

Planning Committee

Date: Wednesday, 28th June, 2023

Time: 11.00 am

Venue: Brunswick Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Duncan Hounsell, Ian Halsall, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE

Permanent Substitutes:- Councillors: Ruth Malloy and Fiona Gourley

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Corrina Haskins

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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>

Paper copies are available for inspection at the Guildhall - Bath.

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 Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. 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. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. **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, 28th June, 2023

at 11.00 am in the Brunswick Room - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer will draw attention to the emergency evacuation procedure.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. 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 4.4 Appendix 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.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to Democratic Services 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.

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 10)

To confirm the minutes of the meeting held on Wednesday 7 June 2023 as a correct record for signing by the Chair.

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

There are no site visit applications for consideration.

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 11 - 138)

The following items will be considered at 11am:

1. 22/04431/FUL - Lower Bristol Road, Westmoreland, Bath
2. 22/04720/FUL - The University Of Bath, Eastern Sports Field, Sports Training Village, University Of Bath Campus, Claverton Down, Bath

The following items will be considered at 2pm:

1. 23/00895/FUL – Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath
2. 23/01067/VAR - Land Between Three Gables And Paysons Croft, Church Lane, Bishop Sutton

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 139 - 142)

The Committee is asked to note the report.

The Democratic Services Officer for this meeting is Corrina Haskins who can be contacted on 01225 394357.

Delegated List Web Link: <https://beta.bathnes.gov.uk/document-and-policy-library/delegated-planning-decisions>

PLANNING COMMITTEE**Minutes of the Meeting held**

Wednesday, 7th June, 2023, 11.00 am

Councillors: Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Tim Warren CBE, Paul Crossley and Ruth Malloy

1 ELECTION OF CHAIR

Cllr Ian Halsall proposed that Cllr Duncan Hounsell be elected Chair. This was seconded by Cllr Hal MacFie and on being put to the vote it was CARRIED (9 in favour 0 against – unanimous)

RESOLVED that Cllr Duncan Hounsell be elected Chair of the Planning Committee.

2 ELECTION OF VICE CHAIR

Cllr Duncan Hounsell proposed that Cllr Ian Halsall be elected Vice-Chair. This was seconded by Cllr Hal MacFie and on being put to the vote it was CARRIED (9 in favour 0 against – unanimous)

RESOLVED that Cllr Ian Halsall be elected Vice-Chair of the Planning Committee.

3 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Cllr Paul Crossley and Cllr Ruth Malloy were in attendance. Apologies for absence were received from Cllr Eleanor Jackson.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

The Democratic Services Officer outlined the procedure for public speakers addressing the committee.

8 MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on Wednesday 26 April 2023 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration.

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

The Committee considered:

A report and update report by the Head of Planning on various planning applications under the main applications list.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the Main decisions list attached as Appendix 2 to these minutes.

(1) 22/02622/FUL 2 Fairfield Terrace, Peasedown St John, Bath

The Case Officer introduced her report which considered an application for the erection of a new separate two storey dwelling including formation of new vehicular access and double car parking area for existing house and a new pedestrian access for new dwelling.

She confirmed her recommendation that permission be granted subject to the conditions set out in the report.

The following public representations were received:

1. Cllr Conor Ogilvie-Davidson, Peasedown Parish Council objecting to the application.
2. Kevin Matthews, local resident, objecting to the application.
3. Will Drewett, agent, speaking in support of the application.

Cllrs Gavin Heathcote and Karen Walker were unable to attend the meeting as local ward Councillors and a statement was read on their behalf which raised safety concerns about the proposed new pedestrian and vehicular accesses as well as concerns that the development was not in keeping with the character of the area and would change the street scene.

It was In response to Members' questions, it was confirmed:

1. The report did summarise all the objections raised, although there was an error in relation to the number reported as received in the report.
2. The use of the existing access had been explored but there were highway safety concerns due to the access being restricted and the new access

was the preferred option. It was the view of highway officers that visibility would not be obscured.

3. At the time the application was submitted there were no double yellow lines, but these were now in place.
4. The siting of the proposed development was considered acceptable, it was located near other built form such as garages.
5. Officers were confident that the addition of solar panels would meet the net zero target, but the exact figure would be confirmed once details were received (as required by condition).
6. There was no traffic data as this was a relatively small application for one dwelling.
7. Only part of the hedge would be removed for the new pedestrian access, the rest would be retained.

Cllr Ian Halsall expressed the view that the principle of development was acceptable, the impact on highways negligible and that his only concerns were the design of the rear and the siting of the development.

Cllr Tim Warren stated that the application was in accordance with Council policy, and he proposed the officers' recommendation that permission be granted subject to the conditions set out in the report. This was seconded by Cllr Toby Simon.

Cllr Shaun Hughes expressed concern that the application would set a precedent for additional houses that would be difficult to accommodate. The Legal Officer advised that, in general terms, although granting planning permission could set a precedent, this was dependent on the circumstances and each application had to be judged on its merits.

Cllr Lucy Hodge stated that she would be minded to support a site visit.

On being put to the vote the motion was CARRIED (5 in favour, 4 against)

RESOLVED that planning permission be granted subject to the conditions set out in the report.

(2) 23/00419/LBA 1 Cambridge Place, Widcombe Hill, Widcombe

The Case Officer introduced her report which considered the application for external alterations to a grade 2 listed building to include the installation of 6 photovoltaic (PV) solar panels on the roof.

She confirmed her recommendation that the application be refused for the reasons set out in the report.

Cllr Deborah Collins was in attendance as local ward member and raised the following issues:

1. The owners were committed to reducing their carbon footprint within the constraints of the grade 2 listing of their home.
2. The application was in accordance with the Council's climate emergency strategy.
3. Historic England guidance advocated that planning authorities needed to

balance the harm of a PV scheme against the sustainability benefits of a proposal.

4. There was limited visibility of the roof, and this was further restricted by parapets.

She urged the Committee to permit the application subject to a condition requiring a supportive structural engineering report.

It was In response to Members' questions, it was confirmed:

1. There was no information on the design of the panels and the thickness in relation to the roof or of the applicant exploring other options in relation to siting.
2. It would not be possible to grant permission subject to a structural engineering report as the details of the report would need to be considered. Officers were recommending refusal for reasons other than the potential impact on the structure of the roof.
3. In relation to a recent appeal where considerable weight was given to renewable energy in view of the public benefit, this application was much smaller, and officers considered public benefit to be moderate in this case.
4. It was difficult for officers to judge if they would have recommended granting permission if the information about the technical aspects and design been submitted as this information would need to be evaluated.
5. In terms of whether permitting the development would set a precedent, each case needed to be determined on its merits.

Cllr Ian Halsall stated that it was a difficult balance between maintaining the character of a listed building and meeting the challenges of the climate emergency and he considered the harm to the listed building to be less than substantial in view of the limited visibility and outweighed by the public benefit. He proposed that the application be permitted subject to the specification and design details of the panels being submitted and approved. Cllr Paul Crossley concurred with this view and seconded the motion.

Cllr Lucy Hodge stated that although she was supportive of climate emergency arguments she was concerned about the quality of the detail in relation to the application and would prefer a decision to be deferred pending further detail. In response to questioning, the Deputy Head of Planning confirmed that a deferral would be acceptable, but it was important that a timescale be set out for the submission of further details.

Cllr Ruth Malloy referred to the Bath Preservation Trust comments requesting further details about the design of the panels and that she supported a deferral to enable this information to be submitted before determining the application.

On voting for the motion to grant permission subject to the specification and design details of the panels being submitted and approved it was NOT CARRIED (3 in favour and 6 against).

Cllr Lucy Hodge proposed that the application be deferred. On seconding the motion, Cllr Toby Simon recommended that the application be brought back to the 26 July meeting unless the applicant submitted an alternative timescale.

On being put to the vote the motion was CARRIED (9 in favour, 0 against - unanimous).

RESOLVED

- (1) that the application be deferred pending the submission of a structural engineering report and further details about the specification and design details of the photovoltaic solar panels.
- (2) That the application be brought back to the 26 July meeting unless the applicant submits an alternative timescale.

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

In response to questioning about the Frome House applications, the Deputy Head of Planning confirmed that as there were two applications for the same site the applicants could implement either scheme. She undertook to bring back a report with further details on the costs with analysis from officers.

RESOLVED that the report be noted.

The meeting ended at 12.45 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	28th June 2023
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
	AGENDA ITEM NUMBER
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

BACKGROUND PAPERS

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

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

- [2] Department work sheets relating to each application/proposal as above.

- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)

 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal

- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

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

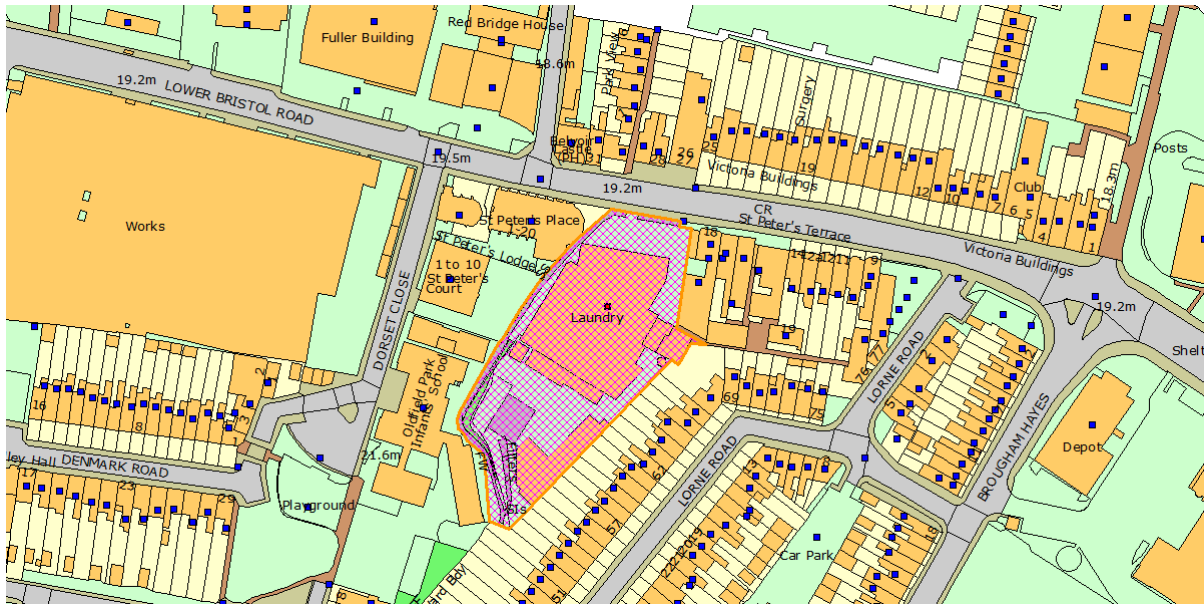
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	22/04431/FUL 28 April 2023	Vanguard Holdings Limited Regency Laundry Service , Lower Bristol Road, Westmoreland, Bath, Bath And North East Somerset Redevelopment of the former laundry services site to provide three storey building plus inset mansard roof comprising self-storage units (Use Class B8) with ancillary Business Centre Facility, signage and associated works	Westmoreland	Isabel Daone	PERMIT
02	22/04720/FUL 28 July 2023	Estates Department, The University Of Bath Eastern Sports Field, Sports Training Village, University Of Bath Campus, Claverton Down, Bath Construction of a floodlit, recyclable all-weather turf pitch and Multi-Use Games Area (MUGA), and additional lighting to the existing training strip.	Bathwick	Isabel Daone	PERMIT
03	23/00895/FUL 10 May 2023	Mr & Mrs J & S Flavell Waterworks Cottage , Charlcombe Way, Fairfield Park, Bath, Bath And North East Somerset Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission).	Lambridge	Samantha Mason	PERMIT
04	23/01067/VAR 12 May 2023	Mr S Croucher Land Between Three Gables And Paysons Croft, Church Lane, Bishop Sutton, Bristol, Bath And North East Somerset Variation of condition 7 of application 20/00257/FUL (Erection of dwelling).	Chew Valley	Angus Harris	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 22/04431/FUL
Site Location: Regency Laundry Service Lower Bristol Road Westmoreland Bath
Bath And North East Somerset



Ward: Westmoreland **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Colin Blackburn Councillor June Player
Application Type: Full Application
Proposal: Redevelopment of the former laundry services site to provide three storey building plus inset mansard roof comprising self-storage units (Use Class B8) with ancillary Business Centre Facility, signage and associated works
Constraints: Article 4 HMO, Agricultural Land Classification, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Vanguard Holdings Limited
Expiry Date: 28th April 2023
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

REASONS FOR REPORTING TO COMMITTEE

The application has been called to the committee by the local ward councillor. Following referral to the Chair and Vice Chair, in accordance with the Council's Scheme of Delegation, both decided that it would benefit from debate and decision at Planning Committee.

DESCRIPTION

The application site measures approximately 0.43 hectares and is located off the Lower Bristol Road, between Dorset Close and Lorne Road approximately 0.6 miles west of the city centre. It currently accommodates the Regency Laundry which comprises a single storey building with a curved roof that reaches approximately three-storey height and a two-storey frontage. The footprint of the existing building covers a large part of the site area.

The site is located within the Bath World Heritage Site but is not located within the Bath Conservation Area. The majority of the site falls within flood zone 2 with only a few areas falling within flood zone 1. There are a number of listed buildings which lie on the north side of Lower Bristol Road directly opposite the site including: Victoria Buildings (Grade II), Belvoir Castle (Grade II) and Park View (Grade II). The site is also identified as a site of potential concern in relation to contaminated land. The site is also located within the Bath Air Quality Management Area ("AQMA") and is within the Bath District Heating Priority Area.

The application is for the demolition of the existing buildings on the site and its redevelopment, to provide a three-storey self-storage building (Use Class B8), with an ancillary Business Centre Facility and associated works.

Relevant Planning History:

98/00934/FUL

PERMIT - 31 December 1998

Replacement of shopfront and internal alterations

99/00318/AR

CON - 11 June 1999

Display of a non-illuminated free-standing sign

99/01017/FUL

PERMIT - 6 March 2000

Erection of first floor extension

00/01009/FUL

PERMIT - 29 August 2000

Erection of single storey extension

03/03026/FUL

PERMIT - 26 January 2004

Erection of first-floor extension

20/03166/FUL

RF - 23 September 2021

Erection of two buildings of up to four storeys comprising co-living accommodation with co-working space to the ground floor, alongside landscaping works, cycle parking and disabled car parking bays following demolition of existing buildings.

22/04432/AR
WITHDRAWN - 23 March 2023
Erection of Totem sign with Fascia lettering

SUMMARY OF CONSULTATIONS/REPRESENTATIONS CONSULTATION RESPONSES:

COUNCILLOR JUNE PLAYER:

21st December 2022 -

- Whilst I find this to be a far better and more acceptable proposal than the previous ones that were submitted for this location, I still have concerns about how successful the proposed Gull Strategy will be, having read what the Council's Gull Officer, Gordon Dugan, has to say about it (see below) and ask that his points raised and suggestions made are investigated before a decision on this proposal is made.
- I also have concerns about the impact that the Totem sign will have. I was very taken aback when I saw the Visualisation 01 (Proposed Development) on page 34 of the D&A Statement Part 3 Background Papers 02/11/2022.
- The open feel along here is now to be seriously broken by this very bulky and solid looking monolith-designed feature which I feel is totally unnecessary and which creates such a negative impact along this section of the Lower Bristol Rd. The Visualisation 01 image really highlights how huge, unattractive and blocky-looking it is and, stuck right in the middle of the frontage. I find the design of both it and the proposed new frontage are hard and jarring which some curved features could easily soften and so bring about a far more pleasant experience to passers-by especially pedestrians. This will also help it blend in better with the architectural features of St Peter's Place which is an important building along this section of the Lower Bristol Rd and to my mind needs to be seriously taken into consideration.
- I feel the erection of the Totem sign should be refused as it is both not needed and totally unsuitable for this location.
- I note there is an objection submitted from a resident who is obviously most affected by this Totem sign and I have to support his concerns about the impact it will have on his property. I shall be visiting him after the Christmas Holiday and hope you will be able to arrange to do the same so that we can have a much better knowledge of this sign's impact on his residential amenity.
- I am very disappointed with the lack of trees at the front of the building and had thought there were to be more. Would it be possible for this to happen? The impact of this to all, including wildlife and the ecological and climate emergency situation we find ourselves in would be very beneficial and improve this part of the Lower Bristol Rd.
- I was surprised at the suggestion of there being a 'plane on display - highly visible to all and cannot help but feel something far more in keeping with Bath and its history could be included such as an attractive and colourful mosaic - a 'nod to Bath's history' which I feel would be of interest to far more people of all ages especially as the Lower Bristol Rd is a main route in to the World Heritage City centre of Bath.
- Should you feel that these concerns are not grounds for requesting amendment and you are minded to approve this application as it stands, then I am requesting that it goes to Committee on the grounds that it is contrary to Policy D6 Amenities of the Bath & North East Somerset Core Strategy (2014) and Placemaking Plan (2017).

CONTAMINATED LAND:

14th November 2022 - No objection subject to conditions

25th May 2023 - No objection subject to conditions

ECONOMIC DEVELOPMENT:

18th November 2022 - No objection

ARCHAEOLOGY:

1st December 2022 - No objection

AVON AND SOMERSET POLICE:

2nd December 2022 - No objection subject to comments

HIGHWAYS:

1st December 2022 - Scope for revision

28th March 2023 - No objection to conditions and S106 to secure travel plan

21st April 2023 - No objection to conditions and S106 to secure travel plan

5th May 2023 - Having reviewed the Traffic Management Plan, submitted in support of the Demolition Plan, there is no objection to the overall approach presented within the document. As confirmed in the earlier highway responses, other planning conditions are recommended should planning permission be granted, and these are presented below.

DRAINAGE AND FLOODING:

13th January 2022 - No objection subject to conditions

ENVIRONMENT AGENCY:

19th December 2022 - No objection subject to conditions

ARBORICULTURE:

20th December 2022 - No objection subject to conditions

ECOLOGY:

4th January 2023 - Objection

26th April 2023 - No objection subject to conditions

CONSERVATION:

6th January 2023 - Scope for revision

URBAN DESIGN:

12th January 2023 - Scope for revision

26th March 2023 - No objection subject to conditions

GULL OFFICER:

6th April 2023 - Scope for revision

REPRESENTATIONS:

All comments have been read in full and assessed by the case officer. Due to the length of some of the comments received, a summary of the main points is included below. Full comments are available on the Council's website.

BATH PRESERVATION TRUST:

- In principle, BPT supports the redevelopment of this brownfield site.
- Given the strong, residential character of the surrounding built environment we highlight potential conflict going forward between the success of this site and the amenity of adjoining residents.
- We have very strong concerns with the proposed height, scale, massing, and bulk of development which would constitute overdevelopment of the site and would have an adverse impact on local distinctiveness and the domestic scale of its surrounding townscape character.
- The development would propose an uninterrupted, four storey height across the entirety of the site without any variation in roof height or articulation to break up the scale or massing of the building. The overall height of the scheme would fail to respond positively to its low-rise, Grade II setting. In accordance with the Bath Building Heights Strategy, "it may be necessary for the height to be less than four storeys in response to heritage assets, residential amenity and to prevent intrusion in views."
- The proposals would see the height of the street-facing north elevation increase to three storeys (proposed Section D-D indicates that this would be of a taller height than the existing barrel roof of the Laundry building) and as such would increase the building's already heavy flat-roofed presence within the townscape and directly overshadow the Grade II Victoria Buildings and Belvoir Castle terraces. An increase in height would also challenge the standalone conical pitch roof of St Peter's Place.
- The cumulative impact of a deep plan with a continuous four storey height would therefore result in a monolithic structure of a bulk and massing at odds with its local townscape context.
- The oversized and impermeable scale and massing of the site would therefore be over-dominant and would fail to respond to or reinforce the visual amenities of the area, contrary to Policies D1, D2, and D3
- We therefore maintain that the proposed volume of metal cladding across all external elevations and the roof would result in a monotonous appearance with no

distinction in elevational treatment or roofscape and would not be appropriate within an area of predominantly residential grain.

- The extent of blank, four storey flanking walls would have an adverse impact on the amenity of neighbouring dwellings at Lorne Road.
- Overshadowing and loss of outlook
- We are therefore disappointed to see the submission of a bland, standardised scheme which clearly seeks to maximise the usable floorspace of the development and associated profit without proper consideration of impact on local character or amenity.
- The development would therefore be contrary to Section 12 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3, D5, D6, and HE1 of the Core Strategy and Placemaking Plan and should be refused or withdrawn.

3 other third parties have raised objection to the proposals and their comments are summarised as follows:

- Suitable use for the site
- Entrance sign is too large
- Totem sign will cause harm to residential amenity and visual harm
- Artefact in the entrance hall is inappropriate in this location
- Gull strategy is unacceptable
- Residential amenity will be harmed through noise and disturbance
- Flood risk
- Car club should be considered
- Developer should fund a car club space nearby
- Overbearing signage

One comment of support has been received, from an original objector, following revision to the scheme and is as follows:

It is positive to see the revisions to the applications, my appreciation goes to the removal of the large sign/totem, the adjustments to the building height and the gull management strategy.

I support the application. I have three further comments and questions:

1) Why is there no information required to state HOW the building will be built? There's no information on the construction timeline, operating hours, and mitigation strategy for all the disturbances (foremost - the noise and particulate pollution).

In my view, this should be included such that residents can take a view on different options. To remove this detail is to discriminate against anyone living here for just the next 6-18months, for whom they'll never actually experience the building in its completed operational state.

2) lighting - I still don't see any information on when the building will be lit at night. It talks about low-level lighting, but no detail. Given I live 5 metres from the entrance, this is most important.

3) Car Clubs - several comments were made but not addressed in the revised proposals. It remains insufficient to dismiss the car club space on the untested assumption that there

would not be demand from car club providers to use the space during operational hours. Please can this be answered? It's not good enough to let this important opportunity slide.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting
CP5: Flood Risk Management
CP6: Environmental Quality
CP13: Infrastructure provision
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy
BD1: Bath Design Policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
HE1: Historic environment
NE4: Ecosystem services
PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air quality
PCS4: Hazardous substances
SCR2: Roof-mounted/ building integrated scale solar PV
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new

policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

CP3: Renewable Energy
D5: Building design
D8: Lighting
ED2B: Non-strategic industrial premises
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
SCR7: Sustainable Construction Policy for New Build Non-Residential Buildings
SCR8: Embodied Carbon
SCR9: Electric Vehicles Charging Infrastructure

ST1: Promoting Sustainable Travel
ST3: Transport infrastructure
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

Planning Obligations Supplementary Planning Document (January 2023)

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
- Flood Risk and Drainage
- Urban design and landscape
- Heritage
- Archaeology
- Highways and transport
- Residential amenity
- Gull Management
- Ecology
- Arboriculture
- Contaminated Land
- Sustainable Construction
- Safety and security
- Targeted Training and Recruitment

PRINCIPLE OF DEVELOPMENT:

Policy B1 of the Placemaking Plan provides the overarching spatial Strategy for Bath. In regard to economic development, it highlights that there is a necessity to provide a net increase of 7000 jobs in the city by 2029. There has been a significant loss of industrial floorspaces within Bath over the last decade as shown within the data for the Bath and North East Somerset Annual Monitoring Report (March 2021). This demonstrated that since 2011 there has been a net loss of 47,386sqm of industrial space. Additional loss is also proposed through site allocations within the development plan.

The Bath and North East Somerset Employment Growth and Employment Land Review by Hardisty Jones Associates and Lamber Smith Hampton (March 2020) provides a useful analysis of the chronic shortage of industrial space within the area and the detrimental impact that this is having on the functional economy. This report demonstrates that negative impact that the loss of industrial space has within B&NES and Bath in particular. Future impacts in terms of employment growth, the proper functioning of the economy and the loss of future activity to other areas further compound these issues if this trend continues.

The most acute issues are within the industrial and warehouse market segment, which is primarily fuelled by a critical lack of supply in the Bath City area.

The current lawful use of the site would fall within Class E(g)(iii), which relates to industrial processes. The site is currently vacant. The proposal seeks the change of use of the site to B8 (storage and distribution) and the demolition of the existing building to provide a unit for self-storage. The development would increase the industrial/commercial floor area at the site significantly, by 4404.5sqm. The total floor area proposed is approximately 6563sqm. This uplift is clearly supported by Policy B1 and is the development is therefore in accordance with the spatial strategy for Bath.

Policy ED2B directly relates to non-strategic industrial sites. This policy makes clear that for the loss of an E(g)(iii), B2 or B8 use there must be strong economic reasons as to why other uses on these sites would be appropriate, given the chronic lack of industrial land. In this case, an E(g)(iii) use would be being lost but being replaced with a B8 use of increase scale. This follows this policy and is strongly supported.

It is therefore considered that the principle of development at this location is acceptable.

FLOOD RISK AND DRAINAGE:

The majority of the site is located within Flood Zone 2, with parts in Flood Zone 1. The development type (use class B8, storage and warehousing) is classed as "Less Vulnerable". According to the Flood Risk Vulnerability Classification Table 3, this is an 'appropriate type of development'. The building would be located largely in Flood Zone 2 and a sequential test is therefore required.

Paragraph 162 of the NPPF states that the "aim of the sequential test is to steer new development to areas with the lowest risk 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 risk of flooding.

