To ensure that the occupiers of the proposed development are protected from excessive external noise and disturbance in accordance with policy PCS2 of the Placemaking Plan.

7 Arboricultural Compliance (Pre-occupation)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation.

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.

8 Ecological Compliance Report (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, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

(a) Confirmation that ecological avoidance and mitigation measures including measures to protect the adjacent River Avon Site of Nature Conservation Interest, bats and nesting birds have been followed;

(b) Evidence that a Natural England bat mitigation licence was in place before works proceeded, including details of the agreed method statement;

(c) Confirmation that proposed measures to enhance the value of the site for wildlife and provide biodiversity gain have been implemented including native and wildlife-friendly planting, hedgehog connectivity measures and provision of bat and bird boxes, with specifications, numbers and positions to be shown on plans and photographic evidence to be provided; and

(d) A specification for ongoing management, monitoring and maintenance of retained and created habitats.

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

Reason: To demonstrate the completed implementation of ecological mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) the NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan.

9 Residents Welcome Pack (Pre-occupation)

No occupation of the approved development shall commence until a new resident's welcome pack has been issued to the first occupier/purchaser of each residential unit of accommodation. The new resident's welcome pack shall have previously been submitted to and approved in writing by the Local Planning Authority and 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.

10 Sustainable Construction (Pre-occupation)

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

- o Table 2.1 Energy Strategy (including detail of renewables);
- o Table 2.2 Proposals with more than one building type (if relevant);
- o Table 2.3 (Calculations);
- o Building Regulations Part L post-completion documents for renewables;
- o Building Regulations Part L post-completion documents for energy efficiency;
- o Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

Reason: To ensure that the approved development complies with Policy SCR1of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

11 Internal and External Lighting (Bespoke Trigger)

Light proposals shall be implemented in accordance with the approved Lighting Scheme and Assessment (e3 Consulting Engineers, January 2020). If any revisions to internal or external lighting schemes are required, full details of the proposed lighting design shall be submitted to and approved in writing by the Local Planning Authority before installation. These details shall include:

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

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

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

12 Dwelling Access (Compliance)

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

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

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 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 153199-STL-XX-XX-DR-L-09146 PL10	REVISED PLANTING SCHEDULE
153199-STL-AA-ZZ-DR-A-01101 PL02	BLOCK A GA PLANS & ELEVATIONS
153199-STL-BB-ZZ-DR-A-01102 PL02	BLOCK B GA PLANS & ELEVATIONS
153199-STL-CC-ZZ-DR-A-01103 PL02	BLOCK C GA PLANS & ELEVATIONS
153199-STL-DD-ZZ-DR-A-01104 PL02	BLOCK D GA PLANS & ELEVATIONS
153199-STL-EE-ZZ-DR-A-01105 PL02	BLOCK E GA PLANS & ELEVATIONS
153199-STL-FF-ZZ-DR-A-01106 PL02	BLOCK F GA PLANS & ELEVATIONS
153199-STL-GG-ZZ-DR-A-01107 PL02	BLOCK G GA PLANS & ELEVATIONS
153199-STL-HH-ZZ-DR-A-01108 PL02	BLOCK H GA PLANS & ELEVATIONS

153199-STL-XX-00_DR-A-09200 PL02 UPPER SITE PLAN - LEVEL 00
 153199-STL-XX-01-DR-A-09101 PL02 LOWER SITE PLAN - LEVEL 01
 153199-STL-XX-02-DR-A-09102 PL02 LOWER SITE PLAN - LEVEL 02
 153199-STL-XX-02-DR-A-09202 PL02 UPPER SITE PLAN - LEVEL 02
 153199-STL-XX-03-DR-A-09103 PL02 LOWER SITE PLAN - LEVEL 03
 153199-STL-XX-04-DR-A-09104 PL02 LOWER SITE PLAN - LEVEL 04
 153199-STL-XX-B1-DR-A-01B01 PL02 BASEMENT CAR PARK PLAN
 153199-STL-XX-OO-DR-A-09001 PL02 COMBINED GROUND LEVEL SITE PLAN
 153199-STL-XX-OO-DR-A-09100 PL02 LOWER SITE PLAN - LEVEL 00
 153199-STL-XX-XX-DR-L-09000 PL08 LANDSCAPE GENERAL ARRANGEMENT
 153199-STL-XX-XX-DR-L-09100 PL06 LANDSCAPE MASTERPLAN
 153199-STL-XX-XX-DR-L-09141 PL08 SOFT LANDSCAPE WORKS PLAN 1 OF 5
 153199-STL-XX-XX-DR-L-09142 PL08 SOFT LANDSCAPE WORKS PLAN 2 OF 5
 153199-STL-XX-ZZ-DR-A-00003 PL02 PROPOSED BLOCK PLAN IN CONTEXT
 153199-STL-XX-ZZ-DR-A-02101 PL02 CONTEXT ELEVATIONS 01
 153199-STL-XX-ZZ-DR-A-02102 PL02 CONTEXT ELEVATIONS 02
 153199-STL-XX-ZZ-DR-A-02103 PL02 CONTEXT ELEVATIONS 03
 153199-STL-XX-ZZ-DR-A-02104 PL02 CONTEXT ELEVATIONS 04
 153199-STL-XX-ZZ-DR-A-02105 PL02 CONTEXT ELEVATIONS 05
 153199-STL-XX-ZZ-DR-A-02106 PL02 CONTEXT ELEVATIONS 06
 153199-STL-XX-ZZ-DR-A-05001 PL02 UNIT TYPE AREA PLANS
 153199-STL-XX-ZZ-DR-A-09000 PL02 SITE PLAN - ROOF PLAN
 153199-STL-XX-ZZ-DR-A-ZZZZ-04001 PL02 DETAILED ELEVATIONS 01
 153199-STL-XX-ZZ-DR-A-ZZZZ-04002 PL02 DETAILED ELEVATIONS 02
 153199-STL-XX-ZZ-DR-L-09180 PL08 BOUNDARY TREATMENT PLAN
 153199-STL-XX-ZZ-DR-A-00001 PL02 PLANNING RED LINE PLAN
 153199-STL-XX-XX-DR-L-09143 PL_P01 SOFT LANDSCAPE WORKS PLAN 3 OF
 5
 153199-STL-XX-XX-DR-L-09144 PL_PL01 SOFT LANDSCAPE WORKS PLAN 4 OF
 5
 153199-STL-XX-XX-DR-L-09145 SOFT LANDSCAPE WORKS PLAN 5 OF 5
 153199-STL-XX-XX-DR-L-09300 PL01 SITE SECTIONS 1 OF 2
 153199-STL-XX-XX-DR-L-09301 PL01 SITE SECTIONS 2 OF 2
 153199-STL-XX-XX-DR-L-09410 SMALL TREE PIT IN SOFT
 153199-STL-XX-XX-DR-L-09411 PL01 TREE PIT IN SOFT
 153199-STL-XX-XX-DR-L-09420 PL01 TREE PIT IN HARD
 153199-STL-XX-XX-DR-L-09430 PL01 TREE PIT IN HARD SURFACE ON PODIUM
 DETAIL
 153199-STL-XX-XX-DR-L-09460 PL01 RECYCLING ENCLOSURE DETAIL
 153199-STL-XX-ZZ-DR-A-ZZ-D1001 PL01 DEMOLITION PLAN
 153199-STL-XX-XX-DR-L-SP901 PL01 LANDSCAPE MATERIAL SHEET FOR SOFT
 LANDSCAPE TREES
 153199-STL-XX-XX-DR-L-SP902 LANDSCAPE MATERIAL SHEET FOR
 HARD LANDSCAPE AND FURNITURE
 153199-STL-XX-ZZ-DR-A-0002 PL01 BLOCK PLAN COMPARISON

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 Outline Planning Permission

The applicant is reminded that the development hereby approved is subject to all relevant conditions attached to the outline planning permission (ref: 06/01733/EOUT) including several pre-commencement conditions and an arsenal condition requiring the land to be bound by a s106 agreement.

5 Public Rights of Way

There must be no effect to the surface, line or width of public footpath BCRIV/1 during or after construction works.

If the proposed works require a temporary closure of the footpath to facilitate development, please find full details of the process involved on the Council's website at: <https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rights-way/public-path-orders/temporary-path>

Please contact Cheryl Hannan of the Public Rights of Way Team on 01225 477623 prior to any works commencing on or near the footpath.

6 Canal and River Trust

Any new access points to the towpath will require an agreement from the Canal and River Trust. The applicant is advised to contact David Faull, Principal Estates Surveyor on 07824 561677 or by email to David.faull@canalrivertrust.org.uk

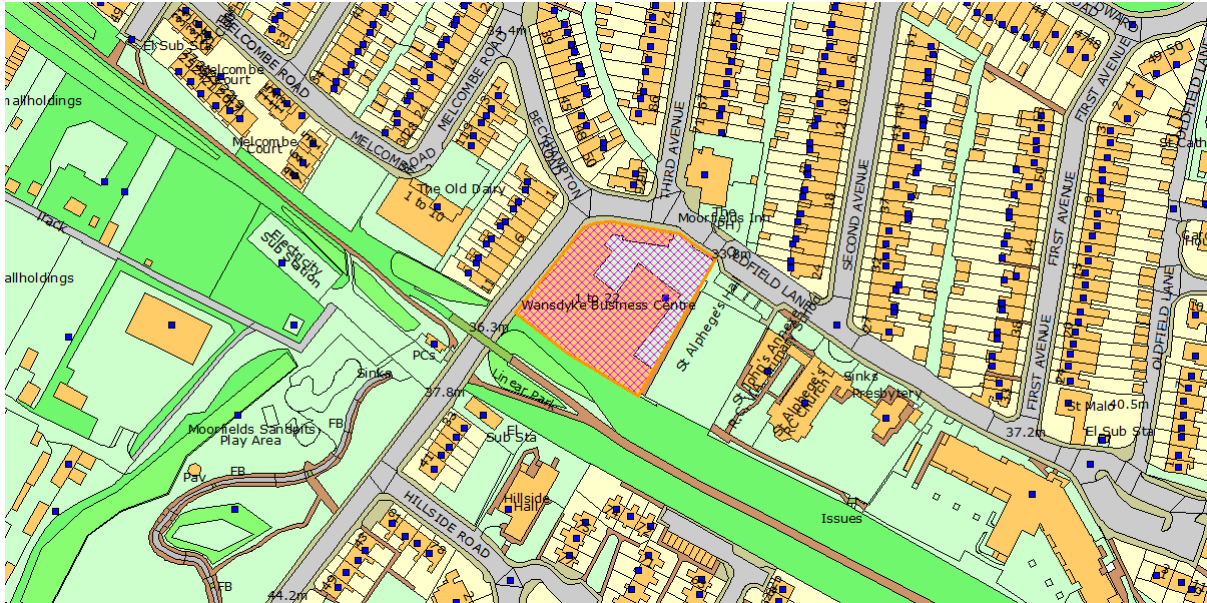
Any alterations to the existing drainage outfall, whether it is to be removed or replaced should be discussed further with the Canal and River Trust. The applicant is advised to contact Jacquie Watt, Utilities Surveyor on 07584335885 or 01926 626158 or by email to Jacquie.Watt@canalrivertrust.org.uk.

Due to the proximity of the development to the Canal towpath the applicant should comply with the Trust's Code of Practice for works affecting the Canal and River Trust to ensure that the works do not adversely affect the canal towpath. The applicant is advised to contact Phil J White, Works Engineer on 07710 175496 or by email at PhilJ.white@canalrivertrust.org.uk.

7 Environmental Permitting Regulations

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Item No: 06
Application No: 20/01765/FUL
Site Location: Wansdyke Business Centre Oldfield Lane Oldfield Park Bath Bath And North East Somerset



Ward: Oldfield Park **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Shaun Andrew Stephenson-McGall

Application Type: Full Application

Proposal: Erection of a 68-bed care home (Use Class C2) following demolition of the existing buildings and structures, with associated access, parking and landscaping.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SAC and SPA, Policy NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Barchester Health Care Ltd

Expiry Date: 17th December 2020

Case Officer: Samantha Mason

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

REPORT

The local ward councillor has requested this application be heard at the committee if the officer is minded to permit or refuse it. The officer is minded to refuse. The application was referred to the chair and vice chair of the planning committee in line with the scheme of delegation.

The chair decided the application should be heard at committee, stating in his decision 'I have looked at this application and the complexities it raises. The committee may wish to

take a view on the nature of the employment on site, as this application brings more jobs than currently, and to further consider the economic argument made against this application.'

The vice chair recommended it be delegated to officer for decision, stating 'I have studied this application & all related information including statutory & third party comments, I also note the Ward Cllr planning cmt request. The proposal has been assessed against relevant planning policy as the report explains & while it adheres to some aspects there clear policies [Policy 1B & ED2B] which it contravenes at this stage & therefore I recommend the application is delegated to Officers for decision.' In this instance the chair has the final say and as such the application is being heard at committee.

Details of location and proposal and Relevant History:

The site in question is a long-established and well-known employment site in Oldfield Park. The site is currently vacant but used to comprise 22 self-contained commercial units providing a variety of office, workshop and storage accommodation with a total Gross Internal Area of 2,113 sq.m. It is noted that the site is generally in a poor state of repair.

The site is located in the Oldfield Park area of Bath, located outside of the Bath Conservation Area but within the World Heritage Site.

The development site occupies a corner plot on the junction of Monksdale Road, Beckhampton Road, Third Avenue and Oldfield Lane. It is bounded by the Two Tunnels Greenway to the south; Monksdale Road to the west; Oldfield Lane to the north; and an all-weather sports pitch, St Alphege's Hall and the Grade II* St Alphege's Roman Catholic Church to the east.

Planning permission is sought for the erection of a 68-bed care home (Use Class C2) following demolition of the existing buildings and structures, with associated access, parking and landscaping.

Relevant Planning History:

AP - 17/00062/RF - DISMIS - 3 November 2017 - Mixed use redevelopment to provide 178 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3) following part demolition of existing buildings and structures.

AP - 17/00063/RF - DISMIS - 3 November 2017 - Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space, landscaping and associated works. (Re-submission)

DC - 01/02388/FUL - RF - 31 January 2002 - Change of use from industrial unit to childrens soft play area

DC - 16/02749/FUL - RF - 13 September 2016 - Mixed use redevelopment to provide 178 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3) following part demolition of existing buildings and structures.

DC - 17/00955/FUL - RF - 1 June 2017 - Demolition of the existing buildings and structures (partial retention of façade fronting/adjoining Monksdale Road) and mixed-use redevelopment to provide 126 student studios (Sui Generis), commercial units (B1, B8), fitness centre (D2), coffee shop (A3), with associated access, parking and servicing space, landscaping and associated works. (Re-submission)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

ARBORICULTURE:

No objection subject to conditions. The proposal is not considered to compromise the offsite trees provided that tree protection measures are complied with. A pre-commencement condition is considered appropriate to include. The application incorporates enhancements to the offsite green infrastructure subject to a S106 agreement.

AVON AND SOMERSET POLICE:

No objection or comments.

CONSERVATION:

Response 16th June:

Demolishing the red brick engineering building (a non-designated heritage asset) will cause harm through the loss of the authentic fabric and the fracture in continuity that the building currently offers. By extrapolation this will diminish the locally distinctive character of the area contrary to Place Making Plan policy. If the evidence demonstrates that a care home is required to meet need in the district, then its provision could be considered a public benefit in the planning balance.