The sequential test submitted with the application defines the Area of Search (AOS) on the basis that the proposed development is aimed at the Bath employment market, aligning with policies B1, ED2A and ED2B. These policies direct employment uses to areas of Strategic and Small Industrial Estates within Bath and the rest of the district. The sequential test submitted justifies the search area to encompass Bath and its immediate surrounds, with emphasis on the existing employment areas of the city as identified within the Bath Spatial Strategy. This is considered acceptable.

Paragraph 33 of the NPPF advises that "when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for development elsewhere".

The following criteria are given in the submitted sequential test which have been used to assess potential sites within the AOS:

- Site is in an area of lower risk (flood zone 1)
- Given the level of investment required in infrastructure to commence the use only existing industrial/warehouse building(s) or land to be developed for sale should be considered.
- Basic requirements for the existing premises are a floor space of around 5000m² of floorspace. Potential development sites have to be comparable in size and be able to accommodate the proposal
- Sites safeguarded within the development plan for other uses (or other designations) will need to be critically considered when assessing the potential acceptability of the scheme in these locations
- Whether the site is reasonably available for development.

These criteria are accepted, having had regard to paragraph 33 of the NPPG.

Appendix 1 of the submitted sequential test demonstrates that no comparable sites are available. This is considered to be reflective of the current undersupply within the AOS, which has been acknowledged in the principle of development section above.

It is therefore considered that the requirements of paragraph 162 of the NPPF are met, and the sequential test is passed. There are not sequentially preferable sites which would accommodate the proposed development within the agreed AOS.

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

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

A drainage strategy has been submitted which is based on discharging surface water into the adjacent watercourse, at a rate which represents a 30% reduction to the previous discharge. The actual level of betterment is greater due to surface water flows also being removed from the foul sewerage. The outline drainage strategy is acceptable in principle.

Alterations are also proposed to the engineered channel to the front of the development alongside the Lower Bristol Road. These alterations are also acceptable in principle.

A full and detailed drainage strategy can be secured by condition. Following discussion with the Drainage Engineer, this condition should be "pre-commencement" except for ground investigations and the demolition of the existing structures on site.

The Environment Agency has also been consulted on the application. They have no objection to the scheme subject to a condition securing compliance with the submitted Flood Risk Assessment and conditions in regard to piling controls and contaminated land. These can be added to any consent.

URBAN DESIGN, LANDSCAPE AND HERITAGE:

The application site is located within two World Heritage Sites. It is not within the Bath Conservation Area. The nearest listed buildings are located opposite the site on the Lower Bristol Road, including Victoria Buildings (Grade II), Belvoir Castle (Grade II) and Park View (Grade II). These are two storeys in height, primarily terraced, properties which line the opposite side of the street to the application site.

Demolition of existing buildings

The existing laundry building on the site does not make any positive contribution towards the setting of these listed heritage assets, or the character of the locality as a whole. The impact of the existing can be described as being negative/neutral and therefore its removal is not considered to be harmful to the setting of the nearby listed buildings, or the character of the locality.

Description of design proposals and context evaluation

The proposal involves the construction of a single building on the site, which will be set back from the frontage by a greater distance than the existing building. The footprint of the building is large and fills the majority of the site, with the exception of the forecourt and approximately 6.5m border around the side elevations. The building is also set slightly away from the rear boundary.

There are a variety of building types and forms within the immediate vicinity of the site. The immediate context is residential and Regency Laundry Site is somewhat of an anomaly within this location, with residential dwellings sited to the north (on the opposite side of the Lower Bristol Road), east (Lorne Road), south (Lorne Road, Victoria Road and Victoria Terrace) and west (St Peter's Place and St Peter's Terrace).

Moving further afield along the Lower Bristol Road to both the west and east, the character transitions to one which is more mixed, with an increase in commercial units. To the west, the site moves towards the recently consented Dick Lovett site (residential) and Bath Press (residential/commercial). Kia Motors is also located to the north-west of the site. To the east, there are residential properties as well as Pines Way Business Park, Travis Perkins and Platinum Toyota.

This varied character offers some opportunity for a degree of architectural freedom in regard to what may be considered an appropriate design. However, as the site's immediate context is predominantly residential, any design should respond sensitively to this character, whilst accepting that the site is currently in an industrial use.

Layout

As aforementioned, the building proposed is set further back from the Lower Bristol Road than the existing. This is to enable the siting of a forecourt to be used for vehicular parking. The building then pushes to the peripheries of the site, leaving a border for landscaping and ecological enhancements; this is around 6.5m. The increased area to the front of the building has allowed for the design of a more successful frontage when compared to the existing building, which will be explored in more detail below. The footprint of the development is accepted in design terms. The site is an anomaly with the immediate context, however views of it from the immediate street scene is limited at pedestrian level. It is also not considered that the building, despite its increased footprint would be harmful in longer range views.

Frontage

The proposal has been revised to address comments made by officers in regard to the building frontage and forecourt. The proposed building frontage features a portico design with large amounts of glazing to the front elevation. Whilst modern in appearance, the

portico will utilise Bath stone and metal cladding, samples of which can be secured by condition. The use of stone, whilst featuring sparingly on this elevation, is considered appropriate given the material context. However, the use of metal cladding and glazing breaks up this elevation and provides design interest. It also ensures that the building, with its angular design, does not appear monolithic. Given the proposed use of the site as self-storage, the design is considered to be appropriate to the setting and innovative in terms of its use of materials and portico to break up the massing.

The forecourt area has been redesigned so as to reduce the dominance of vehicular parking to the front elevation. Planting and trees are proposed, as well as a bridge across the existing watercourse which runs through the site. Making use of features such as this is supported. The addition of planting is considered to be acceptable and an enhancement to the street scene, given that the Lower Bristol Road severely lacks in Green Infrastructure. The forecourt area provides a pleasing setting to the building, whilst not detracting from the architectural design of the building. The railing design should reflect the character of the locality, and further details of boundary treatments can be secured by condition.

Height, Scale and Massing

The Bath Preservation Trust, June Player and other third parties have raised concerns in regard to the scale and massing of the proposed building. In response to this and officer concerns, revised proposals were submitted. These changes included:

- Reduction to the overall height of the building from 12.5m to 12m (approx.)
- Reduction in eaves level from 9.8m to 9.25 (approx.)
- Additional of recessed bays to the side elevations to break up the overall massing

For the avoidance of doubt, the Bath Preservation Trust have not removed their objection.

The proposed building has a lower height than St Peter's Place, which is a converted church and the focal building along this part of the Lower Bristol Road. The setting back to the building and slight reducing in height does help in retaining this character. As described above, it is not considered that from the frontage, the site is overly dominant or inappropriate within its context. It is considered that the revised scheme sufficiently responds to the context in this regard, despite the height of the building.

The building is significant in scale and massing and officers accept and acknowledged this. As originally proposed, no articulation to the massing was proposed. Suggestions were made by officers as to how this may be achieved to reduce the solid mass of built form on the site. The applicant has created inset panels along the side elevation on Lorne Road and the elevation bordering the school. These are fairly small, but this has been justified through the space requirements for the proposed use as self-storage. The Planning Statement Addendum makes clear that in order to be a successful and viable site, a certain level of floorspace needs to be achieved. The inset areas along the boundaries does provide some articulation, as does the use of the metal panelling. The site has very limited visibility from the public realm, with particular reference to the Lower Bristol Road. Whilst the frontage is highly visible, it is not possible to appreciate the depth of the site from this viewpoint. From wider views, the site already has an industrial character in itself and there is not a concern in this regard.

Given the limited visibility from street level, and the articulation, which is now being proposed, officers consider that, on balance, the proposal is acceptable in urban design terms. Whilst its character does not reflect the surrounding residential developments, it is appreciated that the site itself has a commercial character and has done since the 1800s. It would therefore be difficult for a commercial site to emulate its residential context. The use of the roof, which is stepped in from the side elevations of the building, breaks up the massing somewhat, adding some articulation to the roof form, although the large floorplate does limit its effectiveness in doing so somewhat. Carefully balancing the residential context against the historic and existing commercial uses, the proposed use, and the setting back of the building within the site, it is considered that on balance, the height, scale, and massing are acceptable.

Impact to heritage assets

The design changes which have been submitted during the course of the application are considered to address the comments provided by the B&NES Conservation Officer, who, following discussion, has no objection to the scheme. The re-use of the Belfast Trusses in some capacity is welcomed from a heritage perspective.

The setting back of the building within the site increases the visual separation between it and the listed buildings on the opposite site of the Lower Bristol Road. The Bath Preservation Trust have raised that the development will overshadow Victoria Buildings (Grade II) and would challenge the conical roof form of St Peter's Place (unlisted). This is not a view shared by officers. The setback in of the building within the site is considered sufficient to provide a visual separation between the building and Victoria Buildings; the relationship with St Peter's Place has already been addressed. The green setting proposed to the frontage is considered to enhance the setting of other nearby buildings, compared to the existing hard frontage.

Consideration has also been given to the Outstanding Universal Values of the World Heritage Sites, which are not considered to be harmed by the proposal.

Overall, the design of the scheme is considered to be acceptable and will not cause heritage harm.

Design conclusion

The proposal is considered to comply with the relevant design policies and be in accordance with policy CP6 of the Core Strategy, policies BD1, B4, D1, D2, D3, D4, HE1 of the Placemaking Plan and policy D5 of the Local Plan Partial Update.

ARCHAEOLOGY:

Based on the submitted information, it is not considered that the proposal will impact upon significant archaeology.

The development therefore accords with policy HE1 and Part 16 of the NPPF, in this regard.

HIGHWAYS AND TRANSPORT:

Following an initial consultation response from the B&NES Development Management Highways Officer, additional highways information and revised plans have been received. The report assesses these in Highways terms below.

Site access

The revised site layout plan shows an improved pedestrian route to the building from the public highway which resolves earlier safety concerns raised.

It is detailed that the existing two accesses are to be replaced to one access, approximately 7m wide located towards the east of the site.

The length of the dropped kerb at the site access is now shown on the plans and this will need to be incorporated into the highway works to facilitate the site access. The adjacent site also has a dropped kerb, and it may be more appropriate to provide a continuation of the drop, rather than raising the kerb in the middle. However, this can be agreed at a later date as part of the technical design process; a license will need to be secured for the kerb under Section 184 of the Highways Act 1980. This is a process that is separate from planning. The site access works, including the removal of the existing dropped kerb at the closed access, can be secured via planning condition.

The Swept Path Analysis of the proposed access arrangements show that a Refuse Collection Vehicle and Articulated Vehicle overrun the opposing carriageway when vehicle turns left out of the site towards the west. However, this has been an existing situation with the two narrow accesses and the single widened access will be a betterment. Additionally, the Transport Statement notes that lorries will not be expected to use the site access on a regular basis - 94% of the traffic is predicted to be cars and light goods vehicles.

The means of access is considered to be acceptable.

Trip Impact and Highway/Transport Capacity

Section 7 of the Transport Statement considers the Traffic impact of the development. The assessment includes a comparison of the estimated trip generation of the existing use and the proposed use generated from the TRICS database. TRICS is the industry standards system for estimating trip generation.

The existing land use is estimated to generate 9 two-way movements in the morning peak hour and 6 in the evening peak hour. The proposed building is estimated to generate 13 two-way movements in the morning peak hour, 13 in the evening. The busiest time will be between 12noon and 1pm, where 26 trips are generated. Over the course of a day (only 12 hours available in TRICS0, the site estimated to generate 201 movements in total.

The Transport Statement suggest that as the applicant is developing the site for its own use, it is appropriate to use its own visitor number based on other Vanguard sites which demonstrate a not dissimilar trip generation. However, the proposal would not be bound to Vanguard as an occupier. Therefore, officers rely on the TRICS data, which estimates that

the proposal would generate around one additional vehicle around every 15 minutes in the morning peak and every 8 minutes in the afternoon peak.

This is not considered a significant change in the context of the local highway network and is therefore acceptable.

Cycle and vehicular parking

20no. cycle parking spaces are provided, which is considered to be in accordance with the Transport and Developments Supplementary Planning Document (SPD).

The Transport & Development SPD details that for B8 storage and distribution, a maximum of 1 parking spaces should be provided per 250m²; a maximum of 26no. car parking spaces are therefore required.

A revised Accessibility Assessment has been submitted in support of a car parking provision of 13no. spaces. Highways officers have reviewed this assessment and are in agreement that the provision of 13no. spaces is acceptable and appropriate in this location.

Electric Vehicle Charging

The proposal includes four spaces which will have EV charging provision. This is in compliance with the Transport and Developments SPD. The SPD also requires that 50% of all spaces should be provided with passive charging, so that EV charging can be provided in the future. This can be secured via planning condition.

Refuse and emergency vehicle access

The refuse store is considered to be in an acceptable location to the east of the proposed building. Refuse vehicles are able to access the site, reverse to the bin store location and exit the site in a forward gear, and articulated lorries that occasionally visit the site can also manoeuvre on and off the highway in forward gear which is acceptable.

Travel Plan

The Transport and Development SPD makes clear that for new employment development, a Travel Plan will be required. This is to ensure that developments across the area support sustainable transport and minimise negative impacts.

The Transport Statement provides a Travel Plan, but this is lacking in detail. Therefore, a revised Travel Plan will need to be secured via condition. This condition will need to be pre-commencement but can be after any demolition and site clearance. This is due to the S106 agreement required to secure the Travel Plan bond which is explained below.

The Transport and Development SPD details that for B8 developments the developer/site owner will need to deliver the Travel Plan. A non-refundable monitoring fee of £4,775 needs to be secured to cover the costs of the Council in monitoring the implementation of the plan. Additionally, a refundable bond is also required to be secured and the amount is calculated using the square meterage of the site. For this development, the bond to be

secured is £77,443.30. The bond is repayable upon the successful completion of the Travel Plan or retained by the Council to implement remedial measures if the developer/site owner does not comply with the agreement.

The Section 106 has been drafted so that any contributions must be paid prior to commencement, not including demolition or site clearance. Therefore, the condition securing the updated travel plan must also have triggers which reflect this.

Car Club

Third parties have raised that a Car Club arrangement should be secured at the time. Given the nature of the development, this is not considered necessary to make it acceptable in highway terms and has therefore not been sought.

Overall, subject to conditions and the securing of the Travel Plan and bond, the proposal is considered to comply with the relevant transport policies of the Local Plan Partial Update.

RESIDENTIAL AMENITY:

A number of concerns have been raised by third parties in regard to residential amenity. For clarity, the impacts of the developments on different clusters of dwellings will be assessed, as there are properties surrounding the site.

St Peter's Place

St Peter's Place is located to the north-west of the existing Regency Laundry building. The existing building is located within close proximity to St Peter's Place, with the closest element of built form being approximately 1.5m away. This element of built form is single storey. The closest two storey element (the main laundry building) is approximately 7.8m from St Peter's Place.

No windows are proposed along the side elevation of the property which eliminates the potential for overlooking. Whilst the frontage does involve some levels of glazing, given the set back of the building from St Peter's Place, this is considered acceptable.

The proposed storage building will be located further back into the site. From the closest point of St Peter's Place, it is approximately 7.6m away. The relocation of the building within the site has the advantage of allowing an improved outlook from the windows on the pentagonal protrusion of St Peter's Place.

It is noted and acknowledged that the proposed building is taller than the existing, by approximately 3.5m. There is therefore the potential for increased shadowing as a result of the proposal. Appendix A of the Design and Access Statement provides a shadow analysis for St Peter's Place. It demonstrates that there will be some increased shadowing due to the increased height, but as a result of the siting of the proposed building further towards the rear of the site, this will not significantly impact St Peter's Place during the Summer Solstice and Spring Equinox. During the Winter, St Peter's Place already suffers from shadowing and the proposal is not considered to significantly worsen the existing situation. It is therefore accepted by officers that there will be some overshadowing from

the development, but not to a significant level which would warrant a refusal of the application on this basis.

A number of residents have raised concerns in regard to Seagulls and the proposed Gull Strategy. This will be reviewed separately in the next section of this report.

St Peter's Court

The flats at St Peter's Court are around 21m to 25m away from the proposed building on the site. Landscaping is proposed along Marl Brook which will have the advantage of providing some softening and screening to the development. Given this and the distance of separation, it is not considered that these residents would be significantly harmed by the development.

18 St Peter's Terrace

This dwelling is sited directly adjacent to the site and fronts the Lower Bristol Road. Windows are located on the side elevation of this dwelling which face into the site. The setting back of the building and enhancements to the site frontage will likely enhance the outlook from this dwelling.

Lorne Road

Lorne Road is located to the east of the site. The rear gardens of nos. 53-68 back onto the Regency Laundry site. The distance of the rear elevations of these dwellings from the site boundary varies slightly depending on the depth of the rear gardens; the range is approximately 13m to 17m. The proposed building is set away from the site boundary by approximately 6m. The properties on Lorne Road and their gardens are set at a ground level which is higher than the Regency Laundry site. This is demonstrated most clearly in Section B-B on drawing 452.P.200 P2.

No windows are proposed along the side elevation of the storage unit and as such, the potential for overlooking and loss of privacy is eliminated.

Overbearing:

In regard to potential overbearing impacts, it is noted and accepted that the height of the proposed building is greater than the existing arrangement. The building is set away from the boundaries with these dwellings by approximately 6m and there is a drop in the ground level between the properties and the site. As part of the landscaping proposals, semi-mature trees are proposed along this boundary to provide screening and softening. Perhaps most important to note is the existing situation. Some of the dwellings on Lorne Road (nos. 52-62) towards the rear of the site currently border the disused Dry-Cleaning Unit. The wall of this unit adjoins the boundaries of these properties and is considered to be an unsightly boundary treatment. The proposed building, although taller than this structure, is to be set away from the boundary with some tree planting in the land between the dwelling boundary and the building. This will soften the overall appearance of the building and for these dwellings, it is not considered that the proposal will appear significantly overbearing than the existing situation.

Nos. 63-68 also have gardens which face onto the site. From these gardens a number of buildings, as existing are visible, namely the main laundry building itself. Vegetation located in the rear gardens of nos. 66-68 provides screening for these residents as existing. The trees/vegetation are not within the site boundary but within the gardens of the dwellings. It is noted and accepted that the existing building is lesser in height than the proposed structure. However, given the long gardens these properties have and the setting back of the proposed building, combined with the landscaping, it is not considered that the level of overbearing impact would be significant to warrant a refusal. The existing context must also be considered. The site is in a built-up urban area of Bath, where back-to-back distances are generally lower than can be expected in suburban and rural contexts.

Overshadowing and loss of light:

The submission includes a shadow analysis within the Design and Access Statement which is welcomed. Lorne Road lies to the west of the development site and therefore, given the path of the sun over the course of the day, there is the potential for overshadowing during the afternoons.

The shadow analysis shows the development during the Summer Solstice, Spring Equinox, and Winter Solstice during 4 different time points over the course of the day. During the Winter months, as a result of the height of the sun, there is little tangibly difference in the amount of shadowing afforded to these dwellings when compared to the existing situation. During the Spring months there will be increased shadowing in the latter parts of the afternoon, into the evening and this is demonstrated on the 6pm shadow diagram. This shadowing will be to the backs of the houses themselves. Whilst there is an increase, this relates to direct sunlight only and the shadowing which will occur as a result. It is considered that given the separation distance between the building and the rears of the dwellings, these dwellings will still be afforded sufficient light during this part of the day.

The most significant difference is during the Summer Solstice. As with the Spring Equinox, there is no difference in the amount of shadowing up until 3pm, as demonstrated by the shadow analysis. During the latter parts of the afternoon and evening, there will be some additional shadowing, as shown on the 6pm diagram. The development will cause overshadowing to the majority of the gardens along this part of Lorne Road, to an increased extent. Officers accept that this is a worsening of the existing situation. However, within a built-up urban context, a degree of shadowing is to be expected, particularly given the fact that this is a commercial site within this context. The impacts will be felt for a small number of months during the year and during limited times (the late afternoon/early evening). Again, this relates to direct sunlight, and it is not considered that the proposals would result in a significant loss of indirect light to these dwellings.

The case officer has reviewed the sun diagrams, drawings and has visited the application site and a detailed consideration has been given to these matters. On balance, it is considered that although there will be an increased impact to the residential amenity of these occupiers due to overshadowing, given the existing site context, the small number of months and times of day when this impact will be most apparent, on balance the proposal would not result in a significant impact referred to by policy D6.

Loss of Outlook:

It has been cited in third-party comments that the proposal will result in a loss of outlook from the dwellings on Lorne Road.

As explained above, nos. 52-62 directly border a tall building on the existing site. It is considered that the scheme, which sets the proposed building further away and proposes landscaping would not result in a loss of outlook for these occupiers, given the existing context.

In regard to nos. 63-68, these dwellings currently look out onto the Regency Laundry site, which cannot be said to be a positive outlook. Whilst the development will introduce taller built form for these dwellings, the use of landscaping will soften this visual appearance. Again, it is acknowledged that the proposal will alter the outlook for these dwellings, given the existing context and the merits of the proposal, it is not considered that this would cause a significant impact which would warrant a refusal under policy D6.

Oldfield Park Infant School

The looks of outlook and impacts to Oldfield Park Infant School have also been raised as a concern by third parties. Policy D6 does not refer to schools. However, officers have considered the amenity impact to pupils of this school.

Pupils are no present at the school 24/7. Whilst the building may have some impact to the school spaces, most likely from early morning shadowing, it is not considered that there would be a policy reason to refuse the development on this basis.

Noise and disturbance

A number of concerns have been raised in regard to noise and disturbance during construction and operation.

A construction management plan will be secured by way of condition to ensure that noise during construction is minimised so far as possible.

The Planning Statement notes that other Vanguard sites operate 7am until 7pm during the week with shorter hours on a weekend. This is considered to be reasonable within an urban context. The use of the site as self-storage means that there will not be any industrial processes occurring and, in this regard, the proposed use is likely to be less disruptive than the existing lawful use. A condition can secure the hours of operation.

Careful consideration has been given to the impacts upon the local residents, given the close relationship that this commercial site has with residential properties. It is acknowledged that there will be increased impacts as a result of the scheme. However, on balance, it is concluded that these impacts will not be significant to a point which would warrant a refusal reason on this basis. As such, the scheme is considered to comply with policy D6.

GULL MANAGEMENT:

A number of concerns have been raised in relation to gulls. B&NES has an Urban Gull Strategy (2016-2019) and an Advisory Leaflet which provides a guide as to how developers can prevent nesting gulls on roofs. A Gull Management Plan has been submitted with the application and the Gull Officer was consulted for comment.

The Gull Management Plan proposes a number of measures which would help to prevent nesting gulls on the roof of the development. These include, but is not limited to, the following:

- Roof patrols
- Red coating on floor and inner roofs
- Litter and waste controls

The proposed Gull Management Plan is not definitive in its language and the Gull Officer has raised concern with some elements. However, it is considered that a full and updated management plan can be secured by way of planning condition, given that on the whole the design of the building is considered to be compatible with preventing nesting gulls.

ECOLOGY:

Following initial consultation with the Council's Ecologist, an Illustrative Site Lighting Strategy, revised plans and an Ecology Letter has been submitted.

Species

With the exception of bird scarers, the measures to protect and deter nesting gulls as per the Ecology Letter (Clarkson and Woods, February 2023) during the demolition of the buildings would be supported and can be secured by condition, through a Wildlife Protection and Enhancement Scheme. The use of bird scarers is ineffective, and this is echoed by the comments of the Gull Officer. A revised Gull Management Strategy can be secured by condition.

Biodiversity Net Gain

Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of major developments, a BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent), by a suitably qualified and/or experienced ecologist. BNG will be secured in perpetuity (at least 30 years) and a management plan will be required detailing how the post-development biodiversity values of the site will be secured, managed, and monitored in perpetuity.

A full BNG Metric has been submitted, using DEFRA version 3.1 which was the most-up-to-date version at the time of submission. The spreadsheet demonstrates that the scheme can deliver 68.58% net increase in habitats, as well as a 25.46% uplift in river units.

The scheme is therefore in full compliance with policy NE3a, and a condition can be added to any decision notice to secure a full and final BNG Plan, to secure long term management.

Lighting

The Illustrative Lighting Strategy (drawing no. 452.P.012 P1) demonstrates that a sensitive lighting scheme has been designed. In the more sensitive areas along each side of the building and to the rear, lighting will be limited to low level luminaires. This will help to avoid spill onto trees and Marl Brook. The general specifications include narrow spectrum warm white LED down lights and bollard lights. A full and final specification can be secured by condition.

There is no ecological objection to the scheme.

ARBORICULTURE:

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

A Tree Constraints Plan has been submitted with the application. Some perimeter trees will have a minor impact upon the site. These trees, which are privately owned, will require protection during the construction of the development, using Tree Protection Fencing. This can be secured via a planning condition.

The proposed landscaping of the site consists of strips of land around the perimeter which are to be planted with deciduous trees. A landscaping condition is proposed to secure further details of the proposed tree species so that this can be given further consideration.

CONTAMINATED LAND AND AIR QUALITY:

Taking into account the potentially contaminative historical use of the site as a tannery and laundry service, with the likely use and storage of solvents and chemicals, the use of numerous tanks on site, and the sensitivity of the surrounding area including a surface water feature adjacent to the site, a number of conditions are recommended to ensure that the development is safe. Subject to these conditions, there is no objection to the scheme in regard to contaminated land.