Response 20th Nov:

No objection subject to condition. These revisions confirm retention and repair of the non-designated heritage asset of the brick engineering workshop which is acceptable. The design now incorporates an architectural distinction between the workshop and the rebuilding on what was the site of the adjoining drawing office based on the historic appearance of the elevation.

CONTAMINATED LAND:

No objection subject to conditions.

DRAINAGE AND FLOODING:

Response 12th June:

The surface water drainage strategy has indicated that this location is not suited to infiltration, this supported by British Geological Survey Infiltration Mapping which confirms that the bedrock geology is likely to be poorly draining. Accordingly discharge to a lower destination in the drainage hierarchy will be considered. It is noted that Wessex Water have agreed in principle to the above discharge rate however this agreement was some

time ago (2016), confirmation is requested that Wessex Water are still agreeable to the proposal.

Response 17th Nov:

No objection subject to conditions. Discussions with Wessex Water have confirmed that a maximum discharge rate of 23.34 l/s (up to and including the critical 1in100+40% storm event) would be acceptable.

ECOLOGY:

Response 30th June:

I raise a holding objection on ecological grounds until the following information is provided:

1. Site plan/landscape plan to show compensatory night roost provision for horseshoe bats in an appropriate location;
2. Lighting clarifications.

A Habitats Regulations Assessment (Appropriate Assessment) will need to be completed before determination to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended). The information will be required to inform the assessment.

Response 3rd August:

The location of the compensatory horseshoe bat night roost provision is acceptable in principle. However, insufficient information has been provided to demonstrate that light spill will be sufficiently reduced around the compensatory roost and southern boundary to maintain use by horseshoe bats.

Response 25th August:

No objection subject to conditions. The plans demonstrate that the location of the compensatory bat roost provision and adjacent Linear Park will not be lit to above 0.5 lux. Conditions for a Wildlife Protection and Enhancement Scheme and compliance report and detailed lighting specifications are recommended. A Habitats Regulations Assessment is also passed.

ECONOMIC DEVELOPMENT:

Response 24th July:

Object, recommend refusal. It is accepted that Core Strategy policy B1(2)(e) supports a managed loss of industrial space, but this needs to be applied to the local economy to match local demand and assessing the application in Economic Development terms, it is felt that the current proposal should be refused in light of PMP policy ED2B, where there are considered to be strong economic grounds for its retention or redevelopment for industrial uses. These are as follows:

- The planned industrial floorspace losses of Core Strategy Policy B1 have already been achieved in approximately 25% of the plan period.
- There is little to no supply of sites such as this and hence it needs to be either retained and redeveloped for industrial uses to meet the mixed economy objectives of the Local Plan.
- It is our view the demand for units at the existing site is significantly underestimated in the marketing report, DTINT as is the potential return should the site be refurbished for industrial use.

Response 23 Oct:

Object, recommend refusal. The comments from the previous Economic Development submission still stand. The additional information submitted from Carter Jonas does not justify the loss of the current use. The strong economic reasons for refusal remain.

ENVIRONMENTAL PROTECTION:

No objection subject to conditions.

HIGHWAYS:

Response 10th June 2020:

- The applicant should be requested to confirm that actual number of staff that the proposed care home will employ;
- HDC officer's question if the proposed number of 20 off-street, car parking spaces is adequate to prevent overspill parking activities occurring on surrounding residential streets, where existing parking stock is limited, and existing demand is high;
- It is acknowledged that the applicant needs to increase the proposed secure, covered cycle parking provision such that it is policy compliant;
- Any planting within the visibility splay shall not exceed a mature height of 900mm; and
- The applicant should be requested to provide a servicing strategy.

Response 9th July:

Officers remain concerned that the existing on-street parking stock in the area is operating at, or close to, saturation point as a result of the significant changes in the type of accommodation offered within the area and the associated on-street, car parking activities, which have occurred since the 2011 Census. It should be noted that the original Transport Statement (TS) concluded: "The applicant advises that there is unlikely to be any parking pressures in the surrounding streets as a result of the proposed development", however, HDC officers are not satisfied that the applicant has demonstrated that the proposed care home will not result in an increase in on-street parking activities in the vicinity of the application site which would affect highway safety and/or residential amenity, which is contrary to Policy ST7 of the Bath and North East Somerset Placemaking Plan.

Response 12th August:

The applicant's transport consultant will be contributing to the statement to clarify Barchester's calculations. HDC officers are hopeful that the transport statement which is being prepared will go some way towards satisfying the Local Highway Authority (LHA) in terms of the proposed off-street, car parking provision based upon staff traffic movements. HDC officers will then be in a better position to advise on any financial contribution being sought towards off-site highway works.

Response 21st October:

Based upon the applicant's statement that the maximum number of staff on site at any one time will be 25, HDC officers have a greater degree of confidence that the proposed 20 off-street, car parking spaces will adequately accommodate all parking activities generated by the proposed care home.

HDC officers note that we are currently awaiting the following information from the applicant:

An update with regards to the proposed storage and collection of refuse and recycling; and

A 'Servicing Strategy'.

Response 19th Nov:

the care home will employ a total number of 68 members of staff and provides confirmation that the applicant has agreed to providing a financial contribution of £10,000 towards a Residents Parking Zone (RPZ) or Traffic Regulation Orders (TROs), which officers welcome.

Officers have previously acknowledged that they have a greater degree of confidence that the proposed number of 24 off-street, car parking spaces, which represents 83% of the maximum requirement (based upon the maximum number of staff on site at any one time being 25), will adequately accommodate all parking activities generated by the proposed care home. However, HDC officers remain keen to understand the circumstances under which the number of staff on site may exceed 25 and how often this is likely to occur.

HDC officers welcome the applicant's commitment to provide a policy compliant number of secure, cycle parking spaces (10 stands providing parking for 20 bicycles), which shall be secured through a Condition attached to any planning permission granted.

LANDSCAPE:

No objection subject to conditions.

NATURAL ENGLAND:

No objection. 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.

PLANNING POLICY:

Response 27th July:

Object, recommend refusal. Given the level of net industrial losses in Bath since the start of the Core Strategy plan period and shortage of supply of industrial space within the city together with evidence of demand, there are strong economic reasons to object to the proposal. Further, in terms of policy requirements, evidence of unsuccessful marketing for 12 months prior to the application has not been demonstrated. The proposed development is thus contrary to the requirements of Policy B1 and ED2B.

PUBLIC RIGHTS OF WAY:

No effect to the PROW network.

Representations Received :

CLLR SHAUN MCGALL:

Committee request. Summary of points as follows (full comments on the website);

- Many residents and groups have raised legitimate concerns over the loss of industrial use to C2. Admittedly C2 in my book is also a valid and important employment use for this site. But the current Covid-19 pandemic and the impact on our economy locally and nationally needs to be considered.
- The design is considered too high by some, but others would state it was appropriate. The loss of the heritage asset is also controversial.
- Parking in Oldfield Park is a key concern, or I should say the lack of parking is a key concern. This is due to a number of factors not least increasing levels of car ownership by both long term residents and short term residents like students in HMOS, commuter parking, and in the short term government advice not to use public transport.

BATH PRESERVATION TRUST:

Response 18th June:

In principle, the Trust is supportive of the redevelopment of the site for a mixed-use residential and employment use. We are additionally supportive of the recession of the Oldfield Lane elevation to better open up views to the Grade II* St Alphege's Church. However, we retain concerns about the treatment of a NDHA of local significance, an apparent discrepancy in the plans provided, and the proposed articulation of the primary elevation fronting Oldfield Lane

BATH HERITAGE WATCHDOG:

Summary as follows; We do not have an 'in principle' objection to the use of the site for a care home. However, we do have some concerns about the viability of such a use. Unacceptable loss of industrial heritage building. Concern over the height of the proposal and design in relation to local character. We do, however, welcome the setting back of the complex thereby not impacting on the Grade II* church.

20 objections have been received by third parties, 4 comments and 0 letters of support. The following is a summary of the objections raised:

- Concern over inadequate parking provision (car and cycle) and parking problems locally
- Traffic and road safety concerns
- Site should be retained for industrial use
- Over supply of care homes locally, no need
- Concern over the height of the development
- Negative visual impact
- Design is not in keeping with locality, overly industrial
- Materials do not respect locality
- Concern over loss of industrial heritage building

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: The World Heritage Site and its Setting
- CP2: Sustainable Construction
- CP3: Renewable Energy
- CP5: Flood Risk Management
- CP6: Environmental Quality
- CP7: Green Infrastructure
- CP10: Housing Mix
- SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

- D1: General urban design principles
- D2: Local character and distinctiveness
- D.3: Urban fabric
- D4: Streets and spaces
- D.5: Building design
- D.6: Amenity
- D.8: Lighting
- ED2B: Non-strategic industrial premises
- H1: Housing and facilities for the elderly, people with other supported housing or care needs
- HE1: Historic environment
- NE2: Conserving and Enhancing the landscape and landscape character
- NE2A: Landscape setting of settlements

NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
ST7: Transport requirements for managing development

National Policy:

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

SPD's:

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

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

The main issues to consider are:

- Principle
- Design
- Heritage
- Landscape
- Residential amenity
- Arboriculture
- Highways matters
- Contaminated land

- Flooding and drainage
- Technical requirements

PRINCIPLE OF DEVELOPMENT:

The site in question is a long-established and well-known employment site in Oldfield Park. The site is currently vacant but comprises 22 self-contained commercial units providing a variety of office, workshop and storage accommodation with a total Gross Internal Area of 2,113 sq.m. It is noted that the site is generally in a poor state of repair.

The principle is two fold; the principle of the loss of the existing industrial use and the principle of the proposed use of the site as a care home.

The most relevant planning policies in which the principle is established against are policies ED2B (Non-strategic Industrial Premises), B1 (Bath Spatial Strategy) and H1 (Housing Facilities for the Elderly, People with Other Supported Housing or Care Needs).

PRINCIPLE OF LOSS OF INDUSTRIAL USE:

The site is not a designated industrial estate. Planning applications that seek the change of use of and/or demolition of industrial premises within B&NES that are not identified in the Placemaking Plan under Policy ED2A as 'strategic or other primary industrial estates', are determined against Policy ED2B which states that;

'Non-strategic sites are not afforded the same level of protection for industrial and warehousing (B1c, B2 & B8) uses as those listed in ED2A. Applications for residential development or others uses will normally be approved unless there is a strong economic reason why this would be inappropriate. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application and during a sustained period of UK economic growth will be taken as evidence that there is not a strong economic reason for refusal.'

In this instance no such marketing period has been undertaken.

A Guidance Note has recently been published on Policy ED2B. This note is intended to provide applicants with a guide to the factors that contribute to 'strong economic reasons' for refusal of planning applications as set out in B&NES Placemaking Plan Policy ED2B. Essentially the context for considering whether there is a strong economic reason for refusing an application is provided by the overall Development Plan strategy for economic development and specifically industrial uses and delivery progress against the strategy and the floorspace indicators set out in strategic policies. The Guidance Note states that the following criteria are used for determining whether strong economic reasons exist warranting refusal of the application;

- Progress against the area specific managed changes in industrial floorspace
- Employment & Business Sectoral Growth - growth in business and employment sectors that do or could occupy the site in question.
- Present use - Is the site presently in occupation and how many people are employed there?

- Suitability/ viability - if the site is not currently occupied whether it is in a condition and location that it can viably continue as an industrial employment site
- Demand - if the site is vacant is there any information on the level of commercial demand for the site, this is defined by evidence of marketing on reasonable terms for 12 months prior to an application and the interest from the market.

Progress against the Area Specific Managed Changes in Industrial Floorspace:

Policy B1 2e of the B&NES Core Strategy plans for a contraction in the demand of industrial floor space from about 167,000m² in 2011 to about 127,000m² in 2029, whilst sustaining a mixed economy to ensure a broad base of employment opportunities for residents, by delivering over 7,000 net new jobs over the plan period.

Additionally Core Strategy Objective 3 proposes 'maintaining an appropriate supply of land in Bath for industrial processes and services to ensure the city retains a mixed economy' and Policy B1.4 works to 'achieve a better balance between the overall number of jobs in the city and the resident workforce...';

Recent monitoring shows a net loss of industrial floor space at a faster rate than planned and shows a net loss of 44,241 sqm of industrial floorspace in the period of 2011-2019, exceeding the managed reduction of 40,000 sqm in the Core Strategy plan period between 2011-2029. A further loss of 15,648 sqm is also anticipated through extant permissions and site allocations in the Placemaking Plan.

These losses are recognised within the Industrial losses study undertaken by Lambert Smith Hampton and Hardisty Jones Associates (LSH/HJA) to inform the B&NES Local Plan review, where 'The rate of losses is far exceeding policy provision and the delivery of new replacement floor space is not taking place at the required rate. This poses significant economic development risks.' Thus it is not only the level of losses suffered within B&NES but also the rate of change, which is affecting economic growth within the city.

Furthermore; according the LSH/HJA study '...it must be recognised that the real value in retaining key industrial sites around the city centre is in providing opportunities for businesses that need to be in close proximity to their city centre customers and/or for their labour force to easily access their place of work. For example, the industrial sector supports retail and tourist businesses in Bath. Without capacity to accommodate a local supply chain the retail market especially will have to source supplies from further afield. It is also vital to provide a mix of jobs for local residents. For both reasons it is important that a supply of industrial sites is maintained to serve Bath through both the protection of existing sites and the identification of further expansion space.'

Within a recent Carter Jonas Report on commercial demand it noted that 'Bath industrial stock levels are now critical ... severe shortage of supply and healthy demand'. It also notes the difficulties for companies to remain in the area, due to the reduction in stock noting that 'With more industrial buildings being lost to other uses the exodus of good companies continues.'

As such, there has already been a loss of industrial floor space well beyond what has been planned for, further loss of industrial floor space would exacerbate the issue and negatively impact on the cities economy contrary to the Cores Strategy.

Employment & Business Sectoral Growth, and Demand :

Using the HCA (2015) employment density methodology, the present site is capable of supporting approximately 45 FTEs, which is accepted to be lower than the stated employment output of the proposal (68 jobs). However, employment in care has experienced sustained growth and further employment in this sector is not necessary to support the 'mixed economy' aspirations of Core Strategy Objective 3. Economic output per worker is higher within industrial uses in comparison to care.

The site has been vacant for over 2 years due the incumbent tenants being serviced notice. Colston and Colston state that they were actively marketing the units from 2014-2018 but that conversions to lettings were limited due to the condition of the units and the short lease lengths of 12 months precluding tenant repairs. No evidence of this marketing has been submitted other than anecdotal comments in their report.

However, it is considered that the units have been actively allowed to fall into disrepair over a 10-year period or longer. Economic Development have been consulted on this application and have confirmed they received regular enquiries and interest in the Wansdyke Business Centre from potential occupiers in 2017/18 (when property particulars were available); enquirers often cited the Wansdyke Business Centre as having some of the only small industrial units available in the city. The units were not actually available to let, following enquiries to the marketing agent at the time. Additionally, at that time the Economic Development team has evidence of nearly 80 enquiries for industrial space of up to 10,000sq.ft located within the city (all of which were of uses complementary to commercial space within a residential location). Meanwhile use requests for the site were also declined as recently as 2019.