The application falls within the Bath Air Quality Management Area. Measures to mitigate the effects of demolition and construction on nearby residents, with particular regard to dust, can be secured by condition through a construction management plan. The number of vehicular trips to the site will be relatively low, with limited HGV movements. It is not considered that the proposal will give rise to unacceptable levels of pollution.

SUSTAINABLE CONSTRUCTION:

Policy SCR7 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Non-Residential Development. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable

construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

The Sustainable Construction Checklist has been updated as part of the LPPU. An old-style SCC has been submitted with the application, which was made valid before the adoption of the LPPU. However, in this case, this is considered acceptable because the SCC demonstrates a 100% regulated operational carbon emissions reduction as required by the policy. The scheme is compliant with policy SCR7 in this regard. The use of renewables is supported, and this contributes significantly to the achievement of this target.

Policy SCR8 of the Local Plan Partial Update relates only to large scale new-build development (a minimum of 50 dwellings or a minimum of 5000m² of commercial floor space). Such developments are required to submit an Embodied Carbon Assessment, having regard to the SCC SPD, which demonstrates a score of less than 900kgCO₂e/m² can be achieved within the development for the substructure, superstructure and finished.

Although not a policy requirement at the time of submission, at the request of the case officer, the applicant has provided a whole life carbon assessment. This assessment shows that the development will have embodied carbon emissions of 258.34 kgCO₂e/m². The scheme is compliant with policies SCR8.

SAFETY AND SECURITY:

Paragraphs 92, 97 and 130 of the NPPF require crime, disorder, and fear of crime to be considered at the design stage of development.

The surveillance for the proposed cycle store is low, given its location and it has been recommended by the Designing Out Crime Officer that this is relocated to the atrium. However, for space and design reasons this is not possible. Therefore, a dedicated CCTV fixed camera must be trained on the cycle storage, which is capable of reproducing identification quality images in all lighting conditions.

A CCTV plan and specification can be secured via planning condition.

TARGETED TRAINING AND RECRUITMENT:

The proposal triggers the requirement for a financial contribution towards Targeted Training and Recruitment. The developer has agreed to a contribution of £6545 to be used towards the following:

- 11 work placements
- 2 apprenticeship starts
- New job adverts

This contribution will be secured through a Section 106 agreement.

PUBLIC SECTOR EQUALITY DUTY:

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

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

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

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

CONCLUSION:

The scheme has been assessed against the relevant planning policies of the development plan. Careful consideration has been given to the comments of consultees and third parties. It is considered that the scheme complies with all the relevant planning policies, and it can therefore be recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

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

1. A refundable Travel Plan Bond of £77, 443 and non-refundable monitoring fee of £4,775
2. A financial contribution of £6,545 towards Targeted Training and Recruitment

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

1 Standard Time Limit (Compliance)

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

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

2 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated 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 plan shall:

1. Include tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations;
2. Include details of the design of any tree protection fencing proposed;
3. Take into account the position of the site office/welfare facilities, the location of service runs and the control of potentially harmful operations such as the storage, handling, mixing, or burning of materials on the site and the movement of people and machinery throughout the site;
4. Be shown on a scaled drawing.

The protective measures as stated in the approved annotated tree protection plan shall be fully implemented prior to the commencement of development and retained for the duration of the construction. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policies CP7 and NE6 of the Bath and North East Somerset Local Plan Partial Update. 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.

3 Wildlife Protection and Enhancement (Pre-commencement)

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

1. Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;
2. Details of protection measures for the Marl Brook during construction and operation to include protective fencing and pollution prevention measures;
3. Method statement for management of Himalayan balsam; and
4. Detailed specification and location plan for ecological enhancement recommendations in Ecological Impact Assessment produced by Clarkson & Woods dated October 2022 including provision of 12 x bird boxes (including boxes for swifts) and 6 x bat boxes.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

4 Contaminated Land - Investigation and Risk Assessment (Bespoke Trigger)

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

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

(ii) an assessment of the potential risks to:

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

5 Contaminated Land - Remediation Scheme (Bespoke Trigger)

No development shall commence, except for ground investigations and demolition required to undertake such investigations, 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:

1. A preliminary risk assessment which has identified:
 - i) All previous uses
 - ii) Potential contaminants associated with those uses

- iii) A conceptual model of the site indicating sources, pathways, and receptors
 - iv) Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of remediation measures required and how they are to be undertaken
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action

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, for the protection of controlled waters 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 policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

6 Construction Management Plan (Bespoke Trigger)

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

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Temporary arrangements for householder refuse and recycling collection during construction.

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

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

7 Construction Dust Environmental Management Plan (Bespoke Trigger)

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

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policies D6 and PCS3 of the Bath and North East Somerset Placemaking Plan.

8 Demolition Plan (Compliance)

The demolition and site clearance shall be carried out in accordance with the submitted Demolition Plan (received by the Local Planning Authority 11th April 2023) and Traffic Management Plan (received by the Local Planning Authority 2nd May 2023).

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update.

9 Detailed Drainage Strategy (Bespoke Trigger)

No development shall commence, except demolition and site clearance, until a detailed drainage design based on the approved strategy contained within the Flood Risk Assessment has been submitted and approved in writing by the Local Planning Authority. The design is to include plans, detailed drawings (flow controls, attenuation structures, watercourse modifications) and calculations demonstrating the performance of the surface water system at the critical 1 in 1, 30 and 100 +45% storm durations. The site's drainage infrastructure shall be installed in accordance with the details so approved.

Reason: To ensure an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy CP5 of the Bath and North East Somerset Core Strategy and policy SU1 of the Bath and North East Somerset Placemaking Plan.

10 Travel Plan (Bespoke Trigger)

No development shall commence, except demolition and site clearance, 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 Partial Update and the Transport and Development Supplementary Planning Document.

11 Biodiversity Gain and Habitat Management Plans (Bespoke trigger)

No development shall commence, except demolition and site clearance, until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver 0.89 habitat units and 0.14 river units. The Plans shall

be in accordance with the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include the following:

1. An up to date BNG habitat map for on-site proposed habitats.
2. Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
3. Long term aims and objectives for habitats (extents, quality) and species.
4. Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives.
5. A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland, and scrub.
6. Details of any management requirements for species-specific habitat enhancements.
7. Annual work schedule for at least a 30 year period.
8. A list of activities and operations that shall not take place and shall not be permitted within the HMP Plan area (for example use of herbicides; disposing of grass cuttings / arisings in "compost" heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access).
9. Detailed monitoring strategy for habitats and species, particularly the mixed scrub and urban tree habitats, and methods of measuring progress towards and achievement of stated objectives.
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
11. Proposed costs and resourcing, and legal responsibilities.

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

Reason: To protect and enhance ecological interests in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

12 Boundary Treatments (Bespoke Trigger)

No construction of the external walls of the development shall commence until full details of the boundary treatments to the site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

1. Materials and specifications of all boundary treatments (including walls, fencing and railings)
2. Colour and finish of all boundary treatments
3. Scaled elevation drawings of the boundary treatments
4. Scaled plans showing the locations of each boundary treatment

The site shall be bounded in accordance with the boundary treatment(s) so approved.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy,

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

13 Landscape Design Proposals (Bespoke Trigger)

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

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

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment, Biodiversity Gain Plan and ecological report shall include:

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

14 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 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.

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

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

15 Gull Strategy (Bespoke Trigger)

No construction of the external walls of the development shall commence until a Gull Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The measures within the approved strategy shall be installed as appropriate prior to the first use of the building. The Gull Management Strategy shall be implanted in accordance with the approved details.

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

16 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. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: In order to ensure that the land is suitable for the intended uses, for the protection of controlled waters 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 policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

17 Ecological and Biodiversity Net Gain Compliance Report (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

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

Reason: To prevent ecological harm and to ensure that biodiversity net gain is successfully provided in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

18 CCTV Plan (Pre-occupation)

No occupation/use of the development shall commence until a CCTV Plan and Schedule has been submitted to and approved in writing by the Local Planning Authority. The CCTV Plan and Schedule shall include the following:

1. Scaled plan showing the locations of all CCTV cameras
2. Specifications of all CCTV cameras to be used
3. A dedicated fixed camera trained on the cycle storage, capable of reproducing quality images in all lighting conditions.

The CCTV cameras and equipment shall be installed in accordance with the approved details prior to the first use of the site and maintained thereafter.

Reason: In order to provide a safe and secure development, in accordance with the National Planning Policy Framework.

19 Highway Works (Pre-occupation)

No occupation of the development shall commence until the highway works shown on drawing number 1174-007 Rev D has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by a safe and suitable and adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

20 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 Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

21 Flood Risk Assessment (Pre-occupation)

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Regency Laundry, St Peter's Terrace - Flood Risk Assessment & Drainage Strategy, ref. 22241-FRA&DS-01 v.2 dates October 2022, Jubb Consulting Engineers Ltd.) and the following mitigation measures it details:

1. Finished floor levels shall be set no lower than 19.85 metres above Ordnance Datum (AOD), as detailed in section 9.1.3.

2. Flood resilient construction techniques shall be incorporated into the design of the proposed development as detailed in section 9.1.5

These mitigation measures shall be fully implemented prior to occupation. They shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of the flooding to the proposed development, in accordance with policy CP5 of the Bath and North East Somerset Core Strategy and Part 14 of the NPPF.

22 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

23 Landscape Management Plan (Pre-occupation)

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the local planning authority prior to the first occupation/use of the development. The landscape management plan shall be carried out as approved.

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

24 SCR7 Non-Residential Properties (Pre-occupation)

No occupation/use of the development hereby approved shall commence until the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document 2023) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority, together with the further documentation listed below. The development must comply with the requirements of SCR7.

Energy performance calculations (e.g., SBEM) and the tables below are to be updated with as-built performance values.

1. Table 3
2. Table 5 (updated)
3. Building Regulations Part L post-completion documents for renewables;
4. Building Regulations Part L post-completion documents for energy efficiency;
5. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR7 of the Bath and North East Somerset Local Plan Partial Update.

25 SCR8 Embodied Carbon (Pre-occupation)

No occupation/use of the development hereby approved shall commence until the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR8.

Post-Completion Stage (using as-built values)

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

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

26 CP4 - District Heating (Pre-occupation)

Prior to occupation of the development hereby approved, a document demonstrating how the building has been futureproofed for connection to a district heating network shall be provided for approval. The document should state the preferred intake route for the district heating pipework to the heating plant room(s). The document should show how the building design follows the relevant clauses of Objective 3.4 "To Design or Modify Suitable Space Heating and Domestic Hot Water Services Systems" of the CIBSE & ADE Heat Networks: Code of Practice for the UK. Where a clause is not relevant the document should state why. Multi-residential buildings should also demonstrate how the design follows the relevant clauses of Objective 3.9 "To Achieve an Efficient Heat Distribution System Within a Multi-residential Building and Reduce Risk of Overheating".

Reason: To ensure that the approved development complies with Policy CP4 of the Core Strategy

27 Piling controls (Bespoke Trigger)

No piling or other penetrative founding methods are permitted unless details have first been submitted to and approved in writing by the Local Planning Authority. Any proposals for foundation methods that interconnect/span different ground strata and geology must be

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

Reason: To protect controlled waters and 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 in line with paragraph 170 of the National Planning Policy Framework.

28 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with, but not limited to, the approved Illustrative Site Lighting Strategy (drawing number 452.P.012 P1) and shall include:

1. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife.

The lighting shall be installed 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 Local Plan Partial Update.

29 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 policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework.

30 Hours of Use - Commercial (Compliance)

No customer or employee shall be served or remain on the premises and no vehicles shall enter the premises outside the hours of:

Monday to Friday (inclusive): 7am-8pm
Saturdays: 9:00am-6pm
Sundays and Bank Holidays - 10am-4pm

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

31 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

242-001 P2. Landscape Plan
242-201 P2. Planting Plan
242-801 P2. Illustrative Masterplan
452.P.011 P4. Site Plan as Proposed
452.P.012 P1. Illustrative Site Lighting Strategy as Proposed
452.P.100 P2. Ground Floor Plan as Proposed
452.P.101 P2. First Floor Plan as Proposed
452.P.102 P2. Second Floor Plan as Proposed
452.P.103 P2. Third Floor Plan as Proposed
452.P.104 P2. Floor Plan as Proposed
452.P.200 P2. Section A-A and B-B as Proposed
452.P.201 P2. Section C-C and D-D as Proposed
452.P.201 P2. Section C-C and D-D as Proposed
452.P.210 P2. Context Sections as Proposed
452.P.300 P2. Context Elevations as Proposed
452.P.301 P2. Context Elevations as Proposed
452.P.302 P2. Elevations as Proposed
452.P.303 P2. Elevations as Proposed

Above plans all received by the Local Planning Authority 17th March 2023

242-401 P1. Tree Pit Details.
452.S.001 P1. Location Plan

Above plans both received by the Local Planning Authority 2nd November 2022

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

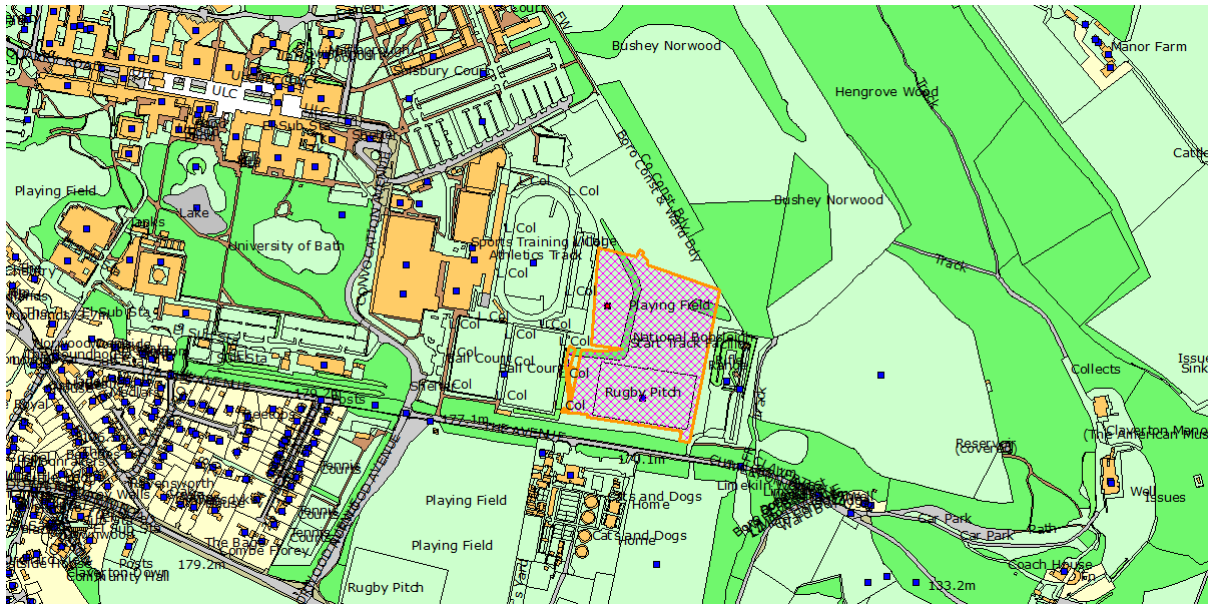
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

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

Item No: 02
Application No: 22/04720/FUL
Site Location: Eastern Sports Field Sports Training Village University Of Bath
Campus Claverton Down Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Manda Rigby Councillor Toby Simon

Application Type: Full Application

Proposal: Construction of a floodlit, recyclable all-weather turf pitch and Multi-Use Games Area (MUGA), and additional lighting to the existing training strip.

Constraints: Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,

Applicant: Estates Department, The University Of Bath

Expiry Date: 28th July 2023

Case Officer: Isabel Daone

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

REPORT

This proposal is for a new artificial turf sports pitch and multi-games area (MUGA), and associated infrastructure, located at the University of Bath. The site is allocated for Purpose Built Student Accommodation (PBSA) and an artificial pitch under Local Plan Partial Update Policy SB19.

The site is within an Area of Outstanding Natural Beauty and two World Heritage Sites.

In accordance with the Council's Planning Scheme of Delegation, the application has been referred to the Chair and Vice Chair. Both have decided that the application should be considered and debated by the Planning Committee with their comments as follows:

CHAIR:

This is a significant application with objections lodged by the ward councilor and local Parish Councils among other individuals and public bodies. There are numerous planning policies including environmental ones that need to be considered. This application needs to be debated in public in committee.

VICE CHAIR:

In light of the finely balanced recommendation the level of public interest and concerns expressed by the local ward councillor and some stakeholders, the complexity of this application should be considered by the planning committee.

Relevant Planning History:

The site has a lengthy planning history. Tree notifications, non-materials amendments and discharge of condition applications have not been included in the list below.

96/00307/FUL

APP - 13 December 1996

Erection of a first floor extension to new sports facility to provide office accommodation

96/00341/FUL

AP - 23 December 1996

Erection of entrance wall

96/00596/FUL

AP - 8 January 1997

Erection of new lift and shaft to exterior face of Building 3 West

96/00626/FUL

AP - 24 April 1997

Completion of Arts Barn Theatre

96/00644/FUL

RF - 7 March 1997

Erection of a three-storey and part single storey building to provide chemistry laboratory

96/00678/FUL

APP - 12 May 1997

Construction of 2 outdoor clay tennis courts

96/00681/FUL

APP - 25 February 1997

Alterations to existing access gates to sports areas

97/00352/FUL

APP - 4 June 1997

Use of existing temporary building for decant space for Chemistry Building

97/00782/FUL

PERMIT - 5 March 1998

Erection of a three storey building to house the School of Chemistry

97/00837/FUL

RF - 1 December 1997

Erection of temporary portakabins for housekeepers' office at car park K

97/01012/FUL

PERMIT - 16 March 1998

Alterations to external envelope of engineering block 4E to comprise 2 new door openings and 1 set of external steps

98/00004/AR

CON - 2 April 1998

Illumination of existing sign at Access Lane/Playing Field

98/00070/FUL

RF - 10 June 1998

Erection of a single storey extension to Westwood Nursery school

98/00076/FUL

PERMIT - 27 March 1998

Extension to Rugby pitch to full size

98/00298/FUL

PERMIT - 26 June 1998

Erection of a single storey building for research purposes on land adjacent to the South building

98/00570/FUL

PERMIT - 16 September 1998

Workshop infill at level 1 to building 2 west

98/00651/FUL

PERMIT - 7 October 1998

Erection of a single storey extension to Westwood Nursey School (Revised proposal)

98/00653/FUL

PERMIT - 14 September 1998

Enclosure of 6 columns at 5 West Level 1 to form a laboratory

98/01048/FUL

PERMIT - 21 January 2000

Erection of a single storey extension to existing nursery school to Westwood Nursery School

99/00199/OUT

APP - 18 October 1999

Demolition of single storey laboratory buildings and erection of three storey extension to 4 East with a first floor link to 6 East

99/00247/FUL

PERMIT - 5 May 1999

Erection of 3no. temporary storage units (1no. solvent store, 1no. acid store and 1no. store for decanting of solvents)

99/00261/FUL

PERMIT - 26 May 1999

Installation of 6 no. passive cooling units on tennis hall

99/00376/FUL

PERMIT - 26 May 1999

Erection of a two storey building in the space between 5 West and 5 West Annexe (The Glaxo Building)

99/00963/FUL

PERMIT - 17 July 2000

Installation of a "Radica Broadcast Systems Ltd" 10 metre high fibre glass mast with low power am radio transmitting aerial complete with ATU cabinet and perimeter guard fence

99/01034/FUL

PERMIT - 24 July 2000

Alterations to existing rifle range to provide new bobsleigh training facility

99/01036/FUL

PERMIT - 31 January 2000

Conversion of existing attached single storey garage attached to Medical Centre for use as a staff rest room

99/01230/FUL

PERMIT - 24 February 2000

Construction of a steel platform to accommodate ventilation plant to 4 west

00/00599/FUL

PERMIT - 25 May 2000

Insertion of new window to Building 6 West

00/00719/FUL

RF - 16 June 2000

Installation of two metal containers to provide a storage facility for the athletic track and adjacent astro turf pitches

00/00825/FUL

PERMIT - 9 November 2000
Erection of a new chemistry teaching and biology research building

00/01548/FUL
PERMIT - 22 September 2000
Renewal of opening window sashes to 2 west level 3 (senior common room) to incorporate additional transom and fixed light

00/01639/FUL
PERMIT - 28 September 2000
Erection of single storey extension over existing flat roof to 2 West Level 3 (Senior Common Room)

00/02248/FU
PERMIT - 5 January 2001
Conversion of redundant sound studio to office, and installation of a window

01/00077/FUL
PERMIT - 12 March 2001
Erection of two hurdle storage units, pre-manufactured corrugated metal self-assembly units located adjacent to running track

01/00142/FUL
PERMIT - 29 March 2001
Demolition of single storey laboratory buildings and erection of 3 storey extension to 4 East with first floor link to 4 East and single storey laboratory

01/00396/FUL
PERMIT - 9 April 2001
Alterations and extensions to workshop facilities at Norwood house

01/00453/FUL
PERMIT - 9 May 2001
Erection of plant platform and ancillary works

01/00718/FUL
PERMIT - 16 May 2001
Provision of open fronted storage shelters within the university waste management compound

01/01182/FUL
PERMIT - 11 July 2001
Alterations to shopfronts at Wessex House (level two) The Parade, to provide single retail unit

01/01264/EFUL
PERMIT - 12 July 2002
Construction of replacement western car park

01/01390/AR

RF - 28 August 2001

Display of 2No. Temporary externally illuminated free standing information boards, one at entrance to Quarry Road, and one at entrance to Norwood Avenue

01/01599/EFUL

PERMIT - 12 July 2002

"The English Institute of Sport": Erection of new sports building, new car park and road realignment, new bus terminal and landscaping at Sports Village and adjacent land to west and east.

01/02156/EFUL

PERMIT - 26 April 2002

Proposed student housing for 468 units of residential accommodation for students (Class C2)

01/02569/FUL

PERMIT - 21 January 2002

Erection of an extension to the estates office to house water storage tanks and a meeting room

01/02590/FUL

PERMIT - 29 January 2002

Alterations to storeroom at Eastwood Housing to create communications building

01/02697/FUL

RF - 11 February 2002

Upgrading of existing laboratory and installation of air filtration plant on outside of building

01/02726/FUL

PERMIT - 12 February 2002

Demolition of existing single storey timber building and construction of single storey radioactive store and laboratory (Revised proposal)

02/00247/FUL

PERMIT - 8 March 2002

Formation of external window to building 1 West, level 2, room 2.23

02/00776/FUL

PERMIT - 15 May 2002

Upgrading of existing laboratory and installation of air filtration plant on outside of building 5 West Laboratory 220/219 (re-submission)

02/00973/FUL

PERMIT - 10 June 2002

Erection of a horticultural glasshouse for estate use on land adjacent to compound and central stores

02/00979/FUL

PERMIT - 16 October 2002

Erection of 8 temporary portakabins for decanting during construction of new biology research building

02/01497/FUL

PERMIT - 7 August 2002

Construction of a storm porch on north elevation of entrance doorway to "Bucs" building

02/01832/FUL

PERMIT - 24 September 2002

Erection of an enclosure to house a water tank (Revised proposal)

02/01894/FUL

PERMIT - 21 October 2002

Extension to existing sports hall weights room to enclose existing undercroft area

02/01940/FUL

PERMIT - 1 October 2002

Extension to increase height of existing building to provide laboratory office space.

02/02004/FUL

PERMIT - 24 September 2002

Extension of 2 east level 1 to provide additional workshop accommodation.

02/02240/FUL

PERMIT - 16 October 2002

Erection of compound to accommodate compressed air equipment at the Department of Mechanical Engineering

02/02366/FUL

PERMIT - 19 November 2002

Installation of power operated exit doors at The Library

02/02378/FUL

PERMIT - 11 November 2002

Refurbishment of: Building 3 West Annexe. To create a new laboratory clean room facility and associated roof level works.

02/02578/FUL

PERMIT - 2 December 2002

Two-storey extension to Building 5 West to provide ASU Facilities

02/02719/FUL

PERMIT - 19 December 2002

Proposed roadside lay-by adjacent to the Department of Property Services

02/02941/FUL

PERMIT - 21 March 2003

Refurbishment of building 3 West Annexe to create new laboratory clean room facility and associated ground-level work

03/01185/FUL
PERMIT - 17 June 2003
Extension of 2 East Level 4 to provide additional laboratory and office space

03/02096/FUL
PERMIT - 31 October 2003
Lift for wheelchair users and other disabled people

04/00027/FUL
PERMIT - 7 April 2004
Erection of two-storey building for Physics dept., providing general teaching spaces and a lecture theatre, linking to existing 3 West Building with a bridge

04/01754/FUL
RF - 12 July 2004
Temporary covered seating area, changing facilities and toilets to Athletics Arena, Sports Village (Retrospective)

04/01805/FUL
PERMIT - 28 July 2004
Installation of external boiler flues on south elevation of Eastwood Student Residences (No's 12-19)

04/03830/FUL
PERMIT - 31 January 2005
Alterations and installation of an external fire escape staircase to building 6 West.