Previously in 2016 the Economic Development Team offered direct engagement with the incumbent tenants of the site, having been made aware of initial redevelopment plans. Nine businesses received support sessions across a range of industrial sub-sectors and including two gym/fitness businesses. The commercial tenants reported a lack of suitable alternative sites in the Bath city area. The tenants reported the site to be convenient both for serving their market as well as employees.

The marketing report concedes that modern industrial units would generate interest, and this is backed up by previous levels of interest in the site. However, Colston and Colston state that they expect vacancy rates to surge towards the end of this year. While this is likely true for retail and office premises, the Economic Development Team do not expect this to occur in industrial demand, particularly with the recent surge in online shopping and the need for localised services/distribution.

Overall, it is considered that the site was initially occupied and made vacant through the serving notice rather than market conditions. There has been regular interest from potential tenants in occupying the site. There is a demand locally for industrial floorspace and this may even be growing due to the current pandemic and shipping trends.

Suitability/ Viability:

The site is not currently occupied for the reasons stated above.

The B&NES Industrial Market Report (Nov 2015) undertook a comprehensive assessment of the industrial market within the district. It included a detailed assessment of current stock, occupier requirements future demands and considers the viability of proposed industrial or existing site allocations in order to test the direction of travel of Core Strategy policies. The review was focused on 24 of the estates within the district which included Wansdyke Business Centre and it concluded that Wansdyke Business Centre had a Grade C rating and a low score on suitability and external condition. As a result of this review Wansdyke Business Centre was in effect downgraded from the higher level of protection (a 'Core Business Area' in the previous Local Plan) to the lower level of protection now provided.

However, it is considered that the site is viable as an industrial site. In their report, Colston and Colston state that similar refurbished space might be available for around £8 sq.ft. However, the Commercial Edge report by Carter Jonas of Autumn 2019 states that prime rent industrial units are now achieving £12.50sq.ft. This would significantly increase the expected rents on 22,750 sq.ft. refurbished units from the £182,000 factored into their report to an actual likely rental income of up to £284,375. This would significantly increase the yield to justify the likely £1.98m refurbishment costs set out in the Building Report, showing viability.

The poor condition of the buildings does not diminish the strategic value of them or that of the site. That the condition of the buildings hasn't been maintained is the purview of the owner. The site is located in a sustainable location, that is easily accessible by employees by a number of modes of travel. The site offers immense potential for refurbishment to bring valuable neighbourhood employment and there are many examples of industrial buildings being brought into use including for example the Paintworks in Bristol. Re-use and refurbishment of the existing buildings would retain local character and interest and meet the climate change emergency agenda, as well as the requirement for industrial units and local facilities.

Overall, the site is considered suitable for future industrial use and viable for such a use.
Conclusion:

Therefore, in this instance it is considered that there are strong economic reasons for refusal, which can be summarised as;

The planned losses of Core Strategy Policy B1 have already been achieved in approximately 25% of the plan period.

There is little to no supply of sites such as this and hence need to be redeveloped/retained to meet the mixed economy objectives of the Local Plan.

The site is suitable for continued industrial use locationally and could be viably redeveloped as such to modernise it for future tenants.

No evidence/ report of a 12-month marketing period has been undertaken to evidence a lack of demand for the premises. Evidence from the Economic Development team demonstrates continued interest in the site from prospective tenants.

Therefore, a proposal for the loss of this industrial site that would further restrict the supply of B1c, B2 or B8 accommodation in Bath is not supported in principle and is considered contrary to Policies B1 and ED2B of the Core Strategy and Placemaking Plan.

PRINCIPLE OF PROPOSED USE:

Whilst the principle of the loss of the existing use is not supported it is still prudent to consider the principle of the proposed use of the site for a 68 bed care home.

The proposed care home is located within the urban built-up area of Bath where residential development is acceptable.

There is a recognised and identified need for residential care provision to support Bath's ageing community, and the Bath Strategic Housing Market Assessment (SHMA) (June 2016) recognises that the population of people aged 75 or over is predicted to grow over the development plan period. BaNES Adult Social Care Team have also confirmed this future need in their consultation response, supporting the scheme on these grounds.

The proposed use of the site as a care home is therefore considered acceptable in principle.

The agent has submitted information to show that there is a current shortfall of 20 bedspaces within the Bath and the wider area, given this and the future predicted demand for bed spaces the agent considers this outweighs the loss of the industrial unit. There are however a number of care homes that have recently been granted permission or are at application stage which would therefore potentially meet this current shortfall and future need, and are more appropriately located, not resulting in the loss of precious industrial floorspace. This includes the recently permitted and under construction Hallmark Care Home on Frome Road in Odd Dows for 79 bed spaces, and the proposed extension at Cedar Park for an additional 20 beds currently seeking planning permission. Additionally, other sites are also coming forward currently through the planning process for care homes, including the Home Base site in the city centre. As such it is not considered that the supply and demand for care homes is a material consideration which outweighs the harm of the loss of the industrial floorspace of which supply is at a critical level.

HERITAGE:

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.

Formally the New Kingston Ironworks, much of the site was bomb damaged during the Second World War. The machine shop facing Monksdale Road survived in terms of historic fabric and this is where the significance of the site now lies. This part of the site is considered to be a non-designated heritage asset (NDHA), as such paragraph 197 of the NPPF is engaged. The site is also with the setting of grade II* St Alphege and protecting this designated heritage asset from harm is a key material consideration.

Paragraph 197 of the NPPF states that, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The heritage significance of the building falls into the category of historic interest. In this case there are three strands to the historic interest;

- The building represents the only tangible survival from the earliest phase of industrial development on the site.
- The building contributed to the war effort during WW1 as it was used for the manufacture of shells.
- Oldfield Park area was damaged during the WW2 Bath Blitz. A shelter just down the road took a direct hit killing twenty people. The engineering workshop was badly damaged in the raid but the shell survived and was later repaired and repurposed producing the building as it now stands.

Initially the submitted scheme indicated the demolition of the entire site including the non-designated heritage element of the machine shop. Retaining the engineering workshop has always been a fundamental tenet in previous discussions about redeveloping the site. Whilst some aspects of significance can survive removal of the fabric, all of the above significance relies heavily on the existing building be kept as part of the scheme. Therefore, following discussions with the agent this element of the scheme has now been retained. The drawing room/patent room part of the building which is attached to the NDHA has also now been proposed to be rebuilt with a clear architectural distinction between this element and the machine room, taking cues for the existing relationship which is welcomed. The proposal is now considered to preserve the NDHA rather than result in harm to the significance. A condition would be included with a permission to ensure the retention of the machine shop during the construction phase through temporary restraint and support works.

The conservation officer has been consulted on the scheme, and is satisfied that the overall height, massing and industrial stylistic references will now protect the local character and the setting and character of St Alphege Church.

Conditions to secure samples of all external materials and large-scale joinery details would also have been included with a permission. For the brickwork and stonework this would be in the form of onsite panels showing jointing as well as the material for inspection and approval.

DESIGN:

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 site and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

Context:

The development site occupies a corner plot on the junction of Monksdale Road, Beckhampton Road, Third Avenue and Oldfield Lane. It is bounded by the Two Tunnels Greenway to the south; Monksdale Road to the west; Oldfield Lane to the north; and an all-weather sports pitch, St Alphege's Hall and the Grade II* St Alphege's Roman Catholic Church to the east. The surrounding land use is predominantly residential with north south orientated predominantly inter war two storey terrace housing to the north along Beckhampton Road, Third Avenue and Second Avenue; and a mix of post war one and two storey terraced and semidetached housing to its south on the other side of the Green Way. There is a marked difference in townscape character between these two areas with the layout of housing, amenity green space and soft landscaping to the south having a distinctly suburban character; while the greater density, more regimented form and predominantly hard surface setting of the terraced housing to its north has a harder more urban character.

The proposal site is industrial in nature originating around the early 1900's and being development through a series of post war buildings over time.

The heritage and landscaping aspects and impacts on the context of the scheme is discussed in further detail in the sections below.

Proposed redevelopment of this site has already been the subject of two applications 16/02749/FUL and 17/00995/FUL, both dismissed at appeal. In both cases the Inspector concluded in the planning balance that the schemes would not reinforce local character by reason of their overall scale and mass and would as a result harm the character and appearance of the area. Harm to the significance of the grade II* listed St Alphege was also cited. It is therefore clear that the scale and massing of a scheme is particularly important on this site.

Layout, scale, massing and form:

The proposed building would have an 'n' shaped form and would vary between two and three storeys in height with pitched asymmetrical roofs. The building would be broadly divided into eastern and western portions separated but linked by a two-storey glazed and flat roofed infill structure at its northern end; with its southern end being formed by two separate gables flanking a central open courtyard area. The form of a building around a courtyard is acceptable in regard to the proposed use.

The northern facade would be formed by a continuous flat roofed projecting single storey linear portico feature at ground level and a series of conjoined and set back triangular pedimented gable ends at second and third floor level separated by the glazed infill structure as previously noted. The northern facade would be set back from the site boundary with Oldfield Lane and separated from it by shared space containing parking spaces, cycle parking and facilitating both pedestrian, vehicular and servicing access. It would be landscaped on its northern eastern and southern boundaries and the landscape strategy plan suggests that the existing tree on the sites eastern boundary would be retained and an additional six trees would be planted.

The Eastern facade would also be set back from the site boundary with the adjacent all weather surfaced pitch. It would contain a communal patio area and a linear series of six small individual gardens for the adjacent ground floor units. A path between these gardens

and boundary planting would allow access around the building to the central landscaped courtyard. As such, the layout and landscaping is considered acceptable in regards to the site and its locality.

The site falls within the Zone Four Hillslopes of the Bath Building Heights Strategy which recommends that within this area building shoulder height of new development should not exceed prevailing shoulder height in the area and that the overall height should not exceed the prevailing overall height in the area. The Strategy also notes that roof form and detail and material should relate to its context.

The height of the building has been significantly reduced from previous iterations on site, it is now a combination of two and three storey elements. It is clear that the three storey height of the part of the proposed development exceeds the guidelines in the building height strategy but not excessively so in the context of the height of the existing buildings on site; the Greenway embankment to its south; and the church to its east. The saw tooth roof design seeks to break up the visual height of the building further. Overall, the scale and massing is considered acceptable.

Appearance and detail:

In regards to the aforementioned appeal decisions, in reaching a conclusion the Inspector did acknowledge that the "Contemporary architectural style, including the use of saw tooth and modified saw tooth roofs to reflect the sites industrial past, and the curved glazed entrance corner would also comprise good design." Setting aside the issues of scale and mass, there was a strong industrial aesthetic to both schemes which positively reflected the character of the site.

This scheme once again uses the industrial heritage to inform the design which is welcomed. This consists mainly of the use of the saw-tooth roof form on the western part of the site and the use of red brick and other contrasting materials.

The material palette for the scheme has been designed to reflect the existing materials on the site, and to reference the local Bath stone and how the Bath stone of neighbouring buildings is often used in different tones and textures to add interest to these facades. The old factory building red brick and Bath stone will be re-used where possible.

Two further brick colours are proposed. These match the tone of main red brick, but are lighter in colour, helping to blend between the red brick and the Bath stone.

A dark grey profiled roofing material is proposed on all the roofs, referencing the style of the roof forms and their history. A simple grey render is used in recessed areas to the courtyard sides of the building.

Overall, the appearance and detailing of the building is considered acceptable referencing the sites history and the character of the site today as well as the locality. The proposed materials are considered to result in successful integration of the scheme with the area.

LANDSCAPE:

Policy NE2 infers that development will only be permitted where it conserves or enhances landscape character, landscape features, local distinctiveness and important views; incorporates green space within the scheme that positively contributes to creating a high quality environment by enhancing landscape character and biodiversity; demonstrates that the whole scheme, including hard landscape and planting proposals will contribute positively to the local area; and seeks to avoid or adequately mitigates any adverse impact on landscape.

As mentioned above, and again relevant in terms of landscape, the site is situated within the City of Bath, within the World Heritage Site boundary but outside of the conservation area. The Linear Park is set to the south of the site. The landscape context of the site is therefore viewed in an urban and historic landscape setting.

The industrial nature of the existing building contrasts with its predominantly residential surroundings although the backdrop of the canopy of mature trees along the Greenway softens the view south down Third Avenue to some extent. The wider spacing and greener well treed setting of the Grade II* listed St Alphage's Church, its associated hall and the all-weather sports pitch together with the green well treed backdrop of the Greenway are in marked contrast to these urban predominantly residential surroundings resulting in a view south down Second Avenue to a neo-romanesque building whose style makes a marked and surprising juxtaposition with the terraced housing to its north.

Existing views from the east towards the business centre down Oldfield Lane are currently filtered and screened by the trees and shrubs associated with the St Alphage's site so that the visual impact of the existing building is significantly mitigated. Conversely views to the west down Oldfield Lane from its junction with Monksdale Road and Beckhampton Road are dominated by the west and north facades of the building. These present a utilitarian industrial form that dominates the view. While the older surviving part of the western facade has architectural merit and visual quality the post war northern facade is blocky, utilitarian and ugly. As a consequence, it is considered that the former adds to townscape character while the latter detracts from it. The retention of this element of the building is therefore considered to preserve the townscape setting.

The landscape officer has been consulted on the scheme and concurs with the findings of the Landscape Visual Impact Assessment that he changes to massing and increased height of built form do not result in material adverse effect to the local landscape character. The landscape effects are very limited/negligible beyond the site and the immediate locality and there are no material effects on noted key views across the city, including with respect to 'green hillsides' associated with the World Heritage Site.

The submitted Landscape Strategy Plan (Furse Landscape Architects Ltd AGM-WAN-LS0- 001 Rev C. Dated 21/04/20) demonstrates that opportunities to design Green Infrastructure (GI) into the the proposed development have been taken and that the proposed tree planting on the Greenway embankment to the south of the site would help to mitigate any adverse effects the development may have on the integrity and value of this strategic GI corridor.

Overall, the proposal is considered acceptable in terms of the landscape setting and context of the site subject to conditions.

RESIDENTIAL AMENITY:

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.

There is potential for the proposed residential accommodation to be impacted by noise from road traffic and from the plant associated with the new development. An acoustic survey has been submitted within the application in accordance with British Standard 4142: 2019. The Environmental Protection Team have been consulted on the document and are satisfied that sound attenuation can be provided against external noise if controlled by condition, additionally the acoustic assessment has identified appropriate limits for plant noise which could also be secured by condition.

The proposed care home will have a commercial kitchen which will have the potential to give rise to odour nuisance. While a Ventilation Statement has been submitted which makes reference to the kitchen, there is very little detail on the methods of control of odour. The statement makes reference to a schematic layout of a kitchen extract, referenced to DEFRA. It isn't clear however if this is an illustrative example or the actual layout to be installed. In any event, the level of detail required could have been provided and controlled by condition.

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, or loss of privacy. It appears that no third-party objections have been received on any of these grounds.

HIGHWAYS MATTERS:

Policy ST7 states that development will only be permitted provided, amongst other things, the development does not detract from highway safety and/ or residential amenity. The Highways Development Control Team have been consulted on the scheme and additional information has been provided by the agent during the course of the application in regards to Highways Matters following several rounds of consultation.

Car parking provision:

The proposed care home will employ 68 members of staff. The roles of the members of staff will have varied start and finish times. Future residents will be given 24/7 care and the team cover the full week, meaning that some roles are full-time and some roles part-time. The statement confirms that the number of staff on duty at any one time never usually exceeds 25.