05/00309/FUL
PERMIT - 15 March 2005
Installation in building 3 west, of separate power-operated entrance and exit doors

05/01417/FUL
PERMIT - 20 June 2005
Removal of existing entrance steps to building 2 South and construction of new accessible ramp and steps together with new accessible parking bay

05/02430/FUL
PERMIT - 13 September 2005
Building 6 East, Level 1, south elevation. Formation of a wood store under existing colonnade.

05/03781/FUL
PERMIT - 1 February 2006
New research laboratories associated with existing 4 South Building

05/03926/FUL
PERMIT - 7 March 2006

Redevelopment of the demolished 4 West site to provide academic space and university offices including the refurbishment of the associated Parade Building and landscape treatment

05/03964/FUL

PERMIT - 30 January 2006

Re-routeing of generator exhaust flue serving the combined heat and power plant (Sports Institute Building)

05/04041/FUL

PERMIT - 1 March 2006

Exterior alterations and conversion of part of locker area to office and extension of triathlon office into adjoining changing room at Sports Training Village

06/00063/FUL

PERMIT - 14 February 2006

New door opening to 4 east annexe

06/00312/FUL

PERMIT - 3 April 2006

External alterations to the University Hall including installation of handrail to the roof, replacement door on west elevation, new metal external louver doors on south elevation of plant room and repositioned lobby doors on east elevation.

06/00536/FUL

PERMIT - 31 May 2006

Research facility for 3 year project constructing and testing dry stone retaining walls.

06/02031/FUL

PERMIT - 21 December 2006

New build student residence, providing a total of 358 undergraduate and postgraduate rooms and centralised recreation facilities on campus.

06/02190/FUL

PERMIT - 8 September 2006

A sand filled beach volleyball court.

06/02516/FUL

PERMIT - 14 August 2006

Five flag poles to be sited outside the main entrance of Sports Training Village to be used for advertising.

06/02627/AR

PERMIT - 15 September 2006

Display of 5 x flags 0.9M x 1.8M

07/00680/FUL

PERMIT - 31 May 2007

Replacement windows and external doors on fourth floor of building 3 west

07/02173/VAR

PERMIT - 27 September 2007

Variation of conditions 12, 13 and 14 of planning permission 05/03781/FUL dated 1st February 2006 to provide for two additional flues to roof

07/02659/FUL

PERMIT - 2 November 2007

Installation of an external disabled lift to Building 2 South

07/03777/FUL

PERMIT - 8 February 2008

Formation of secure storage area and plant room in existing undercroft at Founders Sports Hall

08/00316/FUL

PERMIT - 26 March 2008

Provision of footbridge over Quarry Road (bridleway AQ100)

08/01250/FUL

PERMIT - 28 May 2008

Installation of new plant including flues on roof over 5 West laboratory following removal of existing

08/04273/FUL

PERMIT - 11 February 2009

Replacement of parade facade windows at level 2, 4 Wessex Building

09/00947/FUL

PERMIT - 22 May 2009

Construction of multiple enclosures to five refuse stores to the parade underdeck.

09/00969/FUL

PERMIT - 18 June 2009

Erection of a new three storey academic building on the location of the existing clay tennis courts to the north of the sports training village and relocation of existing tennis courts

09/01312/FUL

PERMIT - 15 June 2009

Erection of a temporary scientific structure to ascertain the performance of prefabricated straw construction.

09/01316/FUL

PERMIT - 12 June 2009

Installation of windows to Pharmacy Department and chillers in courtyard to the rear.

09/04566/FUL

PERMIT - 24 May 2010

Levelling of the existing rifle range site, providing hardstanding for targets and a new entrance gate in the existing fence.

10/01332/FUL

PERMIT - 2 June 2010

Construction of a temporary test-build structure to monitor environmental performance of hemp-lime building components, as part of a Defra-funded research project at the University of Bath

10/02196/FUL

PERMIT - 26 November 2010

Erection of an outdoor retail kiosk on the pedestrian access to the sports training village, at the back of the East building

10/03315/FUL

PERMIT - 12 October 2010

Installation of new prefabricated cycle shelters following removal of existing cycle stores outside buildings 3 South and 4 South

11/03491/FUL

PERMIT - 14 November 2011

Installation of 3 antennas on free standing pole mounts and 3 small cabinets on a steel frame in the middle of the roof

11/04571/VAR

PERMIT - 9 December 2011

Variation of condition 1 of application 09/01312/FUL for an extension of a further 5 years (Erection of a temporary scientific structure to ascertain the performance of prefabricated straw construction.)

12/02424/FUL

PERMIT - 7 August 2012

Construction of water tank storage building

12/02626/FUL

PERMIT - 21 December 2012

Construction of new academic building to provide general teaching accommodation

12/01938/FUL

PERMIT - 12 July 2012

Temporary (3 years) provision of tiered modular spectator seating to astro hockey pitch.

12/02786/FUL

PERMIT - 22 August 2012 - Erection of a temporary Balehaus (adjacent to Esther Parkin Residence) following removal from existing location and change of use from research to residential and research use.

12/03055/FUL

PERMIT - 5 February 2013

Construction of 708 student bedspaces and a refectory in two buildings and replacement car parking.

13/00818/FUL

PERMIT - 21 June 2013

Construction of a bridge link to the GTA Building, external alterations to the existing boiler house and installation of new plant.

13/01648/FUL

PERMIT - 6 August 2013

Erection of extension over existing flat roof to workshop.

13/02336/FUL

PERMIT - 25 July 2013

Installation of electricity transformers and associated enclosure

13/02646/FUL

PERMIT - 6 September 2013

Creation of a plant room enclosure on the roof and replacement of windows of existing 1 West Academic Building on the University of Bath Campus

14/00953/FUL

PERMIT - 2 September 2014

Erection of a new 6 storey university academic building at the western end of the Claverton Down Campus. Accommodation comprises of Teaching, Research and Office space.

14/01036/FUL

PERMIT - 8 September 2014

Construction of a new academic facility on the south side of the Campus to provide additional accommodation and associated external works

14/04261/FUL

PERMIT - 16 December 2014

Erection of a single storey steel framed shelter for commercial use adjacent to existing university buildings.

15/01534/FUL

PERMIT - 15 May 2015

Construction of a single storey building at the southern side of the University of Bath Campus to house communications equipment.

16/00269/FUL

PERMIT - 11 March 2016

Erection of two storey research building (Use Class D1) and associated infrastructure and landscaping

16/01294/FUL

REFUSED - 1 August 2016

Erection of three storey extension to the rear of Eastwood 20/21.

16/03714/AR

CON - 30 September 2016

Installation of banners and window vinyls to advertise events and facilities within 'The Edge'

17/04193/FUL

PERMIT - 2 November 2017

Flat roofing upgrade works, areas of existing patent glazing affected by the roof works are to be replaced with new polyester powder coated aluminium windows and doors. Replacement guttering and downpipes to 4East.

18/01515/FUL

PERMIT - 4 June 2018

Erection of CCTV camera column

18/01279/AR

CONSENT - 26 June 2018

Display of 5no non-illuminated signs for sporting facilities at the University of Bath.

18/01322/FUL

PERMIT - 23 August 2018

Installation of rugby scoreboard.

18/02155/FUL

PERMIT - 18 July 2018

Permanent use of the Balehaus building as research/residential building (12/02786/FUL approved 22nd August 2012)

18/02997/AR

CON - 13 September 2018

Display of rugby scoreboard signage.

19/02848/FUL

PERMIT - 15 August 2019

Construction of 3G Training Strip and ancillary works

19/03829/FUL

PERMIT - 18 October 2019

Replacement of full height ribbon windows to three levels of the 2 West Building at the University of Bath, Claverton Campus and associated works.

19/05286/FUL

PERMIT - 26 February 2020

Provision of new communal hardstanding, seating, recreations and BBQ areas with external lighting and timber hit and miss clothes drying areas along with replacement of windows to kitchens and replacement of plant room front doors

20/00510/FUL

PERMIT - 4 August 2021

Landscaping works to create Home Space Area, plant 2no. trees, create new hardstanding and pathways, erect petanque pitch with seating, form 2no external

staircases and erect new external lighting with cleaning and renewal works to adjacent building with replacement cladding

21/01862/FUL

PERMIT - 7 October 2022

Proposed refurbishment and replacement of existing floodlighting and columns

22/03188/FUL

PERMIT - 13th October 2022

Retention of existing spectator seating serving hockey pitch, together with 'like for like' replacement of existing seating canopy.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

A summary of the main points raised through consultation responses is presented below. Full comments can be found on the Council's website.

Councillor Manda Rigby:

Two comments have been received from Cllr. Rigby as follows -

"I am requesting that this application comes to committee were the case officer be minded to approve.

It is a significant application which touches many policy points in planning and as such deserves to be heard in a public arena. With our new commitments to biodiversity gain, aspects of climate emergency mitigation being adopted in the LPPU, and the size and scale of this development in look and feel in a very sensitive area, the full committee needs to examine the proposals, not leave it to a single officer to decide such an important and contentious application. I have also made my objection comment on the portal which references the loss of biodiversity, the high impenetrable fence, the going against our climate emergency programme, the inappropriate development as some of the planning factors being taken into account.

I don't routinely ask for applications to come to committee, I do hope this one will be referred for a decision there."

"I am objecting to this application on various planning grounds including loss of biodiversity, inappropriate development e.g., the proposed fencing, ecological unsoundness with respect to local bat population, excessive height. Rather than go into detail here for all these comments I can expand on them at committee were the officer be minded to approve and request it comes to committee under those circumstances."

Bathampton Parish Council:

6th January 2023 - Notwithstanding the history of Bath University and its planning applications (or not), its seemingly insensitive approach and failure to implement required changes, and resultant enforcement actions, Bathampton PC is very pleased to be able to comment on this latest proposal. We are not experts in this field however and would be happy

to endorse the responses made by Bath Preservation Trust and the National Trust. The LPPU Inspector recognised that the previous pitches, at the very least, do not reflect the character and qualities of the wider AONB, but they have been approved and are there. We have no objection in principle to the planned new pitch and MUGA but seriously question whether the proposed fence is needed at all.

If it is needed then the proposed design is completely at odds with the area, it is unsightly and intrusive in an AONB and should not be permitted.

The main consideration from Bathampton's perspective is the high level of night-time light emission. This is already a problem for the bat and wildlife population. B&NES have committed to increase biodiversity, and we note that the Net Biodiversity Gain of this proposal is minus 60% and so is evidently inconsistent with the aims of B&NES. What is needed is a strategy to drastically reduce light spillage rather than to increase it.

22nd March 2023 - Bathampton PC continue to have severe reservations over the height of the fencing around the new pitch. But our main and overriding concern is the light spillage and light pollution from the University site as a whole, particularly from the sports pitches. We would like to see the University come forward with an overall strategic policy to reduce light spill from the whole site.

Claverton Parish Council:

17th January 2023 - Objection.

- Lighting impacts
- Ecological impacts as a result of light spill
- Alternative pitch locations have not been explored

Bathford Parish Council:

21st March 2023 - support the comments made by Peter Palframan, objecting to the application.

Sport England:

6th January 2023 - Objection

- SE are not supportive of the Campus Masterplan which sees the loss of playing field land to student buildings; objection was made at the LPPU hearings
- Proposal fails to be equivalent or better in terms of quantity (paragraph 99b of the NPPF) so is not policy compliant
- Artificial pitches may be unsuitable to accommodate some grass pitch sports or the standards of play or grades of competition required for some sports
- Not sufficiently flexible to readily accommodate changes in demand for pitch size and types
- Alternative layout may be more appropriate
- Playing pitches lost for PBSA (grass) not being re-provided
- Clarification over community access is required
- Community agreement could provide mid-week access for rugby clubs

- Should the LPA be minded to grant planning permission for the proposal, it might be referred to the Secretary of State, via the Planning Casework Unit

3rd March 2023 - Objection

- Remains an unnecessary loss of two natural turf pitches that are protected by the Council's Playing Pitch Strategy (PPS) and a third is affected
- Football Foundation (FF) advises that the loss of 2 grass pitches conflicts with the PPS.
- Matters regarding pitch pricing have not been addressed via the Community Use Agreement; Sport England would want input into these matters if secured by condition
- RFU advises that the applicant reduces the proposed "In Goal Area" by 1m at both ends to ensure a 5m run off is delivered to the full pitch perimeter
- RFU is unable to support the application and would like the applicant to mitigate the net loss of pitches

16th May 2023 - Objection

- We do not accept that the allocation of the site in the Development Plan must mean that the proposal is acceptable
- There will still be a quantitative loss of playing field as previously explained
- The application must be assessed against the PPS, which shows that there are shortfalls of provision for football
- The PPS is clear that playing fields should be protected and that any loss should be mitigated in line with the NPPF
- We doubt that the position regarding demand and supply of playing pitches was considered in any detail at the time the Inspector considered the LPPU

Cotswolds National Landscape Board:

19th January 2023 - Holding Objection until the following further information is submitted -

- Explicit consideration of Cotswolds AONB Management Plan Policy CE5 and advice contained within the Dark Skies and Artificial Light Position Statement within the LIA
- Results of the assessment of the impact upon the AONB (receptor 001) to be discussed within the LIA
- Expansion of the LVA to an LVIA to accord with the requirements of Policy SB19 and in particular the provision of visual representations of the proposal in winter-time conditions both in daylight and at dusk with lighting on
- Further detail on the nature and extend of the proposed earthworks

22nd March 2023 - Holding objection and recommend that the applicant either revises their proposal, in particular to reduce the scale and visual impact of the solid timber fencing the floodlights or withdraws the application

18th May 2023 - Object

We do not agree with the applicant's arguments outlined in their Landscape and Visual Technical Note (dated 25th April 2023) and out vie remains that the current proposals

would not conserve and enhance the landscape and scenic beauty of the National Landscape and, as such, would not be consistent with policies SB19 and NE2 of the B&NES Local Plan 2011-2029, paragraph 176 of the NPPF and policy CE1 of the Cotswolds AONB Management Plan 2023-2025.

National Trust:

- Potential for significant adverse impacts, particularly in relation to floodlight provision
- Increase in floodlighting on the eastern boundary and the cumulative impact of extensive lighting across the Campus will have an unacceptable impact upon the AONB
- Proposed fencing will not be effective in limiting the spill from 18m high columns
- LPA must consider whether any mitigation benefit from the fence is outweighed by the adverse impact of a crude visual and physical barrier within the AONB
- LVIA does not contain enough detail
- Night-time LVIA is a necessity
- More lighting columns at a lower height should be considered
- Spectator facilities a concern
- Ecological concerns
- Proposals should reflect the sensitive location in regard to landscape and visual impact
- Objection

Avon Gardens Trust:

- Object
- Uplift in terms of use of the pitch, due to increased capacity, and lighting will have a negative impact on the Bath Skyline Walk and outdoor events at the American Museum
- The submitted information does not explain the reason for siting such a major and potentially popular sport facility alongside an area of such high conservation value

Planning Policy:

Subject to other considerations, the provision of the replacement pitches is considered in conformity with policies SB19 and LVR6. However, as part of the justification and analysis against the NPPF paragraph 99, B&NES have referred to the benefits of the artificial grass pitch which allows more people to benefit from all the associated social and health benefits of physical activity. The University was progressing with a Community Access Agreement setting out how communities are able to book or access the pitch. It would be helpful to see this to ensure provision will be available and will benefit the wider community.

Planning Policy:

30th December 2023 - Scope for revision

16th January 2023 - No objection

Public Rights of Way:

19th December 2023 - No objection to the proposals but PROW team has a duty to ensure that the PROW network is not damaged by the proposal and the users of the PROW network are not adversely affected by the development. No Construction Management Plan (CMP) has been submitted with the application. Condition is required for a CMP. The applicant must visit the site with a PROW Inspector and any damage to the PROW must be repaired by the applicant.

16th March 2023 - No objection subject to conditions

Arboriculture:

11th January 2023 - No objection subject to conditions

Archaeology:

19th January 2023 - No objection subject to conditions

Conservation Historic Environment:

1st February 2023 - No objection in principle, subject to conditions to secure tree/vegetation planting/soft landscape scheme, together with ongoing management; this is to enhance the setting of the heritage assets.

Notwithstanding, there is scope for revision as it is considered that the impact of the scheme could be further reduced by lowering the height of the proposed floodlighting columns, and, lowering the height/improving the design of the proposed 6m fence

Highways:

1st February 2023 - Scope for revision

15th March 2023 - No objection subject to conditions

Natural England:

No objection subject to appropriate mitigation being secured in regard to the Bath and Bradford on Avon Bats SAC. The Cotswolds AONB Board should be consulted on revised information

Ecology:

No objection subject to conditions

Landscape:

3rd February 2023 - In terms of environmental planning, the project poses significant challenges. The construction of an artificial sports pitch with associated infrastructure including fencing and floodlighting in an Area of

Outstanding Natural Beauty immediately adjacent to a Green Belt boundary without causing environmental harm raises a number of obvious planning and design issues that need to be addressed and satisfactorily resolved.

Unfortunately, as submitted the application does not satisfactorily resolve these issues. A holding objection is therefore made pending resolution of issues of landscape, visual and lighting impact. Fencing and lighting design require further consideration. Photomontages are required. Confirmation is needed that personal safety of students, staff and others has been considered in the lighting design and how this has been balanced with ecological and other environmental requirements.

26th March 2023 - From the outset it was clear that in terms of environmental planning this project would pose significant challenges. The construction of an artificial sports pitch with associated infrastructure including fencing and floodlighting in an Area of Outstanding Natural Beauty immediately adjacent to a Green Belt boundary without causing environmental harm raises a number of obvious planning and design issues that need to be addressed and satisfactorily resolved.

Unfortunately, notwithstanding the revised plans and further information submitted in March 2023, the application does not satisfactorily resolve these issues. A holding objection is therefore maintained.

It is recommended that the scheme design including the proposed 4m high solid fencing is reconsidered in order to resolve issues of landscape, visual and lighting impact.

16th May 2023 - It remains my recommendation that the scheme design including the proposed 4m high solid fencing is reconsidered in order to resolve issues of landscape, visual and lighting impact.

Representations Received :

21 third parties have commented on the application, raising objection to the scheme. Multiple comments have been received by a number of these third parties and significant number have been received. The comments have been read in full by the case officer and they have formed part of the planning assessment. A summary of representations received is given below, rather than repeating the comments verbatim. Full comments are available on the Council's website.

Bath Preservation Trust:

19th January 2023 -

- Objection

- At this stage in the design process, BPT maintains strong concerns regarding the potential for ongoing, cumulative harm to the landscape setting OUV of the WHS and the appearance of the Cotswolds AONB, and potential adverse effect on an internationally protected species and its habitat, contrary to Policies B4, NE2, NE2A, and NE3. It has not yet been adequately demonstrated that development would contribute positively to a campus wide strategy for green infrastructure, landscape and ecology, or that lighting has been designed to minimise dusk to dawn illumination both on and from the campus, contrary to Policy SB19. Where proposals would result in an "unacceptable" level of

illumination into the sky, open countryside, or urban areas, this would further be contrary to Policy D8.

22nd March 2023

- Maintain holding objection
- Concerns have not been addressed

Campaign to Protect Rural England (CPRE):

- Object
- University already a major source of light pollution
- Noise pollution by increasing the usable time of the pitches through the provision of lighting

Summary of other third party comments -

- Site is 800m south of the Combe Down and Bathampton Down Mines SSSI (a component of the Bath and Bradford on Avon SAC)
- Impacts to light sensitive bat species
- Impact to Bechstein's Bats
- Floodlit pitch will have increased capacity (87 hours per week)
- Increase in light spill and light pollution
- Current levels of light spill are very high
- Current lighting levels may have already impacted upon bats
- Blue light can be harmful to human health, environment, and flora
- Not compliant with biodiversity net gain legislation and policies
- Impact to the two World Heritage Sites
- Contrary to CNL Dark Sky Position Statement and Management Plan
- Impact to the Green Belt
- Impact to the Claverton Conservation Area
- Impact to listed buildings
- Impact to the American Museum (Registered Park and Gardens)
- Detrimental to the landscape character of the AONB
- Existing site floodlighting and lighting at the university does not have planning permission
- East Car Park lighting unauthorised
- Consultation period for residents insufficient
- Inaccurate information submitted with the application
- Potential impact to badgers
- Impact to bridleway
- Flooding to the bridleway due to land raising
- Noise concerns
- Lighting to training strip should be subject to its own application
- BNG Metric not included in submission
- Impact to insects
- Artificial pitch is contrary to the Climate Emergency
- Camera settings for LVIA photography insufficient
- Choice of lens in verified views fails to meet the recommendations of the Landscape Institute

- There are a number of breaches of planning permission across the site
- Removes an area of natural grass
- Eyesore from public footpaths
- Unsightly and out of keeping
- Siting is inappropriate

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

CP5: Flood Risk Management

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

HE1: Historic environment

NE2A: Landscape setting of settlements

NE4: Ecosystem services

SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

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

SB19: The University of Bath at Claverton Down
DW1: District Wide Spatial Strategy
CP7: Green infrastructure
D5: Building design
D8: Lighting
LCR6: New and replacement sports and recreational facilities
NE1: Development and green infrastructure
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PCS5: Contamination
ST1: Promoting Sustainable Travel
ST2A: Recreational routes
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY:

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

CONSERVATION AREAS:

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

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

This report covers the following matters:

- Principle of development
- Artificial pitch construction
- Impact on landscape and character
- Heritage
- Archaeology
- Highways
- Ecology
- Arboriculture
- Flooding and drainage
- Residential amenity
- Any other matters
- Planning balance

SECRETARY OF STATE CALL IN:

Where a local planning authority is minded to grant planning permission for an application, despite receiving an objection from Sport England, then the requirements of the Government's Circular 02/2009 may apply. This Circular instructs Local Planning Authorities to notify the Secretary of State for Communities and Local Government of an application if the land is owned by a local authority or used by an educational establishment (currently or within the five years prior to receiving the application), and where Sport England has objected due to a current or resulting deficiency of playing field land in the area or because the replacement to be provided is inadequate. The requirement is set out in The Town and Country Planning (Consultation) (England) Direction 2009 and DCLG letter to Chief Planning Officers dated 10th March 2011. Where deemed appropriate Sport England will seek comments from the relevant National Governing Bodies of Sport to help inform its assessment of an application.

In this case, Sport England have not removed their objection to the scheme. Should the development receive a recommendation/decision to grant through either delegated powers or by Planning Committee, the application will need to be referred to the Secretary of State (The Planning Casework Unit). A decision will then be made as to whether the application should be called in for a Public Inquiry.

PRINCIPLE OF DEVELOPMENT:

The proposed development is for a new artificial turf pitch and multi-area games area (MUGA) located close to the existing sports training village. The proposal also includes

floodlighting to the proposed pitch, MUGA and existing training pitch in order to improve usability.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise; this is reiterated in the NPPF. The development for Bath and North East Somerset comprises the Core Strategy (adopted July 2014), the Placemaking Plan (adopted July 2017), the West of England Joint Waste Core Strategy (adopted 2011), and the Local Plan Partial Update (adopted on the 19th of January 2023). The Local Plan Partial Update has superseded and updated some of the policies within the Core Strategy and Placemaking Plan and carries full weight in determining planning applications. The site does not lie within an area which has a neighbourhood plan.

In regard to the principle of development, policies SB19 and LCR6 of the Local Plan Partial Update are relevant. Policy SB19 sets out the overall development framework plan for the University of Bath Claverton Down Campus. This policy has been updated from the Placemaking Plan through the Local Plan Partial Update (LPPU) and provides a more detailed policy framework and development requirements. Policy LCR6 sets out the requirements for new and replacement sports and recreational facilities.

Policy SB19 sets out that new purpose built student accommodation (PBSA) will be provided on an area which is currently grass pitches in the Eastern Playing Fields. The policy goes on to state that the "loss of playing fields resulting from the PBSA will be replaced by equivalent or better provision in terms of quantity or quality in a suitable location consistent with national policy (NPPF paragraph 99b). The provision of a 3G pitch would meet that requirement by significantly increasing the capacity and quality of the pitch provision across the campus. Responding to environment and health related concerns, a precautionary approach must be taken, and a completely recyclable pitch and natural crumb will be required unless it is demonstrated not to be feasible".

This application does not include the PBSA and is solely for the provision of the artificial pitch. However, the rationale behind its provision is so that the PBSA which forms part of the SB19 site allocation can come forward. The pitch must therefore be in accordance with policy SB19 in this regard.

Sport England have objected to the proposals. They have stated that the proposal will result in a net reduction of two playing pitches available at peak time. Sport England are not supportive of the university Masterplan which was highlighted at the LPPU hearings prior to its adoption. The masterplan, which is shown in the adopted policy (diagram 28 of policy SB19) within the Local Plan Partial Update, shows this area to be allocated for artificial sports pitches/courts.

Paragraph 99b of the NPPF seeks that the "loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location". Sport England conclude that the proposal would fail to be equivalent or better in terms of quantity. They state that there is a significant reduction in the number of playing pitches from four to one within the masterplan. At peak time, they note, only one single game could be held under this proposal when currently four can be held simultaneously. Sport England do acknowledge that artificial grass pitches or multi-use game areas (MUGAs) may be able to sustain more intensive use than natural grass

pitches. However, they note that they will not be preferred in relation to Exception 5 of Sport England's Playing Field Policy as they may be unsuitable to accommodate some grass pitch sports or the standards of play or grades required for some competitions. Sport England therefore are concerned over the proposed siting of the scheme and object to the proposal given the significant impact on peak time availability of playing pitches. Additionally, Sport England raise that existing grass football pitches are protected by the B&NES Playing Pitch Strategy.

This matter was discussed at length during the Local Plan Partial Update hearings with the Planning Inspector and Sport England's concerns were heard at the time. In his "Main Modifications" letter, the Inspector concluded the following:

"It is proposed that the Policy is amended so that the provision for replacement sports facilities would be undertaken consistent with paragraph 99 of the NPPF, and the requirements for recyclable artificial pitches amended to take account of the feasibility of the requirement. Concern has been expressed at the Main Modification (MM) stage that the replacement of several grass pitches with one artificial pitch would not be consistent with national policy as set out in the NPPF, in that existing provision would not be replaced by equivalent or better provision in terms of quantity or quality. However, I am satisfied that the replacement pitch in principle should provide better provision in terms of quantity and quality, given that the existing pitches are unlit and have poor drainage, which limits their usage significantly. I therefore consider that the policy as amended is consistent with national policy and is sound. The consistency of a planning application with the policy and NPPF would be assessed in detail at the development management stage..."

The submitted Planning Statement sets out that the existing pitches are currently used for hockey and other sports but are not suitable for high impact sports such as rugby. They also do not currently conform to the standards set by the Football Association. The poor drainage of the soils in this location means that the pitches are poorly drained and are therefore often unusable during the winter months. The pitches are also unlit which limits the hours of use. The Planning Statement goes on to detail that there is a significant unmet demand of 112.75 hours per week from the five sports clubs using the grass pitches and 44 hours per week from the hockey club. This unmet need also limits the amount of commercial and community bookings which can be accommodated.

The proposed pitch will replace a full size pitch which is used for competitive matches; mainly American Football. A junior sized pitch will also be replaced with this facility. Looking ahead, when the PBSA comes forward under this allocation, two further grass pitches will be lost for this development. Although the allocation accounts for this, at this time, this development is not before the Council and looking at the application on its own merits, the proposed artificial pitch will be replacing one full size and one junior sized pitch. The Planning Statement, however, accounts for the loss of the two pitches to the PBSA. The proposed artificial pitch would be available for 87 hours per week and would be used by five student clubs (football, rugby, ultimate frisbee, lacrosse and American Football). Existing bookings for these clubs would be transferred from the existing artificial pitches in the Sports Training Village and this would increase the availability for other sports such as hockey within these two pitches. The development anticipated in the masterplan as a whole would result in the loss of 4no. grass pitches, although only 2 pitches are proposed to be lost through this current application. These pitches have a weekly capacity of 20-24 hours per week. The proposal would provide 4 times this

amount. The proposal also includes a MUGA which will provide two netball courts and one basketball court.

It was highlighted by B&NES Planning Policy Officers during the LPPU hearings that the proposed artificial pitch will increase the number of matches that can be played, and it will significantly increase the capacity of sports pitch provision across the campus as a whole. Artificial pitches are recognised as durable, year-round playing surfaces, able to withstand intensive use and all kinds of weather. Whilst the comments of Sport England are noted, the principle of an artificial pitch in this location has been established through Policy SB19, which has been deemed to be sound by a Planning Inspector. The Playing Pitch Strategy which is referenced by Sport England formed part of the evidence base for the LPPU.

The RFU have been consulted by Sport England and have recommended that the proposed "in goal area" be reduced by 1m at both ends to ensure that a 5m run off can be delivered to the full pitch perimeter. The facility is sufficiently flexible to accommodate the required run off.

The need for a community user agreement is highlighted by B&NES officers, the RFU and the Football Foundation. The university are committed to providing community access to the facilities and a community user agreement can be secured by planning condition as part of any permission.

Overall, in so far as it relates to the principle of development, the proposal is considered to comply with policy SB19 which, despite the ongoing objection from Sport England, has been found sound by a Planning Inspector. The scheme is also considered to be compliant with paragraph 99b of the NPPF for the reasons discussed above.

Moving to policy LCR6, new and replacement sports facilities will be permitted within a town or settlement provided that complement the existing pattern of recreational facilities and are accessible by sustainable transport modes.

The proposed development will be located directly adjacent to the sports training village and on an area currently used for sport. The site is acceptable via a number of buses. The scheme is considered to comply with both of these criteria.

Overall, it is considered that, on balance, the principle of development is acceptable, and the scheme complies with policies SB19 and LCR6 of the Local Plan Partial Update, as well as paragraph 99b of the NPPF in so far as they relate to the principle of development.

ARTIFICIAL PITCH CONSTRUCTION:

In response to environmental and health concerns, Policy SB19 takes a precautionary approach and makes clear that only a fully recyclable pitch and crumb will be acceptable, unless it is demonstrated that this is not feasible.

The main concerns identified relate to the potential risk of exposure to polyaromatic hydrocarbons (PAHs) which are contained within the SBR granulate, which forms part of the performance infill of traditional synthetic pitches. PAHs are common and people are widely exposed to them through breathing air which is contaminated by cigarette or wood smoke and motor vehicle exhaust fumes. High or prolonged exposure to PAHs can cause

cancers. In 2020, the results of a major European scientific study undertaken by internationally respected independent researchers were published in the Science of the Total Environment Journal. They concluded that cancer risks for exposure to PAHs were below 1 in 1 million. Notwithstanding this, and in compliance with the policy, the university have eliminated the use of SBR granulate from the proposed turf system.

The system will use Brockfill, which is a vegetal (organic) infill, replacing the traditional rubber crumb. This will offer the same performance as SBR. The fill is produced from pine grown in high density, sustainable forests in the USA. Brockfill is a relatively new material, coming to the Market in 2019, and has not been commonly used in the UK but is used in the USA.

Additionally, using Brockfill eliminates approximately 120 tonnes of microplastics over a traditional installation.

There is the potential for synthetic turf fibre to degrade or disconnect from the back layer. The proposed pitch uses a woven construction method as opposed to a latex coating which will reduce the risk of the fibre becoming disconnected from the backing layer.

The life cycle of the pitch is as follows:

Performance infill

Natural wood performance infill can be used as soil amendment for golf courses, lawns and gardens.

Stabilising infill

The sand stabilising infill can be cleaned and re-used again for the same purpose or used to improved drainage on natural turf fields

Synthetic turf

The proposed product uses one type of polymer for the artificial blades of grass which are woven, using a pioneering technique, onto a backing which is made from the same polymer. This requires no glue, binders, or latex. This means that the turf can be recycled in a 1-step process.

Shock pad

The proposal utilises a pre-formed shock pad. The proposed Brock Shock pad represents the most sustainable product and design in the industry. At the end of its life (25 years) the material is re-processed and remade into the same product - it is cradle to cradle certified.

End of life recycling

Options for recycling synthetic turf are limited, but several options are emerging into the UK market. The Outline Management Plan details one possible option:

"Replay Recycling combines Blue Castle, experts in 'difficult to recycle' materials, and Passport365, a cloud based, web and mobile application enabling the complete tracking and tracing of synthetic surface recycling.

Passport365 not only improves visibility for both the owner of the pitch, the contractors involved and those at Replay Recycling, but also improves efficiency, reporting and reduces paperwork, further improving the environmental impact.

100% of the synthetic surface is recycled, with Blue Castle's expertise the process has been continually refined to ensure minimal to no wastage, converting the entire surface into usable and high-quality output product whether that be the performance infill, the sand or the synthetic fibres that can be used in a large number of recycled plastic products.

By creating a solution for synthetic pitches reaching end of life, Passport365 has enabled the field owner to have a complete history of their surface, its makeup, and facilitate a reduction in the organisation's carbon footprint."

Overall, it is considered that the university are using a system which accounts for the potential harm from contaminants and is one of the most sustainable synthetic pitch options on the market. The system is not widely used in the UK and the university are committing to the sustainability credentials by utilising this system. As such, the proposal complies with Policy SB19 in this regard.

IMPACT ON LANDSCAPE AND CHARACTER:

A number of third parties, including the Cotswolds National Landscape Board and the National Trust, have objected to the proposal with regards to the adverse impact that it will have on the landscape and rural character. There are two main issues of concern which are raised by both third parties and the B&NES Landscape Officer; the proposed fencing and the floodlighting. These matters will be examined in turn below.

The site is located within the Cotswold AONB, however it is noted and accepted that the site itself displays very few of the qualities typical of the AONB landscape and has a relatively lower value.

Lighting:

Policy D8 has regard to lighting and states that applications for lighting will be permitted provided that it does not have a detrimental impact upon visual and residential amenity. Whilst not enshrined in the policy, the pre-amble surrounding Policy D8 cites the Institution of Lighting Professionals ILP Guidance Note as being a useful document to be used as guidance when assessing applications for artificial lighting. The site is within the Cotswolds AONB and therefore Policy NE2 is also relevant.

The ILP Guidance categories the natural environment into 5 zones. The site has been defined by the applicant as being within Zone E1 which are defined as "dark" and relate to relatively uninhabited areas and AONBs. Although the university site is something of an anomaly within the AONB in that it appears somewhat suburban within its rural context, given the relationship with the AONB and the rural areas surrounding it, officers are satisfied that Zone E1 is an appropriate classification.

The justification for the necessity for floodlighting is set out in detail within the planning submission. To summarise, by providing additional lighting, the pitch capacity is greatly increased in regard to playing time. The lighting enables the replacement facilities to be of

at least equivalent provision to the existing, in compliance with Policy SB19 and paragraph 99b of the NPPF. Policy SB19 also recognises that new floodlighting is likely to be necessary and makes clear that must be designed in compliance with relevant standards.

The lighting scheme has been designed to try and maximise efficiency, whilst minimising the amount of light spill. The ecological impacts of the lighting will be assessed in the "ecology" section of this report. The proposed lighting columns will be 18.3m in height for the pitch and 15.4m in height for the MUGA. This reflects the best design response for the facility in terms of lighting requirements for the matches which will be played at each pitch type, as well as resulting in more limited light spill and more lighting control.

The proposed columns are taller than those already on the campus. However, the landscape cross-sections demonstrate that the columns will be positioned at a lower base height which results in the height of the top of the columns above ordnance datum being appreciably lower than the neighbouring hockey pitches. This is considered to be relevant for wider viewpoints as it will reduce the landscape and visual impact in this regard. However, in closer range views the positioning at a lower height will have a limited impact in mitigating the visual and landscape impact of the columns as the viewer is likely to be at a similar ground height to the columns itself.

In regard to light spill, the proposed lighting optimises a design to reduce spill as far as possible, whilst retaining the necessary levels of lighting required for the matches which will be played. The lighting will be seen within the context of the existing site, which features floodlights as existing. It has been raised by a number of third parties that no planning permission for a number of these floodlights has ever been found. Having reviewed the planning history, aerial imagery, and comments from third parties it is considered that even if these lights did not have a planning permission, they have been in situ for over four years (likely significantly longer) and would therefore be considered lawful. Given the design of the lighting proposed, the levels of spill are not considered to be significantly harmful and will be limited as far as possible. The comments from third parties and consultees are noted. However, it is considered that the lighting design will sufficiently mitigate the potential for light spill. With direct reference to the site context, the proposal is considered sufficiently retain the darks skies characteristic of the Cotswolds AONB. Conditions controlling the hours of illuminance would be appropriate to limit the impact still further.

In regard to the lighting, it is therefore recognised that there will be harm to the landscape character as a result of the height of the floodlighting columns, particularly with reference to the closer range views of the site.

Fencing:

During the course of the application, the fencing has been revised to exclude the mesh element. The proposed fencing will be close boarded and around 4m in height.

The site is in an extremely sensitive location ecologically, which will be further explored in the "ecology" section of this report. Given the location of the site in relation to bat corridors, the level of light spill has to be mitigated. Best practice guidance makes clear that no more than 0.5 lux of light should impact bat habitats and corridors. The submission details that this could be achieved without the requirement for fencing. However, policy

SB19 part 8 goes further than this and specifies that boundary habitats will be retained with an appropriate buffer and maintained as dark corridors to ensure continued use by horseshoe bats. Light spill levels onto sensitive habitats should not exceed lux level thresholds defined by current best practice. A 10m buffer is considered appropriate. The fencing is therefore necessary to mitigate the light spill from the floodlights and also reflective light from the development.

In landscape terms, the reduction in the height of the fence to exclude the mesh element undoubtedly reduces the visual and landscape impact of the scheme from wider viewpoints. However, from closer range views, including the public bridleway adjacent to the site, the proposal would fail to preserve the existing landscape character. Table 2 of the Landscape Technical Note which accompanies the application recognises that there would be an adverse effect on the character of the site and that the overall effect would be at the "moderate" level. The Council's Landscape officer raises significant concern with regards to the fence. It is considered that there will be adverse landscape and visual effects as a result of the proposal and that these are significant in planning terms; this is a material planning consideration.

It is therefore considered that the proposal will cause adverse landscape and visual impacts by way of the height of the floodlighting columns and the proposed fencing. It is considered that these impacts will be greater at a more localised level and from longer range viewpoints will be less significant. It is also clear that there is a balance to be struck in regard to the impacts to ecology and landscape in regard to the application and the requirements in terms of fencing for ecological mitigation.

Officers consider that the proposals fail to preserve and enhance the landscape character of the locality, contrary to policy NE2 and the part 15 of the NPPF. However, it is recognised that this impact must be balanced against other material considerations for the scheme. This is undertaken in the planning balance section of this report.

HERITAGE:

A number of concerns have been raised in regard to heritage by third parties and the comments received form part of the officer assessment.

The application site is located within two World Heritage Sites and the "Extent of the World Heritage Sites Setting" which lies beyond the World Heritage Sites boundary. Consideration must therefore be given to the impact the proposals may have on the Outstanding Universal Values (OUVs) of the World Heritage Sites and their setting.

Additionally, the application site lies a short distance to the west of Claverton Conservation Area. There is a duty placed on the Council under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to preserving or enhancing the character or appearance of the Conservation Area.

The site is also located a short distance to the west of Claverton Manor Garden, which is on the Register of Parks & Gardens of Special Historic Interest at Grade II. The effect of the proposed development on a registered park or garden (or its setting) is a material consideration in determining planning applications.

There are also a number of listed buildings located broadly to the south east of the application site. Accordingly, there is a duty placed on the Council under Section 66(1), when considering whether to grant planning permission for development which affects a listed building or its setting, that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF Annex 2 makes clear that the extent of the setting of a heritage asset is "not fixed and may change as the asset and its surroundings evolve". The importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. Settings of heritage assets can therefore change over time.

The setting of the heritage assets identified above essentially comprises woodland, parkland, open and green spaces. This landscape character and setting makes a positive contribution to the significance of the heritage assets. The OUV of the World Heritage Sites of most relevance to this application is "the green setting of the city in a hollow in the hill". Consideration of setting must also include the existing University campus grounds which have changed in character overtime. The site has been developed and sporting facilities, which include structures such as floodlighting columns, are already a feature. The proposed scheme would be seen and viewed within this context. The application site is largely screened from the wider area by existing tree belts and vegetation. The site does not feature within any relevant documentation, such as The City of Bath Management Plan, the City of Bath World Heritage Site Supplementary Planning Document, or the Claverton Conservation Area Appraisal, as falling within a significant view or panoramic viewpoint.

Physical elements of the proposed development which are most likely to be visible from beyond the site boundaries would include the 18.3m high floodlighting columns and the solid fencing, which has been reduced to approximately 4m in height with the mesh element removed. Additionally, light spill as a result of the proposed floodlighting columns is also a consideration. However, these aspects of the proposed development would be viewed within the context of the existing sporting facilities at the university, existing (and recently consented) floodlighting columns and telecoms mast that are already visible from surrounding viewpoints. The well-established and mature trees that contribute so positively towards the significance of the heritage assets would remain, despite the proposal. The additional planting that forms part of the soft landscaping layout has the potential to enhance the setting of heritage assets further. Although parts of the proposed development would be visible above and/or through the tree belt, overall, the tree cover is such that that the development would largely be screened. On balance it is therefore considered that the effect of the development would not unduly compromise the ability to appreciate the established landscape character and setting of the heritage assets.

Given that the trees make such a positive contribution of the significance of the heritage assets and towards the "green setting of the city" as one of the OUVs of the World Heritage Sites, it is essential that the planting of new trees/vegetation and ongoing management is secured by planning condition.

For the reasons set out above, it is considered that on balance the proposal would preserve the character and appearance of the adjacent Conservation Area and preserve the special interest of the nearby listed buildings and their settings.

It is considered that the harm caused to the World Heritage Sites, as a result of the floodlighting columns and fencing design, is less than substantial and the lower end of the spectrum. Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significant of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.

The proposal will result in the construction of a fully recyclable all-weather pitch. There are a number of public benefits to the proposal which include:

- Increasing the capacity of playing pitches in this location and meeting unmet student and community demand
- Will free up capacity at other existing facilities to increase playing time
- 2 additional netball and basketball courts will be delivered providing a new asset on campus

The proposal would therefore significantly improve the quantity and quality of sports provision across the campus, which will realise increased community use. Attributing significant weight to the conservation status of the World Heritage Site in this balance, it is considered that these benefits are sufficient in outweighing the less than substantial harm (at the lower end of the spectrum) to this heritage asset.

As such, the scheme can be considered to be compliant with policies CP6 and B4 of the Core Strategy, policy HE1 of the Placemaking Plan and part 16 of the NPPF.

ARCHAEOLOGY:

An archaeological desk-based assessment has been submitted as part of the package of application information. The assessment concludes that based on available evidence, any archaeological remains on the university site are likely to be of local, or possibly regional, significance. Previous archaeological investigation in the site area of the proposal indicates that if remains are encountered during development, that they would likely fall within the locally significant category. Based on the HER data and the assessment, this proposal does have the potential to impact upon such remains should they be presented. Therefore, a condition should be attached to any permission to ensure the recording of any archaeology impacted by the development.

It is considered that, subject to this condition, the proposal is compliant with policy HE1 of the Placemaking Plan in respect of archaeology.

HIGHWAYS:

In response to comments provided by the B&NES Highways Development Control Team on 1st February 2023, revised information was submitted with the application. Of relevance is the IMA Transport Planning Note, dated March 2023. This note responds to issues raised within previous highway comments.

The Highway Authority has no objection in principle to the development in this location. The university's Travel Plan has not been updated since 2016. The Transport Note comments that a review was due to be undertaken in 2021, however due to a number of factors (including the pandemic), this has not been undertaken. The Highways Authority

would welcome the agreement of a planning trigger for the updating of the Travel Plan. It has been rationalised in the Transport Note (TN) that there have always been community uses of the sports facilities at the University. The current Travel Plan (TP) covers travel to the university by such visitors and it is noted that staff and students living on-site are the largest creators of travel demand by the university.

The provision of the pitch proposed by this application forms part of allocation SB19, as set out in the principle of development section of this report. Its provision will allow for PBSA to come forward, as per the site allocation. The provision of PBSA will have a significant impact upon travel; more so than the proposed pitch. Policy SB19 has regard to this and states that an up-to-date TP will be required. It is considered that the submission of any application for PBSA at the campus would be a suitable planning trigger for the updating of the TP and therefore, it has not been requested within this application.

The transport information provided with the application has estimated that there would be only a minimal highway impact associated with the proposals. The areas of seating which were originally included within the proposals have been removed which will help to ensure that there are no significant additional people movements to and from the site. The TN provides further detail with regards to on-site parking opportunities and a "snap-shot" parking survey has also been completed. This demonstrated that there would be some spare capacity within the nearest car parks when community uses are expected.

The current submission makes some reference to the preparation of a Community Use Agreement, and that this would possibly be secured by an appropriate planning condition. This is considered to be an appropriate approach and would ensure that the facility is available for use at suitable times. The need to manage parking issues could be included as part of this process.

The comments regarding the ability to control vehicular movements to and from The Avenue are noted, and that the existing gate will remain in place and closed. It is also acknowledged that the pitches would not be accessibly for pedestrians from The Avenue, and this would strongly encourage users to park within the University car parks.

Bridleway BC74/1 is directly affected by the proposals and is a Public Right of Way (PROW). Concerns have been raised by third parties in regard to the maintenance and condition of the PROW. The transport information confirms that maintenance and emergency vehicles will continue to access the area via this Bridleway. This is an existing arrangement and is considered acceptable.

During construction, vehicles will need to access the development site using the Bridleway from The Avenue. If the anticipated disturbance to the bridleway is significant, then a temporary path closure may be required to facilitate the development, and this will need to be agreed with the PROW team through a process which is separate to planning.

A planning condition requiring the submission of a Construction Management Plan will be required as part of any consent and this must contain details of any closures of the Bridleway which may be required, so that it can be formally agreed with the PROW team. It should also be noted by the applicant that the B&NES PROW team will only maintain the surface of the bridleway to a standard suitable for pedestrians, cyclists and horse-

riders. Any surface damage caused to the Bridleway by ongoing vehicular traffic must be repaired by the university.

Subject to conditions securing a Community Use Agreement and a Construction Management Plan, the proposal is considered to accord with policies ST1, ST2A and ST7.

ECOLOGY:

In relation to ecology, the application has submitted the following documentation:

- Ecological Impact Assessment (Ethos, Nov 2022)
- Biodiversity Net Gain Metric and Results (Ethos, Nov 2022)
- Details of the proposed lighting design for access lighting (DFL, Nov 2022)
- Lighting Impact Assessment (DLF, Nov 2022)
- Details of the playing pitch lighting proposals and predicted light spill calculations (Musco, Nov 2022)
- Shadow Habitat Regulations Assessment (Ethos, Nov 2022)

The site is approximately 750m from the nearest SSSI component of the Bath and Bradford of Avon Bats Special Area of Conservation (SAC). There are known bat flight routes along the tree lines adjacent to the site and the submitted recent bat surveys confirm the continued use of these habitats by light sensitive bats associated with the nearby SAC. The designated Site of Nature Conservation Interest (SNCI) known as "Bathampton Down and Woodlands" lies 100m to the east of the development site at its nearest point and extends south and north east.

Biodiversity Net Gain

Policy NE3a of the Local Plan Partial Update has regard to Biodiversity Net Gain (BNG). It states that development will only be permitted for major developments where a BNG of a minimum of 10% is demonstrated and secured in perpetuity. This includes any off-site habitats which are required to fulfil this.

The proposal will give rise to the loss of existing modified grassland and will replace it with a synthetic surface. Third parties have raised that this will be harmful to ecology and biodiversity. Details of compensatory measures, including habitat enhancements and new planting are provided to avoid a net loss in biodiversity/ These proposed measures and the ecological and BNG assessments have been assessed by the B&NES Ecologist and are appropriate and acceptable. Their implementation and further details of long-term management can be secured within a Landscape Ecological Management Plan (LEMP). This can be secured via planning condition.

The BNG assessment includes an area of habitat which falls outside of the red line boundary. Off-site gains are acceptable within the remit of policy NE3a. An appropriate legal agreement will be necessary and is being sought to secure the long-term delivery and retention of the off-site BNG land.

The proposal provides at least a 10% BNG and is therefore in full compliance with policy NE3a.

Habitats Regulations: Test of likely significant effect

Due to the proximity of the site to the SAC and the potential effects on existing habitat of the proposal, especially arising from the proposed lighting, it is considered that, without mitigation, the scheme is potentially capable of a "likely significant effect" on the SAC and SAC bats (or habitats upon which they may depend). The applicant has documented a shadow Habitats Regulations Assessment (HRA).

The Local Planning Authority are a competent authority, and it is their responsibility to produce the HRA and be accountable for its conclusions. The Local Planning Authority can adopt the shadow HRA should they wish, as opposed to producing a new assessment.

Proposed lighting, submitted light spill modelling and lighting assessment

The ecological impacts of lighting are considered to be potentially capable of being substantial, including potential impacts on bat activity and for light-sensitive bats associated with the nearby SAC.

A full season of bat surveys were undertaken, including a transect survey each month between April and October, as well as static detector surveys using six detectors. Lesser and Greater Horseshoe bats were recorded on detectors located on the southern and eastern tree belts. Horseshoe bat commuting routes have been identified within the proximity of the site and are as follows:

- The Avenue
- Woodland path in the southern tree belt
- Bushy Norwood to the east of the site

The proposal has the potential to impact these habitats due to the proposed floodlighting.

Modelling of light spill has been provided with the application and this demonstrates that the proposals will not result in spill above 0.5 lux onto the southern and eastern tree belts. The Lighting Impact Assessment (Nov 2022) takes account of the cumulative effect of the proposed lighting and the lighting recently approved on the Ball Courts under application 21/01862/FUL. The modelling provided is a worst-case scenario with all luminaires operating at full output.

Natural England note in their comments that the proposed fence is required to ensure that the proposal will not result in direct or reflective light spill onto the tree lines.

Natural England have also confirmed that the conclusion of the submitted shadow HRA is accepted and state that "a condition must be attached to any permission given to secure the operation and installation of lighting in accordance with the submitted strategy. The condition must restrict the installation of additional lighting without written consent of the Local Planning Authority. A Construction Environmental Management Plan must also be secured by condition which includes measures to ensure construction lighting does not impact the southern and eastern tree belts.

Since the Chair Referral Report, additional comments have been received by third parties in relation to the impacts of the development on Bechstein's Bats. An Addendum Note (Ethos Environmental Planning, May 2023) has been provided which addresses this issue.