Based upon the applicant's stated maximum number of 25 staff being on site at any one time, the maximum number of off-street, car parking spaces required by the authority's adopted parking standards are as follows;

- 25 staff require 13 spaces (1 space per 2 staff)
- 68 beds requires 11 spaces (1 space per 6 beds)

As such the proposed care home requires a maximum of 24 off-street, car parking spaces and the proposed 20 spaces provide 83% of the maximum requirement. Given that the parking standards for care homes are based on maximum standards (rather than minimum) and based upon the applicant's statement that the maximum number of staff on site at any one time will be 25, HDC officers accept that the proposed 20 off-street, car parking spaces will adequately accommodate all parking activities generated by the proposed care home. It is also noted that the site is located in a sustainable location where there are a number of means of travel to the site by employees, including bus and rail, negating parking needs.

Officers are aware that there may be infrequent occasions on which the number of staff on site in Bath may exceed 25. Officers will therefore seek a financial contribution from the applicant towards mitigation measures, including a Residents Parking Zone (RPZ) to prevent overspill parking activities associated with the proposed care home, from occurring in the surrounding residential streets. The agent has provided confirmation that the applicant has agreed to providing a financial contribution of £10,000 towards a Residents Parking Zone (RPZ) or Traffic Regulation Orders (TROs), which officers welcome.

Cycle parking provision:

Cycle provision is required for the proposed use, the standards are set at 1 cycle stand per four members of staff and 1 stand per 10 bed spaces. This equates to the following;

- 25 staff require 6 stands
- 68 beds require 7 stands
- Total of 10 cycle stands required as a minimum, providing parking for 20 bicycles.

Following submission of additional information, the agent confirmed the commitment to providing 10 cycle stands which is achievable on site, this would therefore have been secured by condition.

Refuse and servicing arrangements:

A service management and waste management plan has been submitted with the scheme. The highways team have accepted most of the contents but have raised some points for further clarification. It is considered that this can be dealt with via condition and would not form a reason for refusal.

Travel Plan:

Colleagues in the 'Sustainable Travel' team have confirmed that the latest revision of the submitted 'Travel Plan' satisfactorily addresses previous observations and is therefore acceptable. The requirement for a 'Travel Plan' shall be secured through a Condition attached to any planning permission granted.

Overall, the proposal is considered acceptable in regards to all highways matters and complies with policy ST7 of the Placemaking Plan.

ARBORICULTURAL MATTERS:

The key trees are those to the south west of the site, within the linear park beyond the site boundary.

The key arboricultural requirements for a scheme on this site are not only to ensure that the health, future safe life expectancy and maintenance of existing offsite trees is not compromised but also to ensure that any replacement or succession planting to maintain the tree cover and green infrastructure generally is not compromised.

The lack of windows facing into the Linear Park from the nearest gable ends is noted as favourable since this will reduce future pressure from occupants for works as a result of shading issues.

Creating a courtyard garden next to the Linear Park should enhance the value of the courtyard which also increases the separation distance between the trees and windows serving the building.

The Landscape Strategy proposes additional planting to reinforce the green infrastructure within the Linear Park which is welcomed. A S106 agreement would be necessary to secure this.

A low bath stone wall is proposed around the northern boundary. Precautionary measures will be necessary and are possible during building to avoid damaging the offsite Beech tree. This has not been included within the submitted arboricultural method statement but could be conditioned. The amended arboricultural method statement refers to the demolition of the boundary wall. No comments have been made in respect to the function of the retaining wall. Subject to engineering advice, the soil may require shoring up to prevent collapse and further excavations

beyond the redline boundary may be necessary to reconstruct the replacement. details of how this will be achieved without compromising any offsite trees can be incorporated into a detailed arboricultural method statement, again the Arboricultural officer is satisfied that this could be achieved via condition.

Overall, the proposal is considered acceptable in regards to arboricultural matters subject to conditions.

CONTAMINATION:

From review of the historical mapping records available to the contaminated land department, it is understood that the proposed development site has had a potentially contaminative historical use as an engineering works as marked on the historical maps since 1904 to 1970, after which date the site use changed to a business park.

The application has included the following report: Phase 1 Desk Study. Proposed Care Home, Oldfield Lane, Bath. Clarkebond Ltd. April 2020. Ref: WB05256/R1

Taking account of the sensitive nature of the proposed development (residential care home) and environment, the previous potentially contaminative use of the site as an engineering works and the findings and recommendations of the Phase 1 Desk Study, the proposal is considered acceptable in regards to land contamination subject to conditions in regards to investigation, remediation and reporting of an unexpected contamination.

FLOODING AND DRAINAGE:

In line with Core Strategy / Placemaking Plan Policy's CP5 and SU1 sustainable drainage is to be employed. The Councils Flooding and Drainage Team were consulted on the scheme and after discussions with Wessex Water have raised no objection to the scheme subject to conditions.

Discussions with Wessex Water have confirmed that a maximum discharge rate of 23.34 l/s (up to and including the critical 1in100+40% storm event) would be acceptable.

The drainage strategy (B05256 v2) has been updated to reflect this. The strategy demonstrates that an onsite attenuation volume of between 91 to 155 m³ would be required to attenuate the design storm.

Calculations were included based on an orifice plate of 110mm dia and 134.4m³ of attenuation volume. 1.2m³ of flooding was predicted at the 1in100+40% event, this should be resolved at the detailed design. Use of a flow control unit to allow a larger orifice opening is encouraged.

A condition regarding submission of the detailed drainage design would have been included if the scheme was being permitted.

ARCHAEOLOGY:

South West Heritage Trust were consulted on the pre-application Development Team application and commented on archaeology matters on behalf of the LPA. They stated that there are limited to no archaeological implications in regards to this proposal and therefore raised no objections on archaeological grounds.

ECOLOGY:

A Preliminary Ecological Assessment and Bat Survey Report have been submitted with the scheme and is welcomed. The site comprises hardstanding and existing buildings with no semi-natural habitats of note.

The adjacent Linear Park Site of Nature Conservation Interest (SNCI) will not be directly impacted. Tree protection fencing will also ensure protection of the SNCI. Indirect impacts should be avoided through appropriate storage of waste and materials. Measures could be detailed in a Construction Environmental Management Plan secured by a condition if consent was granted.

A lesser horseshoe bat night roost was identified inside Building 2. Linear Park SNCI is an important corridor for horseshoe bats which are part of the Bath-and-Bradford-on-Avon Special Area of Conservation (SAC). The nearest component unit of the SAC is 1.7km from the site. during the course of the application the Landscape Strategy has been revised to show the location of the compensatory night roost provision for lesser horseshoe bat. The proposed roost is in the south-east corner adjacent to Linear Park SNCI, which is an appropriate location. Although this is not within a greenspace as advised by CSM Ecology, the roost is immediately adjacent to a dark, vegetated dispersal

corridor known to be used by horseshoe bats. The location is therefore acceptable in principle.

The amended lighting layout confirms that the southern area of the site will remain free of any external light fittings and will not be subject to light spill above 0.5 lux at 1-3m. This is consistent with the Dark Zone shown in the Landscape Strategy. Light spill in the area of the compensatory roosting provision for lesser horseshoe bat will remain below 0.5 lux and is therefore suitable replacement habitat.

As there may be potential impacts on dispersing and roosting horseshoe bats, a Habitats Regulations Assessment (HRA) (Appropriate Assessment) was required to meet Regulation 63 of the Conservation of Habitats and Species. The council's ecologist undertook the HRA which concludes that there will not be any significant negative impacts on bat populations associated with the Bath and Bradford-on-Avon Bats Special Area of Conservation. Natural England have been consulted on the HRA and agree with its conclusions, raising no objections.