The note concludes that the sensitive lighting design has been prepared in line with the current bats and lighting guidance. Whilst the text of the HRA focusses on mitigation for Horseshoe Bats associated with the SAC, the dark corridor will be provided for all bat species, including Bechstein's, This is accepted.

Subject to the adoption of the shadow HRA by the Local Planning Authority and to conditions securing a CEMP, ecological mitigation, no new lighting, a landscape ecological management plan and a legal agreement to secure the off-site BNG, the proposals is not considered to have an adverse effect on the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC), either alone or in combination with other plans or projects. There is no objection to the proposal on ecological grounds.

ARBORICULTURE:

Trees to the south and north of the site are protected by the Bath and North East Somerset (University of Bath, Claverton Down, Bath 317) Tree Preservation Order 2018. The submission includes an Arboricultural Impact Assessment and Method Statement.

The proposed tree pruning identified in the report relates to the existing maintenance access and no arboricultural objected is raised in respect of these works.

The section drawings indicate that the pitch does not extend further towards the tree belt beside the avenue than the existing arrangement. The existing bank appears to remain intact and so the tree belt should not be affected provided that precautionary measures are taken to contain construction activities. The section drawings also indicate that the group of trees identified as G1 within the submitted tree report should not be affected by the changes in ground level.

The pitch also extends northwards towards the trees protected under TPO (W18) and incorporates level changes. The access route around the pitch is within the root protected areas (RPA) of the perimeter trees which results in the need to include no-dig construction methods which usual consist of a three dimensional cellular confinement system which is laid on top of the existing ground. No addition planting would therefore be possible to reinforce this woodland parcel on the southern aspect, potentially increasing the reliance on off-site trees to provide green infrastructure along the north eastern boundary. No outright objection is raised to this, and the applicant is asked to have regard to this.

The Arboricultural Officer has raised concerns in regard to the proposed location of the PBSA on the masterplan which is contained within the planning statement. However, this is not the subject of this application and therefore cannot be considered.

Subject to a compliance condition securing that the development takes place in accordance with the submitted Arboricultural Method Statement, there is no objection in regard to trees and the development is considered to accord with policies NE1 and NE6 of the Local Plan Partial Update.

FLOODING AND DRAINAGE:

In response to comments raised by the Lead Local Flood Authority, revised information was submitted by the applicant in respect of drainage. This included updated drainage

calculations and design (drawing reference P22-015-02-T4). The drainage design provides an acceptable method for managing surface water from this development and compliance will be secured by condition.

The proposal is considered to be compliant with policy CP5 of the Core Strategy and SU1 of the Placemaking Plan.

RESIDENTIAL AMENITY:

The closest residential dwelling to the site is located to the south, on the opposite side of The Avenue, adjacent to the Bath Cats and Dogs Home site. There are other dwellings located further down the Avenue to the east and to the west.

A number of third parties have raised concerns that the increased capacity of the pitch will create additional noise and disturbance for residents who live close by. Officers note that there are a number of pitches within close proximity to the site and residential dwellings, some of these are floodlit. As such, there will already be a degree of noise and disturbance from the site. The hours of lighting can be controlled by condition, which will limit playing time. Whilst there will be an increase in noise from the increased capacity, given the separation distance between the site and the dwellings, as well as the existing situation, it is not considered that the impacts will be so significant to justify a refusal reason on this basis.

Due to the specification of the floodlighting and the proposed fencing, it is not considered that levels of light spill will cause significant impacts to residential amenity.

PUBLIC SECTOR EQUALITY DUTY:

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

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

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

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

PLANNING BALANCE AND CONCLUSION:

It has been identified that the proposal will cause landscape and visual harm by way of the height of the proposed flood lighting columns and the fencing. Due to the land levels and the nature of these elements, the harm to the landscape is considered to be relatively localised.

The site is within the Area of Outstanding Natural Beauty. Paragraph 176 of the NPPF makes clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. Policy SB19 of the Local Plan Partial Update recognises that the site is within the AONB and comments that opportunities to use the required earthworks and planting should be explored to provide screening. The harm to the AONB in regard to the landscape character and visual impact must be balanced against other material considerations.

As recognised in the "principle of development" section of this report, in order to ensure that a pitch of equivalent or better provision is provided, the floodlighting is required. This ensures that the capacity of the pitch is such that it is a betterment upon those which it is replacing. The pitch itself is a requirement of policy SB19, to enable Purpose Built Student Accommodation to come forward as part of the allocation. Without the floodlighting, the pitch may not be considered a sufficient replacement facility; indeed, policy SB19 recognises that floodlighting is likely to be required.

The floodlighting itself has been design to a specification which is as ecologically and landscape sensitive as possible, without compromising the usability of the pitch to the sporting standards required. The heights of the columns are such that the spill can be more limited. What is also recognised, is that the site is in an extremely sensitive location ecologically. Light spill onto bat SAC habitats and corridors must not be greater than 0.5 lux and policy SB19 goes further in requiring a buffer to help to maintain these dark corridors. This is to help ensure and encourage continued use by bats. The proposed fencing is required to be solid and of this height to ensure that the ecologically necessary levels of light spill are achieved. If the fence was removed from the scheme, or reduced in height, the development would not comply with these levels contrary to local and national policy and UK Law. Conversely, if the floodlighting was removed or reduced in height, it would likely not delivery the required standard for the sport proposed to be played at the site and would therefore not delivery the quality of pitch required by policy SB19 and paragraph 99b of the NPPF.

From wider views, the impact of the fencing will be reduced, and views will be limited from such viewpoints. This is by virtue of the reduction in height. Although the floodlighting columns will be visible, the lie of the land means that they will be set lower at the base than the surrounding ground level, helping to reduce visibility. They will also be seen within the context of the surrounding university site, which features sporting paraphernalia such as floodlighting as existing. It is acknowledged and accepted that from close range views, in particular the bridleway which runs adjacent to the site. In order to try and improve the visual appearance of the fence, the planting is proposed to provide some screening to the fence and soften the overall appearance; this will also have an ecological benefit. However, it cannot be denied that the proposal will cause a change in the character of the locality and this part of the AONB which is not considered to preserve its character.

Therefore, to summarise, the matters which weigh in favour of granting permission are as follows:

- Allocation of the site as part of policy SB19 for an artificial pitch
- Necessity of floodlighting to give the pitch the required capacity to comply with policy SB19 and paragraph 99b

- The increasing in the capacity of playing pitches to allow more university and community use
- Necessity of the fencing to ensure that the floodlighting does not give rise to adverse ecological impacts (specifically bats)
- Soft landscaping to screen the fencing where possibly and provide ecological benefit

The matters summarised above and discussed within this report must be balanced against the harm to the AONB which must be given great weight. It should also be noted that there is identified harm to heritage assets, although officers are satisfied that the benefits of the scheme can outweigh this less than substantial harm which, as aforementioned, is at the lower end of the spectrum. The harm to the AONB is relatively localized and the character of the site does not share the qualities for which the AONB is designated. It is part of the university complex and in this regard does not share the characteristics of the AONB. This does not, however, diminish its importance which is still being attributed great weight as per paragraph 176.

Taking all of the above into account, officers consider that, on balance, the scheme is acceptable. The necessity for the fence and floodlighting has been clearly explained and documented and the heritage matters are resolved given the public benefits of the scheme. Beyond the landscape matters, therefore, there is no other reason to refuse the development. As such, officers recommend the granting of permission, subject to conditions and a legal agreement to secure offsite BNG.

RECOMMENDATION

PERMIT

CONDITIONS

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

1. The provision of off-site biodiversity net gain and the long-term management of this land.

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

1 Standard Time Limit (Compliance)

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

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

2 Archaeology - Watching Brief (Pre-commencement)

No development shall commence, except archaeological investigation work and demolition required to undertake such work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological

work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant 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. This is a pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

3 Construction Environmental Management Plan (Pre-commencement)

No development shall take place (including ground work or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall be in accordance with (but not limited to) the recommendations in Section 6 of the approved Ecological Impact Assessment (Ethos, November 2022) and shall also include:

1. Details and responsibilities of an ecological clerk of works (ECoW), and times/frequency of visits before and during the construction phase when a professional ecologist will be present on site, including to carry out pre-commencement checks for wildlife, and of pre-commencement fencing and exclusions zones, and provision of toolbox talks (as applicable); details of precautionary working methods and any other measures as required to avoid and minimise the impacts during construction on wildlife and on retained vegetation and habitats
2. A Construction Lighting Strategy, to include proposed details of hours, frequency, and duration of use of construction lighting, including that lighting shall be turned off at night and when not in use, and that outside of daylight hours use shall be minimal; and details to demonstrate that construction lighting shall not impact the southern and eastern tree belts or other sensitive ecology or features

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreement in writing by the Local Planning Authority.

Reason: to avoid harm to existing and retained habitats and species during site preparation and construction works in accordance the policy NE3 of the Bath and North East Somerset Local Plan Partial Update. The above condition is required to be pre-commencement as it involves approval of measures to ensure wildlife that would be otherwise harmed during site preparation and construction phases.

4 Landscape Ecological Management Plan, Lighting Compliance Plan and Biodiversity Net Gain (Pre-commencement)

No development shall commence until full details of a Landscape and Ecological Management Plan (LEMP), and a Lighting Compliance Plan (LCP), which must each be specific to the scheme and site, have been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include full details of the proposed delivery of

the Biodiversity Net Gain Results report (Ethos, November 2022). The LEMP and LCP shall also include the following:

1. A list of long-term ecological, landscape and sensitive lighting aims and objectives (as applicable)
2. Proposed management prescriptions, methods, and operations, as applicable to meet the stated aims and objections, and an annual work schedule for a minimum of a 30-year period
3. Details of costs, legal, responsibility and resources
4. Proposed scheme to monitor, report on and demonstrate compliance with the approved LEMP and Biodiversity Net Gain delivery, and approved lighting, lighting controls and operation, hours of use and predicted light spill levels, in particular compliance checks on light spill levels onto sensitive habitats, to demonstrate operation levels fall within or below the approved and predicted thresholds
5. Proposed bat activity monitoring, to be carried out for a minimum of one full season of use by bats one year post completion, and proposed report of findings to Natural England and the Local Planning Authority; proposals should also be included for potential further monitoring depending on outcomes of the initial bat activity monitoring event
6. The lighting compliance checks, and monitoring scheme shall provide details of frequency, timing, lighting controls and operation, hours of use, and predicted light spill levels; in particular compliance checks of light spill levels onto sensitive habitats, to demonstrate operational levels fall within or below the approved and predicted thresholds
7. All details and locations, boundaries of habitats, bats and lighting monitoring (where applicable) shall be shown on a plan

All works within the scheme shall be adhered to, retained and maintained, and implemented thereafter (as applicable) in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of long term operation of the approved scheme to avoid ecological harm, protect and enhance habitat value, secure long term visual amenity and biodiversity net gain in accordance with policies NE3, NE3a, D8 and NE2 of the Bath and North East Somerset Local Plan Partial Update. This condition is required to be pre-commencement to ensure that the above measures are satisfactorily secured and implemented during construction as required.

5 Construction Management Plan (Pre-commencement)

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

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Details of any necessary Public Right of Way closures (as applicable)

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

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

6 Community Use Agreement (Pre-occupation)

No use/occupation of the site shall commence until a community use scheme has been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The scheme shall apply to the approved all-weather turf pitch and multi-use games area and shall include details of pricing policy, hours of use, access by users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan Partial Update Policy SB19.

7 Flood Risk and Drainage - Surface Water Drainage (Pre-occupation)

Prior to the first use of the site, the method of surface water drainage as shown on plan reference "ENGINEERING LAYOUT 22-015 02 P6" is to be installed in accordance with the approved details.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

8 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate

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

9 Arboriculture - Arboricultural Method Statement Compliance (Bespoke Trigger)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Tree Maintenance Ltd, revised November 2022). Records of site visits shall be undertaken in compliance with the schedule of monitoring. A compliance statement and records of site visits shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the completion of the development.

Reason: To ensure that the approved Arboricultural Method Statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE5 of the Bath and North East Somerset Local Plan Partial Update.

10 External Lighting (Bespoke Trigger)

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

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

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

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

11 Ecological Mitigation, Biodiversity Net Gain, Habitat and Landscape Provision and Lighting (Compliance)

The development hereby approved shall be carried out only in accordance with the following plans and documents:

1. The recommendations and measures described in Sections 6, 7 and 9 of the approved Ecological Impact Assessment (dated November 2022, Ethos Ltd)
2. Plan no. DE_019 H_L_511 B (Soft Landscape Plan, received by the Local Planning Authority 6th March 2023)
3. Biodiversity Net Gain Results report, and Metric (dated November 2022, Ethos Ltd)
4. Approved lighting design details and predicted light spill levels as set out in the Lighting Design Pack (Musco, Reference: 206023, dated November 2022); Lighting Impact Assessment - Project: University of Bath 36 Pitch (DFL, dated November 2022); Lighting Design Report - Project: University of Bath 36 Pitch - Access/Egress Lighting (DFL, dated November 2022); and the lighting layout and fencing as shown on plan no. P22-015 02 T6, and all associated documentation

All lighting shall be installed, maintained, and operated thereafter only in accordance with the approved details. Lighting shall not be operated where light spill levels exceed the predicted lux levels as detailed in the approved documents. All Biodiversity Net Gain, and habitat protection, creation, and ecological enhancement measures shall be implemented, adhered to, retained, maintained, and operated thereafter for the purposes of avoiding ecological harm and harm to bats associated with the nearby Bradford on Avon Bats Area of Special Conservation, and their habitats, and maintaining wildlife habitat.

Reason: to avoid harm to ecology, including protected species of bats associated with the nearby Bath and Bradford on Avon Bats Special Area of Conservation, their habitat in accordance with policies D8 and NE3 of the Local Plan Partial Update.

12 Hours of Illumination (Compliance)

The lighting hereby permitted shall only be switched on between the hours of 06:45 to 22:15 hours Monday to Sunday (inclusive), except for a maximum of 4 dates per calendar year where the lighting can be switched on outside of these times, up until 23:59 on those dates.

Reason: In the interests of residential and visual amenity and to allow for the reasonable maintenance of the pitches and lighting.

13 Artificial Grass Pitch Management Plan (Compliance)

The development hereby approved shall be carried out in accordance with the Synthetic Surface Proposals and Outline Management Plan (Verde, received by the Local Planning Authority 22nd November 2022).

Reason: To ensure that potential sources of pollution are minimised and that the pitch is adequately recycled in accordance with policy LCR6 of the Local Plan Partial Update.

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 This decision relates to the following plans:

DE_019 H_L_101 F. Site Location Plan. Received 22nd November 2022
P22-015 03 T2. Construction Details Sheets 1 and 2. Received 7th December 2022
2101-DFL-HLG-XX-DR-EO-13001-S3-P02. Lighting Layout. Received 7th December
Twin Spec 1200 - 01 Spectator. Received 13th December 2022
Twin Spec 1200 - 05 Spectator Single. Received 13th December 2022
Twin Spec 1200 - 07 Spectator Double. Received 13th December 2022
Storage Shed Elevations. Received 13th December 2022
Storage Shed Frame Elevations. Received 13th December 2022
Storage Shed Cross Section. Received 13th December 2022
Storage Shed Floor Plan. Received 13th December 2022
Storage Shed Roof Plan. Received 13th December 2022

DE_019 H_L_103D. Site Layout Plan. Received 6th March 2023
DE_019 H_L_511 B. Soft Landscape Plan. Received 6th March 2023
DE_019 H_L_701 C. Landscape Section pg 1 of 3. Received 6th March 2023
DE_019 H_L_702 C. Landscape Section pg 2 of 3. Received 6th March 2023
DE_019 H_L_703 B. Landscape Section pg 3 of 3. Received 6th March 2023
P22-015 02 T6. Engineering Layout. Received 6th March 2023
P22-015 05 T3 Surfaces Finishes Plan. Received 6th March 2023
P22-015 06 T4. Site Elevations. Received 6th March 2023
TWIN 4070-03 A. 4m High Twin Bar System. Received 6th March 2023
TWIN 4070-04 A. 4m High Twin Bar System. Received 6th March 2023
TWIN 4070-05 A. 4m High Twin Bar System. Received 6th March 2023
TWIN 4070-06 A. 4m High Twin Bar System. Received 6th March 2023
TWIN SB 4070-01 4m High Twin Bar System Rebound. Received 6th March 2023
TWIN SB 4070-02 4m High Twin Bar System Rebound. Received 6th March 2023
022287-03 C. 4080mm High Acoustic Fence - Timber Boards up to 4000mm Full Height
Twin-Bar to 4080 High. Received 7th March 2023

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

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

Item No: 03
Application No: 23/00895/FUL
Site Location: Waterworks Cottage Charlcombe Way Fairfield Park Bath Bath And North East Somerset



Ward: Lambridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Joanna Wright Councillor Saskia Heijltjes

Application Type: Full Application

Proposal: Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission).

Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs J & S Flavell

Expiry Date: 10th May 2023

Case Officer: Samantha Mason

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

REPORT

The application is being heard at committee as the local ward councillors have raised concerns with the scheme and the officer is minded to permit. The scheme was referred to the Chair of the committee in line with the Council's Scheme of Delegation for a decision on whether it should be heard at committee or delegated to officers for decision. The chair recommended the application be heard at committee, stating in their decision;

"This planning application is the latest in a series of applications proposing development on this site. I note the comments of Charlcombe PC and the ward councillors as well as the comments from many members of the public and interest groups. The case officer has

set out the reasons for her recommendation. In view of the widespread public interest, it is best if the planning history is explained, and the planning issues are considered and debated in public at committee."

The application refers to a site is located in the Fairfield Park residential area of Bath, within the World Heritage site but outside of the Conservation Area. The Green Belt bounds the site to the north along with the AONB.

Planning permission is sought for the erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission).

Relevant Planning History:

DC - 20/04067/FUL - RF - 4 August 2021 - Extension and alteration to existing Cottage and creation of two detached dwellings.

AP - 22/00002/RF - DISMIS - 26 April 2022 - Extension and alteration to existing Cottage and creation of two detached dwellings.

DC - 22/01884/DEM - RF - 1 June 2022 - Demolition of dwellinghouse (Waterworks Cottage).

DC - 22/02297/DEM - RF - 4 July 2022 - Demolition of dwellinghouse (Waterworks Cottage).

DC - 22/03249/DEM - PPNRQ - 9 September 2022 - Demolition of dwellinghouse (Waterworks Cottage).

DC - 22/04122/FUL - RF - 27 January 2023 - Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CHARLCOMBE PARISH COUNCIL:

6th April: Charlcombe Parish Council wishes to reiterate its earlier strong objection to this development. It's a tragedy that the original perfectly habitable historic cottage has been approved for demolition, and this proposal builds on that tragedy by replacing it with two excessively large and oversized box dwellings, totally inappropriate for the setting. This ill-conceived proposal amounts to architectural vandalism, and we urge a rethink.

In this latest proposal, the dwelling nearest the path (Plot 1) has a ridge height some 1m taller than the existing cottage and is far larger, and situates the house much closer to the upper boundary wall of the site. The result is a looming building that completely obliterates the existing views across the valley to Solsbury Hill, currently enjoyed by the many walkers along the adjacent narrow road. The scale and massing of this building alone is huge compared to the original cottage. This error is then repeated on the second building below, which matches the first in being

excessive in scale and massing for the site. The Plot 2 development is claimed to have been reduced in size but this has not been quantified. The images in the applicant's own design and access statement show a huge visual impact on the rural nature and qualities of the surroundings.

The new properties will create intrusive light spill into the valley below and turn what is currently a rural valley setting below the existing cottage into an over developed estate and car parking lot. This site will create a significant loss of visual amenity for the many walkers in the area and shows no respect towards the local environment or the local community.

We question the sustainability credentials of the new proposals, with "assumed values" for the performance of solar panels which may or may not be achieved at this particular site. The proposals are claimed to be sustainable construction but clearly are not when the huge volumes of concrete, steel and glass required far outweigh the simple renovation of the existing cottage that could easily be carried out by a more sympathetic owner.

Due to the huge number of real and passionate objections which far outweigh the trickle of support, this proposal warrants review and discussion by the Development Control Committee, as requested by Ward Cllrs Rob Appleyard and Joanna Wright. We trust this will be the case. Charlcombe Parish Council respectfully repeats that this application should be refused in its entirety.

DRAINAGE:

14th April: No objection - all drainage works to comply with building regulations approved document part H.

ECOLOGY:

27th April: - The revised scheme does not result in any significant change to the ecological mitigation and BNG requirements, measures for which must be secured by condition.

- There is no objection to the proposal on ecological grounds, subject to conditions as previously recommended but revised to reference the updated reports

HIGHWAYS:

6th April: No objection, scope for revision. HDM requests that the following additional information is provided.

- Further detail for the proposed vehicle access arrangements from the adopted highway into the application site including swept path analysis of the Charlcombe Way/Private Road junction for a large car and emergency vehicles;

- Highways would also need details of the proposed width and gradient of the driveway, and drainage to prevent surface water entering the highway. Details of any proposed retaining features will also be required. Highways Structure technical approval may be needed if they are deemed to impact on the highway, and;

- The applicant is encouraged to demonstrate ULEV charging arrangements.

Representations Received:

The following is a summary of the objections received:

BATH AND COUNTIES ARCHAEOLOGICAL SOCIETY:

The removal of the cottage will be a significant and irreplaceable loss to the local heritage. We

believe it will have a detrimental effect on the Cotswold AONB and the World Heritage Site. We are unaware if the Bath World Heritage Site Advisory Board was asked to comment on the proposals.

BATH PRESERVATION TRUST:

We therefore continue to strongly emphasise the value and positive contribution of the cottage to the local area, and appeal to the applicants for its retention and reuse as a family home with strong, existing ties to the local area, its heritage, and its community.

With regard to the revised design proposals, the reduced scale of Plot 2 and its reorientation set further down towards the eastern end of the site have gone some way in addressing BPT's original concerns. The relocation of Plot 2 would mitigate the visual impact of built development and perceived 'overdevelopment' along Charlecombe Way.

Landscape views would also be retained in the gaps either side of Plot 1. The reduction in the roof height of Plot 1 would be an improvement, though it would remain taller than the ridge height of the existing cottage.

Should the principle of development be considered acceptable, we emphasise the importance of prioritising the delivery of truly sustainable low-carbon housing, in accordance with the local authority's net zero objectives. We commend the intention to meet 100% of the dwellings' energy demands with on-site generation, though further practical and technical detail is welcomed (eg. the location of associated infrastructure and batteries for PV panels, should generated energy be used directly by occupants). We further welcome consideration of a 'whole house' approach to reduce overall energy consumption and heat loss. The implementation of a sustainable design is a significant consideration in securing adequate public benefit, as well as offsetting the embodied carbon that would be released through the demolition of the cottage. High thermal performance targets as set out in the application should therefore be maintained throughout the design process to secure the delivery of quality, sustainable construction that will contribute to the local area.

CHARLCOMBE TOAD RESCUE:

After studying this latest application we have not changed our view that development of this site will have a detrimental effect on the local amphibian population, particularly common toads which are a biodiversity priority species, but also common frogs and newts.

CLLR ROB APPLEYARD (former):

Given not only the wide interest in this application and the high level of resistance, and primarily the concerns of the immediate neighbour around its overbearing nature can I ask that should you be mindful to recommend an acceptance of this application it is placed

before the committee for a wider discussion around the significant concerns of overbearing and design.

CLLR JOANNA WRIGHT:

With regard to the application 23/00895/FUL Waterworks Cottage can I ask that this application by called to the Planning committee should you be mindful to be giving this application permission.

Please can I ask that this application is called in due to overdevelopment and the site not being in keeping with the other houses in the area. Plus ongoing concern about impact to ecology - re. toads accessing ancestral breeding ponds.

COTSWOLDS CONSERVATION BOARD:

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publicationsWe will not be providing a more comprehensive response on this occasion. This does not imply either support for, or an objection to, the proposed development.

CPRE:

One might hope that following the demolition the replacement would be a suitable interesting modern building that is sympathetic to the environment. Unfortunately it would seem that the plans are yet again over-development of the site with two very large buildings. Not only will land be lost to buildings but also concreted over to provide the necessary facilities for access and parking. This would be bad enough in an urban area but this site has an important presence in relation to the adjoining Area of Natural Beauty, the entrance to the World Heritage City and the local Green Belt and local recreational areas. The NPPF recognises the importance of such factors in determining planning for such sites and requires local authorities to take account of them in making a planning decision. Such plans should only be approved when they make a positive contribution which is clearly not the case here. The visual loss to the landscape of such a development cannot be mitigated by the planting of a few hedges.

THIRD PARTIES:

60 third party objections have been received:

- Overdevelopment
- Loss of views
- Loss of cottage as a heritage asset
- Scale, massing, height, and form concerns
- General design concerns
- Impact to local character
- Unsustainable
- Impact to protected species and wildlife

- Impact to habitats
- Ecological concerns
- Biodiversity concerns
- Parking concerns
- Traffic concerns
- Emergency vehicle access concerns
- Highways safety concerns
- Pedestrian access concerns
- Flooding and drainage concerns
- Impact to AONB
- Landscape impacts
- Not in line with climate emergency
- Construction concerns
- Drawings incorrect/ lacking detail
- Harm to world heritage site
- Green washing
- Harm to residential amenity
- Overbearing
- Overlooking/ loss of privacy
- Pollution
- Solar panels missing
- Lack of utilities details
- Inaccuracies on plans

7 comments of support have been received from third parties:

- Good design
- Integrates successfully with locality
- Adheres to development plan
- Creates two dwellings
- Taken account of previous comments
- Sustainable approach
- Housing need

POLICIES/LEGISLATION

Policies/ Legislation:

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

B4: The World Heritage Site and its setting
CP6: Environmental quality
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:

B1: Bath spatial strategy
BD1: Bath design policy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D5: Building design
D6: Amenity
D7: Infill and backland development
GB1: Visual amenities of the Green Belt
H4: Self Build
HE1: Historic environment
LCR9: Increasing the provision of local food growing
NE2A: Landscape setting of settlements
PCS1: Pollution and nuisance
PCS2: Noise and vibration
SCR5: Water efficiency

LOCAL PLAN PARTIAL UPDATE:

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

D8: Lighting
H7: Housing accessibility
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity net gain
NE5: Ecological networks
NE6: Trees and woodland conservation
PC55: Contamination
SCR6: Sustainable construction policy for new build residential development
SCR9: Electric vehicles charging infrastructure
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

Transport and Development Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

Planning Obligations Supplementary Planning Document (January 2023) is also relevant in the determination of this planning application.

NATIONAL POLICY:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways matters
- Flooding and drainage
- Technical matters
- Any other matters

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

Policy DW1 of the Local Plan Partial Update states that the focus of new housing in the district will be Bath, Keynsham and the Somer Valley. Policy B1 of the Placemaking Plan seeks to enable delivery of around 7000 homes across the site during the plan period, including from windfall sites. It states that subject to compliance with all other policy considerations residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt boundary. The site proposes two new dwellings within the defined built-up area of Bath. The principle of development is acceptable. This is subject to other material planning considerations discussed below

HERITAGE:

Waterworks cottage is not listed but is considered to have heritage significance. It is considered to be a Non-Designated Heritage Asset (NDHA). The site is within the World Heritage site.

Non-Designated Heritage Asset:

Evidence confirms that there was a connection between Waterworks Cottage and the Bath Water Works that is situated in close proximity to the site. Map regression and census material in particular provide strong evidence that the house was occupied by workmen/engineers working on the waterworks plant. Waterworks Cottage is a simple traditional stone-built house on the edge of suburban Bath set within a large garden plot. It retains much of its original form through its footprint, internal plan and remnants of some internal features such as fireplace surrounds. However, other external features such as its roof structure and fenestration have been replaced in the recent past, leading to some erosion of its architectural authenticity. Given the aforementioned, the significance of the non-designated heritage asset therefore derives mainly from its historic interest and in part from its architectural interest.

Policy HE1, Historic Environment, of the Placemaking Plan sets out under paragraph g that proposals affecting non-designated heritage assets should ensure they are conserved having regard to their significance. Paragraph 203 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 an application.

The proposal results in the demolition of Waterworks cottage which therefore results in the total loss of its significance deriving from its historic and architectural interest. The harm arising from the total loss is considered to be, in the words of the NPPF, substantial harm.

Paragraph 203 of the NPPF goes on to say that '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.' Unlike the requirements for harm to listed buildings, there is no requirement within the NPPF that the harm arising be weighed against public benefits, it is simply a balanced judgement. Nevertheless, Policy HE1 goes on to require that, even for non-designated heritage assets, public benefits are considered. This is fully considered in the planning balance below.

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 World Heritage Site and its setting.

The World Heritage Site is Designated for its Outstanding Universal Values (OUV). These can be summarised as 1. Roman Archaeology, 2. The Hot Springs, 3. Georgian Town Planning 4. Georgian architecture, 5. Green Setting of the City in a hollow in the hills, 6. Georgian architecture reflecting social ambitions (e.g. spa culture). The cottage is Victorian and whilst it is located on the edge of the built area it is outside of the area

designated as the landscape setting of Bath. The built form will be within the envelope of the site and doesn't encroach into Charlcombe Valley. The Green Setting of the city is not considered to be harmed in the context of the World Heritage Site. As such this iteration of proposed works is considered to be acceptable in the World Heritage Site setting and complies with Policy B4, as found with previous schemes.

DESIGN, CHARACTER AND APPEARANCE:

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

Various proposals for the retention, extension, demolition and replacement of the cottage have been put forward along with various numbers of residential units. The current scheme proposes the erection of two detached dwellings with associated works following the demolition of existing Waterworks Cottage.

The inspector's comments at the previous dismissed appeal at the site remain relevant and have driven the approach to design.

In describing the existing character and appearance of the area the inspector set out the following: 'Various instances of residential development exist alongside the site and to the opposite side of Charlcombe Way (the road). Although a mix of property sizes, ages and styles are evident, the dwellings closest to the site tend to occupy often well-vegetated individual plots of generous size. Indeed, the site itself is particularly spacious and well-planted to its perimeter. When also factoring in the inherently rural composition of the neighbouring open lands to the north, the site and its immediate surroundings can be observed to exhibit a green and semi-rural character and appearance.'

Following the appeal dismissal, a further application on the site was refused (22/04122/FUL) for two dwellings both located in the upper part of the site accessed from Charlcombe Way and therefore highly visible in terms of built form and length in the street scene. The 22/04122/FUL version of the scheme proposed two substantially sized dwellings which were found to be overdevelopment in accordance with the inspector's previous comments along with impacting on neighbouring amenity.

In this iteration the orientation of the proposed dwellings is such that one is located in a similar location to the cottage, and one is located at the bottom half of the sloping site. The layout results in less intensive development of the site in this scheme as both dwellings have been reduced in footprint and scale to previous schemes. Plot 1 sits at the top of the slope, occupying a just off-centre position, a sloping driveway entrance is proposed from Charlcombe Way. This access has been reduced in size from previous schemes and, given the layout, means only one access is now taken from Charlcombe Way. The street elevation now details that Plot 1 will not be significantly taller than the existing cottage. There will be views of the upper storey and roof, similar to the existing arrangement. A much greater level of hedging will also be retained. The inspector previous found the units

visibility and resulting vegetation loss would be unduly urbanising. These impacts are now significantly reduced through this scheme to a level which is considered to allow the 'semi-rural character' to be better retained.

The Inspector previously stated in their decision; 'Whilst the dwelling identified as Plot 3 would have a more discreet presence when compared to Plot 2, it would still represent a substantive addition rising to two stories and covering a large overall footprint upon an individual plot of somewhat restricted size when compared to the typical composition of the closest existing plots to it.' The dwelling referred to as Plot 3 in the appeal scheme is akin to the design and position of Plot 2 within this pre-application scheme.

The appeal scheme was formed of three dwellings; this application is formed of two dwellings. Plot 2 is now reduced in scale in comparison to the Plot 3 appeal dwelling. The orientation of both plots and the scale of the development means that the plot sizes retained for each dwelling are now more akin to those surrounding the site, not only in grain but in terms of ratio of built footprint to garden space. It is considered that Plot 2 remains discreet and now addresses the previous concerns of the inspector when considering development levels and plot size.

Plot 1 will still be a significantly larger dwelling than the existing cottage, and the proposed Plot 2, however the massing is considered to be sufficiently broken up by the build into the slope, the stepped nature of each level, and the use of materials.

The proposed materials are considered to be important in this location given the transition the site provides between the urban built form of the World Heritage Site and the rural countryside. The natural materials proposed including rubble stone, lime stone, timber cladding and glass. This palate of materials is considered acceptable.

The proposal takes a contemporary approach to both dwellings. Given the varied style and modern nature of many of the surrounding dwellings the contemporary design approach itself is acceptable, whilst the overall design is not. It is noted that the inspector found the previous schemes contemporary design approach acceptable.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy and policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The development site's position on the edge of settlement means that the character of the area to its south is formed by the suburban residential townscape of the Fairfield area of Bath; while the character of the area to its north is formed by the rural pastoral landscape of the Lam Brook Valley. These markedly different characters are broadly reflected in landscape designations with the Green Belt, Cotswold AONB and locally designated landscape setting of the settlement of Bath boundaries running along the access road on the northern boundary of the site; and the Bath World Heritage Site and Conservation Area boundaries lying 250m to its north and 150m to its west respectively.

While the proposed development would be conspicuous from the Green Belt and AONB in some views it is considered that the development will be viewed in context with the surrounding cityscape and urban residential form.

It is noted that the inspector considered landscape impacts at the appeal for application 20/04067/FUL. It was found that the proposal did not result in adverse harm to the landscape to warrant refusal. That scheme was larger in both massing and quantum than the scheme within this pre-app. It therefore follows that this smaller scale scheme would also not impact landscape.

The landscaping within the site itself will clearly be reduced due to the built form increase, however there is proposed planting including trees and hedgerow (biodiversity gain is discussed further below). It is considered that conditions be applied regarding the submission, approval, implementation and maintenance of a detailed hard and soft landscape scheme.

Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

RESIDENTIAL AMENITY:

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

The site is located on the edge of the built development; there are neighbouring properties to the south and west, with open fields and woodland to the north and the existing large garden of the cottage to the east.

The properties on the west of Charlcombe Way sit high above the site given the sloping nature of this area and are separated by the road. Given that the proposed dwelling at Plot 1 is set down from street level it is not considered that there will be any impact on the amenity of properties on the western side of Charlcombe Way.

Combe House is the immediate neighbour of the site to the south-east. Upon undertaking a previous site visit it is apparent that Combe House's principal elevation is essentially the north west elevation which faces towards the boundary with Waterworks cottage.

The previous scheme (22/04122/FUL) was found to impact on the residential amenity of Combe House, forming grounds for refusal. This current scheme sets the proposed Plot 1

at much greater distance from Combe House at approximately 20m away. This removes the previous concerns of the overbearing impact. Additionally, the parking area (including garage and car port) have now be set on the north side of the plot away from Combe House which is a betterment in residential amenity terms.

One window is proposed in the south elevation of Plot 1 facing the direction of Combe House. This will serve bedroom 4 and is at lower ground floor level. This is roughly similar to the floor level of Combe House but given the separation distance and boundary treatment this is not a concern in regard to residential amenity as it will not result in significant overlooking to warrant refusal.

Plot 1 is proposed to have a small terrace accessible from the upper floor sitting room, this is situated on the side of the building closest to Combe House, however the terrace has been reduced in size since previous scheme and now sits approximately 20m away from Combe House, the distance is sufficient to reduce the impact of overlooking to a level acceptable in residential areas.

The majority of windows for Plot 1 are to the north elevation looking towards the wider landscape. Plot 1 sits above the level of Plot 2. The level of windows on the rear east elevation and the location of the plot in relation to Plot 2 is considered to be satisfactory in residential amenity terms. The amenity of future occupiers is as such considered acceptable.

The fenestration arrangements on Plot 2, are such that they are mainly located in the direction of the wider landscape away from neighbours. Overlooking out of Plot 2 is not a concern. Given the set down nature of plot 2 and the reduce massing it is not considered that Plot 2 would have any overbearing or overshadowing impact on neighbours either.

There is ample amenity space for each dwelling which circulates both plots so that there are acceptable levels of privacy.

Some third parties have raised concerns that the proposal will result in the loss of views. The right to a view is not a material planning consideration. As stated above the proposal is not considered to result in an overbearing impact on any neighbours. Whilst the view would be altered there would still be views into and across/through the site.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

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

The Highways Development Control (HDC) Team have been consulted on this application.

It is noted that HDC have been consulted on the previous applications at the site, 20/04067/FUL (which included access to a dwelling via the private road) and 22/04122/FUL. HDC raised no formal objection to either application. It is noted that the inspector also did not raise highways matters at the time of the appeal. HDC have raised no objection to this scheme although they raised some matters during the course of the application discussed below.

Access:

The current development proposal is for two detached dwelling, one 4-bed and one 3-bed.

Access is proposed directly from Charlcombe Way for plot one. It is noted that there is not currently a drop kerbed access into the site and in order for a new vehicular access to be created, HDM will require dropped kerb access and for the applicant to apply for a Section 184 licence under the Highways Act 1980. There is a need to ensure that the vehicular access surface is a bound material and that no loose stones would be carried onto the public highway.

Plot 2 is proposed to be accessed via the private access road that forms a junction with the adopted public highway at Charlcombe Way. Charlcombe Way is a narrow lane, approximately 3.1 metres wide and there are no formal passing places along Charlcombe Way. The private access road is also approximately 3.1 metres wide. However, the angle at which the private access road forms a junction with Charlcombe Way is such that it would not be possible for the driver of a vehicle to turn right into private road, or turn left out, in one single manoeuvre.

The existing vehicular access to the site is sub-standard in terms of width and visibility and would require multi-point manoeuvres for a vehicle to enter/exit the site from the east. Officers are aware that the private access road currently provides vehicular access to the existing garage and parking associated with the existing dwelling (Waterworks Cottage) together with access to the water works for Wessex Water vehicles. Additionally, officers have previously acknowledged that there is no history of Personal Injury Collisions (PICs) in the vicinity of the junction of Charlcombe Way and the private access road.

Overall given that there is no evidence that its existing use is prejudicial to highway safety and that, should planning permission be granted, the private access road will continue to provide vehicular access to parking associated with a single dwelling, as it currently does, the access is considered acceptable.

The NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. In line with requests from the highway's officers swept path analysis have been submitted for access to plot two during the course of the application, as suspected that swept path analysis shows that multi-point manoeuvres for a large vehicle, including an ambulance would be required. again, given that this is no different to the existing situation it is considered that there this would not constitute unacceptable or severe highways impacts as required by national policy.

Car Parking:

Vehicle parking at all developments should be provided in accordance with adopted parking standards at the time of the application. Current adopted standards are outlined in the recently adopted parking standards provided in the Transport and Developments SPD. The application site falls in Zone D of the emerging parking standards and require residential parking to be provided on the basis of no more than:

- Two spaces per 2/3 bedroom dwelling
- Three spaces per 4 bedroom + dwelling

As such the maximum number of car parking spaces required to be policy compliant under the Transport and Developments SPD would be three spaces for plot one and two spaces for plot two; this number of spaces has been identified on the proposed plans.

It is noted that HDC considered that there was an over provision of spaces for plot one but this is because the highways officer has identified plot one as being a three bed dwelling which would only have been allowed two car parking spaces, when in fact it is a four bedroom dwelling where three spaces are acceptable. In any case it should be noted that within the Transport and Developments SPD standards it explicit states that garages will not be counted as parking spaces for the purposes of deriving parking standards and both proposed dwellings identified parking includes garages.

The Transport and Development SPD also outlines standards for the provision of parking for Ultra-Low Emission Vehicles (ULEV), which requires residential development of over one dwelling, and providing multiple spaces to provide all parking with active ULEV charging provision. Charging provision must be at 7kw minimum. It is noted that HDC requested that the ULVE points be shown on the plans, however this will in any case be conditioned and is now also a requirement of building regulations.

Submitted plan P01-PPA indicates gates are proposed at the entrance to the proposed development accessed directly off Charlcombe Way that open away from the highway which are set back circa 2m from the highway. HDM would usually request that any entrance gates erected are required to be set back a minimum distance of six metres from the back edge of the adopted public highway in order for vehicles to pull off the carriageway whilst waiting for the gates to be opened. However, Given the lightly trafficked nature of Charlcombe Lane combined with the slow speed at which motor vehicles travel along the lane, and the number of houses served beyond the proposed development, the severity of impact of a vehicle waiting to turn into the driveway whilst the gates are opening is not deemed severe. As such, on this occasion HDM do not raise objection to the gates proposed.

HDC officers also requested details of the proposed gradient of the driveway, and drainage to prevent surface water entering the highway. Details of any proposed retaining features will also be required. In this case the gradient has not currently been shown on the plans, however the driveway clearly slopes away from the highway given the topography of the site and as such surface water drainage onto the highways is not considered to be a concern along Charlcombe Way.

Cycle Parking:

The proposed development requires the provision of secure, covered cycle parking the following spaces per dwelling in accordance with the recently adopted standards.

- One space per 1 bedroom dwelling
- Two spaces per 2 bedroom dwelling
- Three spaces per 3 bedroom dwelling
- Four spaces per 4 bedroom + dwelling

Bicycle storage for at least three bicycles is required to be policy compliant under the Transport and Developments SPD. Bike parking has been shown on the plans for at least two bikes per dwelling, and it is noted that the proposed garages measures 3m x 6m which is acceptable to accommodate additional bicycle parking.

Refuse:

HDC officers acknowledge that occupiers of the proposed dwellings will be required to place all bins at the road/pavement edge on refuse collection day such that refuse can be collected from the roadside, which is acceptable for the dwelling accessed directly off Charlcombe Way.

However, the dwelling accessed off the private road is narrow in width and steep in gradient for which drag and carry distance is not entirely desirable, as such a waste management plan will be conditioned.

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

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

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

As with previous schemes the Flooding and Drainage Team have been consulted and confirmed they have no objection to the proposal. It is noted that all drainage works will comply with building regulations approved document part.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

TREES:

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

The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Hillside Trees Ltd October 2020) identifies six trees on site and states that tree T6 will be removed and trees T1, T2, T3, T4 and T5 will be retained. However, it is noted that trees T1 and

T2 are suffering the effects of Ash dieback; this is the same as with previous applications.

Tree T6 is a lilac tree and is judged to be category C1. Where trees covered by categories A, B and C of BS 5837 (Trees in relation to construction) are removed as part of a development, and replacement planting is required. Here 2 trees are proposed to be planted on site as replacement planting. As such there is no objection to its removal subject to appropriate replacement planting which can be conditioned, which again is the same result as with the previous applications on the site.

The trees to be retained on site during and after development will also require protection. Protection measures are presented in the Arboricultural Impact Assessment Plan submitted. This will also be conditioned.

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

ECOLOGY:

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

This proposal is on the same site as previous application 20/04067/FUL and 22/04122/FUL for which Ecology advice was provided. The scheme now proposes 2 dwellings (reorientated). Ecology comments for the previous schemes here remain relevant. There was no ecological objection to the previous scheme and conditions were recommended.

The current submission includes the following updated ecological reports by Quantock Ecology:

- Ecological Mitigation and Enhancement Plan (March 2023)

- Updated Bat Survey - Emergence and Activity Surveys (Feb 2023)
- Biodiversity Net Gain File Note and metric (March 2023)
- File Note - Great Crested Newt eDNA Survey
- Badger and Amphibian Check (March 2023)
- A revised Lighting Strategy Drawing Ref P19 dated Jan 2023 is also submitted

These are comprehensive and are accepted. Details of proposed wildlife protection measures during the construction phase, and a long-term habitat management plan are also now included and are considered appropriate.

It is noted that concerns have been raised in regard to local amphibians. Frogs and toads are known to migrate through the area to a nearby breeding pond some 300m from the site. As toads are known to be present locally, they may cross the site and utilise the site for foraging and hibernation. This is the case for surrounding residential properties in this part of Charlcombe Lane. It is noted that no toads were recorded on site during the ecology walkover surveys. In any case mitigation and enhancement measure are proposed to be provided within the Ecological Mitigation and Enhancement Plan (which will be conditioned) in the form of site clearance avoiding hibernation and main migration seasons. Amphibians will be excluded from the works area during construction of the buildings whilst maintaining connectivity across the site to avoid harm to individuals during construction. Retention and addition of connectivity through the site post development and creation of suitable habitat around the site for amphibians. This is considered acceptable.

The proposal includes a lighting strategy (Drawing p19) and the proposed buildings include design features such as overhanging roof / recessed glazing on the main / rear elevations, and more limited extents of glazing on the remaining elevations, such that it is considered that subject also to the standard lighting condition securing final details of lighting design and controls, the scheme is capable of avoiding excessive or ecologically harmful levels of light spill onto adjacent land and vegetation.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent. The submission shows that a net gain will be achieved on site through the provision of ecological enhancements areas of fenced off rough grassland, tree planting and sedum roofs. BNG will be secured in perpetuity (at least 30 years) and a management plan will be required detailing how the post-development biodiversity values of the site will be secured, managed and monitored in perpetuity.

Overall, the Council Ecologist has raised no objection to the scheme, and has recommended conditions around soft landscaping, ecological mitigation and net gain compliance, and external lighting. The proposal is considered to comply with policy NE3 and NE3a of the Local Plan Partial Update regarding ecology matters.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand then supplying

all energy demand through onsite renewables and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

The standards are:

Space heating demand less than 30kWh/m2/annum

Total energy use less than 40kWh/m2/annum

On site renewable energy generation to match the total energy use (with a preference for roof mounted solar PV)

In this case the submitted SCC shows that space heating for plot one and two will be 30 and 29.9 kWh/m2/annum respectively. Total energy use will be 31 and 32.4 kWh/m2/annum respectively. On site renewable energy will be 45 and 34.4 kWh/m2/annum respectively. In this case photovoltaic roof mounted panels are proposed, along with an air source heat pump. It is noted that other smart infrastructure such as a smart meter, battery storage and electric vehicle charge points are also utilised. As such the prescribed standards are met. During the course of the application revised plans have been submitted that now show the solar panels in place on the proposed dwellings, their locations are considered acceptable.

Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6 in this instance.

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

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

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

POLLUTION:

Policies PCS1 and PCS2 have regard to pollution, noise, and nuisance. Third parties have raised concerns to all three elements. The proposal is not considered to result in risks of pollution being two dwellings (net gain of one). The impact of additional pollution from cars associated with the development is not considered grounds for refusal given that it meets the required parking standards as prescribed by the placemaking plan. Furthermore, future residents may have electric vehicles. The addition of dwellings in a residential area is not considered to result in noise pollution to existing residents, it is noted that the two plots will only be bound directly by neighbours to the south east, the road and countryside bounds the other sides. There may be some temporary noise during construction, but this could be strictly controlled by the construction management plan, and will be temporary. Light pollution levels are considered acceptable, and not beyond the normal for a standard house. The proposal complies with policy PCS1 and PCS2.

PLANNING OBLIGATIONS/ COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the Bath city area and is subject to contributions via the Community Infrastructure Levy in line with the Planning Obligations SPD.

PLANNING BALANCE:

As set out in the sections above, paragraph 203 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 harm resulting in the total loss of the NDHA and therefore its significance is considered to be substantial in the words of the NPPF.

Despite no requirement to consider public benefits in the NPPF, Policy HE1 of the Placemaking Plan goes further requiring that, even for non-designated heritage assets, public benefits are to be considered in the balance. Benefits from the scheme arise from one additional market house, CIL Contributions, short term job creation, and biodiversity net gain. The harms arise solely from the substantial heritage harm arising from the loss of the NDHA cottage. In this case the benefits do not outweigh the harm.

However, in the NPPF states that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the proposal site benefits from extant prior approval for the demolition of the cottage as set out in application 22/03249/DEM. The proposed demolition of Waterworks Cottage was found to be permitted development under the terms of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Therefore, whilst the harm is considered to be substantial, it is harm that cannot be resisted. As material considerations indicate that the loss of the cottage as an NDHA is considered acceptable. Given all other policies requirements had been found to have been complied with, the extant demolition prior approval is a relevant material consideration to depart from Policy HE1, on balance.

Overall, the scheme is therefore considered acceptable and is recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 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 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.

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

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

3 Parking (Compliance)

The areas allocated for parking and turning on submitted plan(s) reference shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

4 Bound/Compacted Vehicle Access (Compliance)

The vehicular access shall be 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 Local Plan Partial Update.

5 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until secure, covered bicycle storage for 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 policy ST7 of the Bath and North East

Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

6 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:

Deliveries (including storage arrangements and timings);
Contractor parking;
Traffic management;
Working hours;
Temporary arrangements for householder refuse and recycling collection during construction.

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

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

7 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

8 Ecological Mitigation and Compensation Scheme, and Biodiversity Net Gain (Compliance condition)

The development hereby approved shall be carried out only fully in accordance with the approved Ecological Mitigation and Enhancement Plan by Quantock Ecology dated Mar 2023;

recommendations in Section 4.3 of the Updated Bat Survey dated February 2023 by Quantock Ecology; ecological measures as shown on the proposed Setting Out Site Plan drawing reference P03; and habitat provision as detailed in the Biodiversity Net Gain file note and calculation dated March 2023 by Quantock Ecology. All measures shall thereafter be adhered to and features retained and maintained in accordance with approved details. Findings of monitoring inspections shall be reported in writing to the Local Planning Authority Ecologist within 1 month of the monitoring event.

Reason: to avoid harm to ecology including a regionally important amphibian population (toads) and protected species (including reptiles badger and nesting birds).

9 Ecology Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction on-site inspection by the ecologist, confirming and demonstrating, using photographs, adherence to and completion of all recommendations and measures of the approved ecological bat and biodiversity net gain reports and the Ecological Mitigation and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the all ecological mitigation and compensation requirements during construction and post-construction phases, 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.

10 External Lighting (Bespoke Trigger)

The development shall be constructed and all lighting installed and operated, and levels of darkness maintained in accordance with the approved Lighting Strategy drawing ref P19 dated January 2023. No new external or internal lighting shall be installed without full details of proposed internal and external lighting design (which shall demonstrate compliance with the approved lighting strategy) being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; details of predicted lux levels and light spill; details of lighting controls, and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees, wildlife habitat, boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

11 Green Roof Details (Bespoke Trigger)

Prior to the construction of the roof of the approved development a detailed specification of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Section drawings of the roof;
2. A planting schedule;
3. A timetable for implementation;
4. A maintenance schedule.