The updated Arboricultural Method Statement confirms that trees and vegetation within the SNCI will be retained and protected during works. There are proposals for replanting (and felling) of trees within Linear Park SNCI in the long-term. Within a SNCI, habitats (including ash trees) should be retained unless there is a clear and credible risk of a health and safety hazard. Ecological conditions in regard to a planting scheme, bat mitigation, lighting schemes, and wildlife schemes would have been secured to control the aforementioned if the scheme were being permitted.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR1 (On-Site Renewable Energy Requirement) requires a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. The 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions (better insulation for example).

Policy CR2 (Sustainable Construction) overlaps to a certain extent with Policy SCR1 above. This policy requires a 19% reduction in regulated CO2 emissions. The benchmark for demonstrating that energy efficiency has been "maximised" as required by CP2 is a 19% reduction in regulated emissions. 10% of this reduction must be from renewable energy sources (see above) and the remaining 9% may be from other means.

The requirements of Policy SCR1 and Policy CR2 are dealt with by the Council's new Sustainable Construction Checklist. A Sustainable Construction document has been submitted with this application. The following outcomes are confirmed:

- CP2: 28.3% CO2 reduction from all measures
- SCR1: 26.3% CO2 reduction from Renewables only.

The proposal is therefore considered policy compliant on these grounds.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings (including C2 use) meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This could 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). This matters could also be secured by a relevant planning condition.

PLANING OBLIGATIONS:

B&NES Planning Obligations SPD (April 2015) has a requirement for developers to provide targeted recruitment and training (TR&T) opportunities and contribution for residential developments over 10 units and commercial developments over 1000sqm.

Should the application be approved a S106 Site Specific Targeted Recruitment and Training in Construction Obligation would therefore be applied. This is estimated to be the following targeted recruitment and training outcomes:

- Work Placements: 11
- Apprenticeship Starts: 2
- New jobs advertised through DWP: 2
- Contribution: £6,545

It is a requirement of the developer to provide a method statement following a template and guidance produced in partnership with the B&NES Learning Partnership that will outline the delivery of the TR&T target outcomes. The developer would also be required to participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership that will have the overall responsibility of monitoring the outcomes.

CONCLUSION:

Given the level of net industrial losses in Bath since the start of the Core Strategy plan period and shortage of supply of industrial space within the city together with evidence of demand, there are strong economic reasons to object to the proposal. Further, in terms of policy requirements, evidence of unsuccessful marketing for 12 months prior to the application has not been demonstrated. The proposed development is thus contrary to the requirements of Policy B1 and ED2B. The proposal is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal results in the loss of industrial floor space. There are strong economic reasons demonstrating the loss of this site would be inappropriate, furthermore, no evidence/ report of a 12-month marketing period has been undertaken to evidence a lack of demand for the premises as required by policy. Therefore, this proposal for the loss of this industrial site that would further restrict the supply of B1c, B2 or B8 accommodation in Bath is not supported in principle and is considered contrary to Policies B1 and ED2B of the Core Strategy and Placemaking Plan.

PLANS LIST:

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	16 December 2020
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 20/01588/ADCOU
Location: Land To Rear Of Pillsbridge Cottages Old Mills Paulton Bristol Bath And North East Somerset
Proposal: Prior approval request for change of use from Agricultural Building to 1 no. Dwelling (C3) and for associated operational development.
Decision: REFUSE
Decision Date: 7 July 2020
Decision Level: Delegated
Appeal Lodged: 5 November 2020

App. Ref: 20/01097/LBA
Location: Basement 28 Grosvenor Place Lambridge Bath Bath And North East Somerset
Proposal: Internal and external alterations to include installation of damp proofing membrane to vaults, and repairs to front courtyard (regularisation).
Decision: REFUSE
Decision Date: 5 June 2020
Decision Level: Delegated
Appeal Lodged: 11 November 2020

App. Ref: 20/01119/FUL
Location: 31 Torridge Road Keynsham Bristol Bath And North East Somerset

BS31 1QQ

Proposal: Erection of a detached bungalow (Resubmission)
Decision: REFUSE
Decision Date: 8 July 2020
Decision Level: Planning Committee
Appeal Lodged: 16 November 2020

App. Ref: 20/00807/FUL
Location: Town Mills Mill Road Radstock Bath And North East Somerset BA3 3PB
Proposal: Conversion and change of use from storage and office building into 2no flats
Decision: REFUSE
Decision Date: 9 October 2020
Decision Level: Delegated
Appeal Lodged: 25 November 2020

App. Ref: 20/02767/AGRN
Location: Land To East Of Providence Bungalow Frome Road Radstock
Proposal: Erection of steel framed barn.
Decision: REFUSE
Decision Date: 20 August 2020
Decision Level: Delegated
Appeal Lodged: 25 November 2020

App. Ref: 20/00603/EVAR
Location: Former Ministry Of Defence Ensleigh Granville Road Lansdown Bath
Proposal: Variation of condition 18 (hours of operation (Retail)) of application 16/05360/EVAR (Variation of condition 30 (plans list) of application 14/01853/EFUL (Full planning permission sought for the erection of 181 residential units (Use Class C3), a neighbourhood retail store of up to 267 sqm GIA (Use Class A1), associated highways works, infrastructure and public open space. Outline planning permission sought for a 72 unit Extra Care Facility (Use Class C3).))
Decision: REFUSE
Decision Date: 4 May 2020
Decision Level: Delegated
Appeal Lodged: 2 December 2020

APPEALS DECIDED

App. Ref: 19/04561/FUL
Location: 15 Barnard Walk Keynsham Bristol Bath And North East Somerset BS31 2NS
Proposal: Erection of 2-bed dwelling.
Decision: REFUSE
Decision Date: 11 February 2020
Decision Level: Chair Referral - Delegated
Appeal Lodged: 18 August 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 10 November 2020

App. Ref: 19/01391/FUL
Location: Land North Of Kennet House Sydney Road Bathwick Bath
Proposal: Erection of a two storey dwelling.
Decision: REFUSE
Decision Date: 10 January 2020
Decision Level: Delegated
Appeal Lodged: 17 August 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 11 November 2020

App. Ref: 19/05236/CLEU
Location: Kestrels Stanton Road Stanton Drew Bristol BS39 4JL
Proposal: Erection of two wooden buildings connected by a poly tunnel on a metal frame.
Decision: REFUSE
Decision Date: 28 January 2020
Decision Level: Delegated
Appeal Lodged: 7 August 2020
Appeal Decision: Appeal Allowed
Appeal Decided Date: 18 November 2020

App. Ref: 20/01610/FUL
Location: 61 Bay Tree Road Fairfield Park Bath Bath And North East Somerset BA1 6NE
Proposal: Erection of single and two storey extension to rear.
Decision: REFUSE
Decision Date: 23 July 2020

Decision Level: Delegated
Appeal Lodged: 7 October 2020
Appeal Decision: Appeal Allowed
Appeal Decided Date: 25 November 2020

App. Ref: 20/00429/FUL
Location: 6 Flatwoods Crescent Claverton Down Bath Bath And North East Somerset BA2 7AH
Proposal: Erection of one 2no bed single storey dwelling
Decision: REFUSE
Decision Date: 27 March 2020
Decision Level: Delegated
Appeal Lodged: 23 September 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 27 November 2020

App. Ref: 19/04598/FUL
Location: Amenity Green Glebe Walk Keynsham
Proposal: Erection of two semi-detached dwellings.
Decision: REFUSE
Decision Date: 14 February 2020
Decision Level: Planning Committee
Appeal Lodged: 4 September 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 December 2020

App. Ref: 19/05519/FUL
Location: Avon Farm Avon Lane Saltford Bristol Bath And North East Somerset
Proposal: Change of use of a former office building to a dwelling (Retrospective).
Decision: REFUSE
Decision Date: 4 June 2020
Decision Level: Planning Committee
Appeal Lodged: 7 August 2020
Appeal Decision: Appeal Allowed
Appeal Decided Date: 4 December 2020