The green roof shall be implemented in accordance with the approved details prior to the occupation of the development or in accordance with the approved timetable for implementation.

Reason: To ensure the successful implementation of the green roof in the interests of preserving the character and appearance of the 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.

12 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.

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 SCR6 Residential Properties (Pre-occupation)

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

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

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

Major (or larger) Residential Development:

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

All Residential Development:

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

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

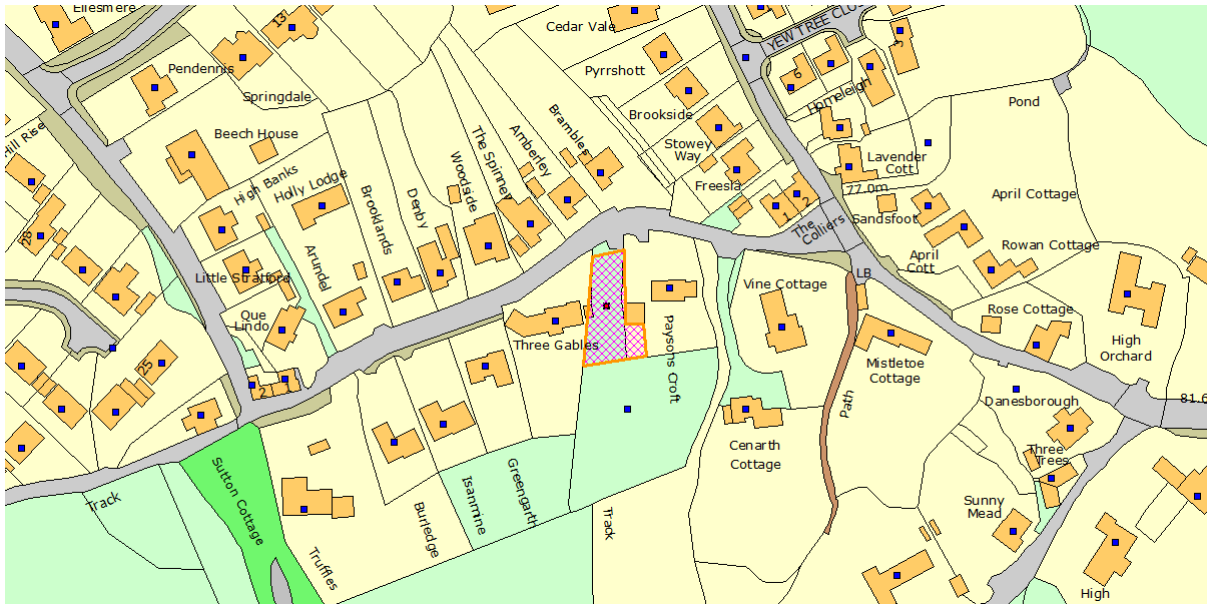
15 Plans List (Compliance)

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

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

PLANS LIST:

Item No: 04
Application No: 23/01067/VAR
Site Location: Land Between Three Gables And Paysons Croft Church Lane Bishop Sutton Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Stowey Sutton **LB Grade:** N/A
Ward Members: Councillor Anna Box Councillor Dave Harding
Application Type: Application for Variation of Condition
Proposal: Variation of condition 7 of application 20/00257/FUL (Erection of dwelling).
Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, Neighbourhood Plan, Policy ST1 Promoting sustainable travel, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr S Croucher
Expiry Date: 12th May 2023
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT

The application refers to a plot of land within a residential street ' Church Lane' of Bishop Sutton. The site is also within the Mendips Area of Outstanding Natural Beauty

Planning permission is sought for the variation of condition 7 of application 20/00257/FUL, which permitted the erection of a new dwelling.

Condition 7 is the plans list condition and the proposal seeks to modify the design of the dwelling.

Relevant Planning History:

DC - 20/00257/FUL - PERMIT - 2 July 2020 - Erection of dwelling.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Stowey Sutton Parish Council:

Stowey Sutton Parish Council note that condition 7 is the list of plans, therefore this is not a minor detail change, but a significant change to the design of the new dwelling previously approved & as such needs the same level of consideration as the original application received.

The previous application, 20/00257/FUL Land Between Three Gables And Paysons Croft, Church Lane, Bishop Sutton, Bristol, Erection of dwelling, was not supported by Stowey Sutton Parish Council, but approved by B&NES, we reiterated our objections to a subsequent minor amendment to that plan, which was also approved by B&NES.

Despite the way the previous application has been made / loaded onto the B&NES planning portal, to show no prior application history at this address it should be noted that since 2013 there have been three separate applications to build on this parcel of land, each had been refused and each has subsequently been denied at appeal.

- 14/04477/OUT An outline application for the erection of 2 no. 2 storey dwellings. Refused
- Appeal: APP/F0114/W/15/3004510 Paysons Croft, Church Lane, Bishop Sutton, Bristol BS39 5UP refers to 14/04477/OUT, Denied
- 13/03253/FUL for the erection of 2no. dwellings (Revised resubmission of application 13/01988/FUL), Refused
- Appeal: APP/F0114/A/13/2206660 Paysons Croft, Church Lane, Bishop Sutton, Bristol BS39 5UP refers to 13/03253/FUL, Denied
- 13/01988/FUL for the erection of 3no. dwellings with associated works. Refused
- Appeal: APP/F0114/A/13/2206657 Paysons Croft, Church Lane, Bishop Sutton, Bristol BS39 5UP refers to 13/01988/FUL, Denied
- 03/02316/OUT for the erection of one dwelling, approved (this application was on the sub area within the HDB, not the portion currently applied for). The current proposal is a significant revision of the May 2020 submission for this parcel & whilst this revision reduces massing & volume to the front of the property, there is only a very minor reduction in the positioning of the properties rear wall, as a result the building line continues to project further into the AONB than the currently established line does.

The application should be considered against the Adopted Stowey Sutton Neighbourhood Plan. The application site is inside the established housing development boundary, but also inside the AONB.

Housing and Development Policy SSHP01 Housing Boundary

The housing development boundary (HDB) for Bishop Sutton should be re-defined to strictly follow the existing HDB but with the addition of the strict boundary of the two already approved housing developments of Cappards and Oak Park which together total 76 houses.

The proposal is within the housing development boundary & therefore meets the aims of policy SSHP01.

Housing and Development Policy SSHP02 Development Scale

The Neighbourhood Plan will support infill housing, within the housing development boundary, this is likely to be small scale development and will be of an individual character in keeping with the Character Assessment, the exception to such development will be if it is deemed to be harmful to the Green Belt or threaten the AONB which has the highest level of protection in the NPPF (National Planning Policy Framework).

Whilst the proposed development is within the AONB, which would normally not be considered an acceptable location for further development, the application plot is also within the housing development boundary and can reasonably be described as infill development.

The proposed materials & building design do not sit comfortably within the streetscape, as described in the Character Assessment which forms appendix E in the adopted Stowey Sutton Neighbourhood Plan.

On balance the application does not meet the aims of policy SSHP02

Housing and Development Policy SSHP03 Development Character

The Neighbourhood Plan will support future housing development which will reflect the character, varied materials and varied build design as identified through the Character Assessment and should be limited to infill within the amended HDB.

The materials for the build are not specified in the information provided on the planning portal, so it is not possible to make a clear comparison to confirm if the proposed design will sit comfortably within the streetscape, as described in the Character Assessment which forms appendix E in the adopted Stowey Sutton Neighbourhood Plan.

The applicants own Design & Access Statement clearly shows that the footprint of the proposed development (page 5 point 8.2) falls significantly outside the natural line of development for the neighbouring streetscape, lying both closer to the road at the front of the property and encroaching further into the AONB at the rear of the site.

On balance the application does not meet the aims of policy SSHP03

Housing and Development Policy SSHP04 Property Size

In accordance with the 2014 housing needs survey the Neighbourhood Plan supports infill development which proposes to build small (1 and 2 bedroom) low-cost open market houses.

The application is to build a large three-bedroom property which conflicts with policy SSHP04.

Housing and Development Policy SSHP05 Sustainability Impact

All planning applications must address the sustainability of each proposal and the impact on the whole community, in order to assess the mitigation necessary to balance the impact on the existing infrastructure and community.

No information has been provided on the potential impact of the proposed development on the wider community, the 2013 Character Assessment which forms appendix E in the adopted Stowey Sutton Neighbourhood Plan identified inadequate storm water capacity at the junction with Sutton Hill Road, a problem that has not been subsequently addressed & will be exacerbated if soakaway infiltration tests prove unsuccessful, as no alternative rainwater mitigation measures have been proposed for such an eventuality & the infiltration tests are currently only proposed during construction.

Therefore, the proposal does not meet the aims of policy SSHP05.

Housing and Development Policy SSHP06 Lighting

Where lighting is proposed, it should be designed to avoid intruding into areas where darkness is a characteristic of the village. Any lighting scheme must not impact negatively near woodland edges or near hedgerows used by bats for foraging.

By definition, any building within the AONB will have a negative impact on the night-time illumination level for such a sensitive area.

No information is provided on mitigation measures to limit the effect of either external artificial lighting or spill from the sixteen windows that directly shine into the AONB, which carries the highest level of protection in the NPPF (National Planning Policy Framework). Mitigation measures should include limited low level & low luminance external lighting fittings, with a limited operating time, together with a requirement for night-time blinds on windows at the rear of the property in the AONB.

Therefore, the proposal does not meet the aims of policy SSHP06.

Conclusion

Whilst the principle of development on the area of land, on this plot, exclusively within the housing

development boundary could be considered acceptable & whilst this revised proposal partially reduces the massing to the front of the building, the lack of information provided on the materials, window framing & finished appearance of the design do not meet the aims of Stowey Sutton Adopted Neighbourhood Plan policies SSHP 02, SSHP03, SSHP04, SSHP05 & SSHP06. The designs fail to comply with housing and planning policies, with no information regarding the materials pallet being provided. Stowey Sutton Parish Council cannot make a determination due to material information missing from the application. Our comments on the previous application remain.

Resolution, Stowey Sutton Parish Council Do Not support planning application 23/01067/VAR, Land Between Three Gables And Paysons Croft, Church Lane, Bishop Sutton, Erection of dwelling in its current form.

Representations Received :

1no objection received:

Further to the revised Planning Application and as the owner of Three Gables directly adjacent to the proposed dwelling I would like to take the following points:-

1. I am concerned that the revisal extends the rear elevation now much closer to our property and as it overlaps our property it could impact the light into our Living Room. Our living room is the room right next to the boundary. I have discussed this concern with the Planning Officer.
2. The revised application contains no details of the materials proposed to be used, this is a little surprising. Given the position of the proposed dwelling in an Area of Outstanding Natural Beauty and in a very narrow Lane, anything which would be out of character with the immediate area and indeed the village would be most unwelcome.
3. It is not clear in the drawings but I believe the proposed plan does both encroach over the Village Housing Development Boundary and the designated boundary for the AONB, which is worthy of consideration given the precedent it could set within a sensitive area.
3. Given the proposed changes are seemingly quite considerable and yet incomplete this should be considered for a full Planning Application rather than a mere revisal.
4. On a point of detail the boundary with my property in the site plan is not correct.

As an aside we have never been consulted for any of the previous planning applications for this land, many of which have been declined, even though we are directly impacted. Indeed on this revised application I had to contact the Planning Dept to point out we should be consulted as should other neighbours, even if the land owner does not have the courtesy to consult us. I would like to thank the Planning Officer for taking the time to engage with me subsequently.

POLICIES/LEGISLATION

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

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

CORE STRATEGY:

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

CP5: Flood Risk Management
CP6: Environmental Quality
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D5: Building design
D6: Amenity
D7: Infill and backland development
NE2A: Landscape setting of settlements

LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy
NE2: Conserving and enhancing the landscape and landscape character
SCR6: Sustainable Construction Policy for New Build Residential Development
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

NEIGHBOURHOOD PLANS:

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

Stowey Sutton

NATIONAL POLICY:

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

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 is seeking to vary condition 7 of the permitted planning application 23/01067/VAR which sought the erection of a single dwelling. Condition 7 is the plans list.

The application seeks to erect a single dwelling on the same site, with a reduced footprint and modified design to that already permitted.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The red line boundary of the site is entirely within the Housing Development boundary of Bishop Sutton where the principle of development is acceptable subject to other material planning considerations discussed below.

It is noted that the applicant is the owner of Paysons Croft and the orchard to the rear of the site shown within the blue line boundary. The orchard is not within the Housing Development Boundary and does not form part of this application.

Policy SSHP04 of the Stowey Sutton Neighbourhood Plan states that in accordance with the 2014 housing needs survey the neighbourhood plan supports infill development which proposes to build small (1-2 bed) market housing, other types of dwelling will be supported if they reflect a housing need. The proposal is for a three bed dwelling. Whilst objection has been received to the 3-bedroom dwelling, this policy offers support for one to two bed dwellings, but it does not automatically follow that anything else is unacceptable. The proposal will contribute towards the general housing need for the wider area. Additionally, the local housing survey on which this policy was based is now 8 years old. Overall, the proposal is not considered to conflict with policy SSHP04.

DESIGN, CHARACTER AND APPEARANCE:

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

Policy D7 has regard to infill and backland development. Infill development is defined as the filling of a small gap in an otherwise built up frontage. Infill development could be supported where:

- a. Development has regard to the character and quality of the surrounding townscape.
- b. New development reflects the form, pattern and grain of this existing development or otherwise enhances the character.

Policy SSHP02 of the Stowey Sutton Neighbourhood Plan supports infill housing within the housing development boundary that is of a character in keeping with the Character Assessment and does not harm the AONB.

Whilst relatively narrow, the proposal site is considered an infill plot. It is noted that outline planning permission was granted in 2003 for a dwelling on the site as the officer considered it to be infill development. Planning permission has also been granted in 2020 for the erection of a single dwelling. The site is still considered to result in infill.

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. Policy SSHP03 says the Neighbourhood Plan will support future housing development which 'will reflect the character, varied materials and varied build design as identified through the Character Assessment'.

The proposal site is located on the southern edge of Bishop Sutton along Church Lane; the lane is narrow in places and has a relatively rural feel. There is no particular grain to the properties in the area, they vary in design, size, height and plot width. The Character Assessment for the Church Lane area of Bishop Sutton within the Neighbourhood Plan refers to a mixture of properties from very old miner's cottages, a farmhouse, large detached houses and bungalows, and semi-detached houses and bungalows. Most have front and back gardens of a good size.

Objection is received on the ground that the proposed materials and building design do not sit comfortably within the streetscape, as described in the Character Assessment of the Neighbourhood Plan.

The site has permission granted under reference 20/00257/FUL for the erection of a detached dwelling. This dwelling is 2-stories in height with a rear and front projection set down slightly from the main ridge line. The floor plan resembles a plus sign shape. A garden is proposed to the rear and parking to the front.

This variation of conditions seeks to alter the design of the building. The main differences include the omission of the rear projection and a reduced footprint. The building itself is situated slightly further to the rear so that the rear elevation is more consistent with that of the neighbouring property Three Gables.

The building design as shown on the elevation drawings has also been modified to steepen the pitch of the roofs and to incorporate an asymmetrical 'catslide' roof to the front. The windows are reduced in number and size, providing casement windows. To the rear, the south facing roofslope is now proposed to host photovoltaic panels.

The proposed building is proposed on a similar building line to that created by Paysons Croft and Three Gables, which are the two furthest forward set properties on the street. The front elevation does not extend beyond Paysons Croft with the majority of Three Gables stepped back slightly and this is considered acceptable. It is noted that the road front here is curved and there is a mix of step backs in regards to the existing properties and their relative distance from the road some being nearer than others to the road so this relationship is not uniform and the building line is not well defined.

The plot sizes vary along Church Lane, again Paysons Croft and Three Gables form the largest in the street. The proposed plot size is similar to that of Greengarth and Isanmine just west of Three Gables.

The dwelling is considered to fit comfortably within the plot.

Previous schemes have been refused at the site for more than one dwelling mainly due to the dwellings falling outside of the Housing Development Boundary. Of note was the inspectors comments on the previous application that any dwelling located here must maintain gaps between the dwellings with views in and out to the AONB. Paysons Croft and Three Gables are long dwellings which, including outbuildings) span across the width of their plots. The detached dwellings to the west also span nearly the width of the plot with small gaps maintained. Here the dwelling achieves a gap between the dwelling and the edge of the plot and there is over a one metre gap between the proposal and the built form either side. It is considered this is sufficient to maintain views in and out of the AONB in keeping with the gaps around the surrounding properties.

The parking is located to the front (north) of the site which is in keeping with the location of driveways of the surrounding dwellings along Church Lane. The level of hardstanding is consistent with the approved application in 2020 which was considered to retain a more rural feel by focussing the parking at the front of the site, particularly where the rear of the site transitions into the open countryside and wider AONB.

The Character Assessment for the Church Lane area of Bishop Sutton notes that properties are predominantly rendered or of local stone. Paysons Croft is stone built with a typical gable design and porch to the principle elevation, whereas Three Gables is much taller with a rendered design with external timber detailing to the gable.

The dwelling now proposed to be constructed from stonework to match Paysons Croft and rendered panels, as annotated onto the elevational drawings. Slate roof tiles are proposed and grey aluminium framed doors and windows.

No further details of the proposed materials have been provided and a condition will be included so that samples of the materials can be provided and assessed prior to the commencement of the construction works.

The proposal incorporates a design and materials which are reflective of the existing dwellings within the streetscene. The proposal results in a dwelling that has been designed with elements from current housing trends, it is considered that given the streets character of dwellings from a number of time periods that the proposal will integrate and embed successfully over time.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4, D5 and D7 of the Placemaking Plan and part 12 of the NPPF.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape. Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The site is located within the village of Bishop Sutton, along Church Lane, the southern side of which forms part of the Mendip Hills Area of Outstanding Natural Beauty. The property is to be located in a small infill plot along the built up southern edge of Church Lane between two large dwellings. It is considered that when looking towards the village from view points across the wider AONB the proposal will be read in the context of the surrounding dwellings and will be in keeping with the village-scape setting, as such a new dwelling in this location will not look out of place. This application follows a recent approval for the erection of a dwelling on this site which is larger in footprint and built volume (20/00257/FUL).

The previous approval found that a small gap akin to those found between the other dwellings along Church Road will be maintained, these will provide some punctuation to the AONB beyond. It was noted also that Poole Farm House sits between the site and the wider AONB and is therefore in the main view in and out of the site, again resulting in an already existing view having built form within it. Additionally, the orchard to the immediate south of the site will soften views of the proposal and ensure the transition to rural countryside is maintained. Nevertheless whilst landscape character should be maintained the right to a view itself is not a material planning consideration. Here the village-scape character of the AONB is considered to be conserved.

The dwelling will be located in an area of existing dwellings where there is already some light spill from this use, it is not considered the one dwelling located here would significantly increase light spillage, nor would the light spill beyond the curtilage. No outdoor lighting is proposed with the scheme. It is also noted that the north elevation referred to by the AONB board is the elevation that faces into the village. Residents are also likely to employ the use of curtains/ blinds on windows.

Overall, the proposal is still considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF.

The lighting associated with the proposal does not conflict Housing and Development Policy SSHP06 Lighting of the Stowey Sutton Neighbourhood Plan.

RESIDENTIAL AMENITY:

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

Objection has been received that the new layout results in a rear elevation which is situated closer to the neighbouring boundary which may impact the neighbours light. Three Gables is a located in a wide plot with a wide garden. The proposed dwelling is set back slightly from the rear building line of Three Gables so it was acknowledged during the recent approval (20/00257/FUL) that there may be some additional, minimal overshadowing of the eastern end of the property in the mornings in the summertime but this was not considered to be of a significant level to warrant refusal.

The new proposal seeks to reduce the footprint of the dwelling and the new design completely omits the 2-storey gabled projection which extended to the rear of the approved scheme. However, the dwelling itself is positioned slightly further to the rear, aligning the rear elevation with that of the detached garage at the neighbouring property Paysons Croft.

As such, the redesign of the dwelling is considered to have an unchanged impact on the neighbouring amenity since the approval of application 20/00257/FUL.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

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

The application seeks the provision of 3no parking spaces at the front (north) of the site, accessed directly from Church Lane. The parking and entrance layout is unchanged since the approval of application 20/00257/FUL.

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

FLOODING AND DRAINAGE:

The Parish Council raise concern that inadequate storm water capacity was identified at the junction of Church Lane and Sutton Hill road which is situated approximately 73 meters from the application site. Consultation was undertaken with the BANES Drainage and Flooding team during the Full application found that on site infiltration testing will need to be undertaken at an early stage to ensure that soakaways are viable. If not, then an alternative means of draining the plot will need to be submitted for approval. The Banes Drainage and Flooding team were satisfied that could be achieved via condition and as such had raised no objection to the scheme.

The same conditions will be implemented with this application to ensure that all surface water will be dealt with within the plot and not allowed to discharge onto the highway.

SCHEME OF DELEGATION:

The application was referred to the Chair and Vice Chair of the B&NES Planning Committee in accordance with the Council's Scheme of Delegation, as the officer's recommendation is contrary to formal comments received by the Parish Council, which gave planning reasons supporting the application.

The Vice Chair decided to refer the decision to the committee, commenting as follows:

Although the principle of development has been accepted through the granting of the original planning application 20/00257/FUL, there are significant differences to the overall appearance of the dwelling which should be considered by the Planning Committee in order to be transparent and enable the Parish Council and any interested parties to make further representations

The Chair also decided to refer the decision to the committee, commenting as follows:

The design of the proposed property is very different to what was found acceptable in the original permission. Members of the public and the Parish Council might reasonably expect that such a significant change and other changes are considered in public. To retain public confidence this application needs to be determined by the planning committee.

The application will therefore be referred to the planning committee.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before 2 July 2023.

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

2 Materials - Submission of Materials Schedule (Bespoke Trigger)

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

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

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

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

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

3 Parking (Compliance)

The area allocated for parking, as indicated on submitted plan reference 2210/011 Revision B, 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 Local Plan Partial Update.

4 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 Local Plan Partial Update.

5 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, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

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

6 Infiltration testing and soakaway (Pre-Occupation)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

The soakaways or other approved method of surface water drainage shall be installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking 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 This decision relates to the following plans:

Drawing	17 Mar 2023	PROPOSED ELEVATIONS
Drawing	17 Mar 2023	PROPOSED FIRST FLOOR PLAN
Drawing	17 Mar 2023	PROPOSED GROUND FLOOR PLAN
Drawing	17 Mar 2023	PROPOSED SITE PLAN

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

5 Responding to Climate Change (Informative):

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

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	28th June 2023
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	

APPEALS LODGED

App. Ref: 22/03918/FUL
Location: 276 High Street Batheaston Bath Bath And North East Somerset BA1 7RA
Proposal: Replacement of four windows to the front of the property.
Decision: REFUSE
Decision Date: 23 November 2022
Decision Level: Delegated
Appeal Lodged: 25 May 2023

App. Ref: 22/03969/FUL
Location: Ground Floor 15 Bladud Buildings City Centre Bath Bath And North East Somerset
Proposal: Retrospective application to increase length of single storey slate clad rear extension previously approved under 18/02149/FUL
Decision: REFUSE
Decision Date: 6 December 2022
Decision Level: Delegated
Appeal Lodged: 25 May 2023

App. Ref: 22/02528/FUL
Location: Somer Lodge 7 Steam Mills Midsomer Norton Radstock Bath And
North East Somerset
Proposal: Proposed extensions and loft conversion.
Decision: REFUSE
Decision Date: 15 November 2022
Decision Level: Delegated
Appeal Lodged: 13 June 2023

APPEALS DECIDED

App. Ref: 22/01398/COND
Location: Knoll Farm White Ox Mead Lane Peasedown St John Bath Bath And North East Somerset
Proposal: Discharge of condition 5 (Hard and Soft Landscaping (Pre-occupation)) of application 20/02480/FUL (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).
Decision: REFUSE
Decision Date: 24 May 2022
Decision Level: Non-Planning applications
Appeal Lodged: 14 March 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 24 May 2023

App. Ref: 22/01466/FUL
Location: Skylark Farm Braysdown Lane Peasedown St John Bath Bath And North East Somerset
Proposal: Use of land for the siting of timber cabin for ten years for an agricultural worker.
Decision: REFUSE
Decision Date: 8 September 2022
Decision Level: Delegated
Appeal Lodged: 1 March 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 25 May 2023

App. Ref: 22/00722/AR
Location: Garfunkels Orange Grove City Centre Bath Bath And North East Somerset
Proposal: Display of 1no set of externally illuminated text to front elevation, 2no sets of non-illuminated sign written text to entrance canopy and 1no externally illuminated post mounted sign
Decision: REFUSE
Decision Date: 31 May 2022
Decision Level: Delegated
Appeal Lodged: 31 January 2023
Appeal Decision: Appeal Allowed/Dismissed in Part
Appeal Decided Date: 5 June 2023

App. Ref: 22/00727/LBA
Location: Garfunkels Orange Grove City Centre Bath Bath And North East
Somerset
Proposal: External alterations for the display of 1no. set of externally illuminated text to front elevation, 2no. sets of non-illuminated sign written text to entrance canopy.
Decision: REFUSE
Decision Date: 31 May 2022
Decision Level: Delegated
Appeal Lodged: 31 January 2023
Appeal Decision: Appeal Allowed/Dismissed in Part
Appeal Decided Date: 5 June 2023
