

Planning Committee

Date: Wednesday, 15th November, 2023

Time: 11.00 am

Venue: Banqueting Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Duncan Hounsell, Ian Halsall, Paul Crossley, 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 specific scheme for the public to make representations at Planning Committee meetings.

Advance notice is required by the close of business (5.00pm) two days before a committee. 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, 15th November, 2023

at 11.00 am in the Banqueting 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 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.

In relation to the planning application 22/02169/EOUT – Parcel 4234, Combe Hay Lane, Combe Hay, Bath, the Chair has agreed to extend the time limit for speakers to reflect the number of planning issues involved. In relation to this application, the time limit will be:

3 minutes for Combe Hay Parish Council

3 minutes for South Stoke Parish Council

6 minutes for objectors

6 minutes for supporters

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 8)

To confirm the minutes of the meeting held on 18 October 2023 as a correct record for signing by the Chair.

7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 9 - 254)

The following application will be considered in the morning session starting at 11am:

1. 22/02169/EOUT - Parcel 4234, Combe Hay Lane, Combe Hay, Bath

The following applications will be considered in the afternoon session starting at 2pm:

2. 23/00660/FUL - Proximity House, Pixash Business Centre, Pixash Lane, Keynsham
3. 23/01692/LBA - Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath
4. 23/01693/FUL - Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath
5. 22/04109/FUL - Elm Grove Farm, Lower Road, Hinton Blewett, Bristol
6. 23/02731/FUL - 1 Drake Avenue, Combe Down, Bath
7. 23/03159/FUL - Rockside, Mead Lane, Saltford, Bristol
8. 22/04565/FUL - The Old Post Office, Tucking Mill Lane, Midford, Bath
9. 23/02958/VAR - Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath
10. 23/02496/FUL - 9 St Ann's Way, Bathwick, Bath,

8. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 255 - 256)

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, 18th October, 2023, 11.00 am

Councillors: Duncan Hounsell (Chair), Ian Halsall (Vice-Chair), Paul Crossley, Lucy Hodge, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Fiona Gourley

48 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

49 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Tim Warren.

50 DECLARATIONS OF INTEREST

There were no declarations of interest.

51 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**1. Tour of Completed Development Sites**

The Chair thanked officers for organising the annual tour of completed development sites and confirmed that Members had found the tour useful.

2. Team Manager – Development Management

The Chair reported that Chris Gomm would be leaving at the end of the month to take up a position in another authority. On behalf of the Committee, Cllr Eleanor Jackson thanked him for his work at B&NES and wished him well in his new role.

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

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

53 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson, seconded by Cllr Toby Simon and:

RESOLVED that the minutes of the meeting held on Wednesday 20 September

2023 be confirmed as a correct record for signing by the Chair.

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

There were no site visit applications for consideration and it was noted that the application deferred from the previous meeting was scheduled to come back to the November meeting.

55 **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) 23/01535/PIP - Strathmore, Staunton Lane, Whitchurch, Bristol, Bath And North East Somerset

The Planning Officer introduced the report which considered a permission in principle planning application for the erection of one dwelling and associated works.

She confirmed the recommendation that permission in principle be granted.

The following public representations were received:

1. Isabelle Reynolds, agent, speaking in support of the application.

In response to Members' questions, it was confirmed:

1. In relation to permission in principle applications, an assessment could only be made in relation to the location, land use and amount of development. If permission was granted, the applicant would have 3 years to submit the technical details. A permission in principle did not mean that an application for the technical details would be granted if technical details did not prove to be satisfactory.
2. The Planning Inspector's decision to allow an appeal for 3 infill dwellings at a nearby site had not set a precedent, but consideration needed to be given to the Inspector's conclusion that decision makers should, when determining whether or not a site can be considered in a village, have regard to the situation 'on the ground' as well as to any relevant policies.
3. In relation to the highways objection raised in 2017 which was no longer of concern to officers, this related to a private road. Since 2017, there had been the Inspector's decision to grant an appeal on a nearby site and in view of this, it was considered that a refusal on highway grounds could not

- be warranted.
4. The site did include a tree which was not the subject of a Tree Preservation Order.
 5. Some weight could be given to an application being self-build.
 6. There were some rare cases where personal circumstances could be considered but, on the whole, personal circumstances were not a material consideration.
 7. The application site was within the curtilage of Strathmore and would be located in the side garden. There was no difference to its location in terms of openness than if it had been located on a separate piece of land.
 8. In terms of the green belt location, if the principle of infill was considered appropriate, there was no need for very special circumstances to justify the development.

A number of Members expressed a general concern that the decision of the Planning Inspector to grant permission for a nearby application as infill would effectively lead to the redrawing of the boundary for housing development resulting in a piecemeal approach to further developments.

Cllr Ian Halsall stated that he supported the permission in principle application in view of the location, land use and amount of development.

Cllr Paul Crossley moved the officer recommendation to grant permission in principle. This was seconded by Cllr Hal MacFie.

Cllr Toby Simon spoke in support of the application as a self-build development which met a housing need.

On voting for the motion to grant permission, it was CARRIED (9 in favour, 0 against – UNANIMOUS)

RESOLVED that permission in principle be granted.

(2) 23/02676/FUL - 22 Rockliffe Avenue, Bathwick, Bath, Bath And North East Somerset

The Planning Case Officer introduced the report which considered an application for the erection of front porch extension, replacement of windows and doors, installation of raised flat roof to rear extension and new ground floor side windows and alterations to door and window openings. She reported that the application had been referred to committee under the scheme of delegation as the applicant was an employee of the Council's Planning Department.

She confirmed her recommendation that the application be permitted.

Cllr Toby Simon opened the debate as local ward member and confirmed that he supported the application. He proposed the officer recommendation that the application be approved. This was seconded by Cllr Ian Halsall.

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

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

(3) 23/03048/VAR - Parcel 2000, Silver Street, Midsomer Norton, Bath And North East Somerset

The Planning Case Officer introduced the report which considered an application for a variation of a condition relating to a boundary wall and associated landscaping and reported that the application had been referred to Committee under the scheme of delegation as the applicant was an employee of the Council's Planning Department.

She confirmed her recommendation that the application be permitted. Cllr Eleanor Jackson spoke in support of the variation as she did not consider the original proposal for lime trees to be suitable in the location. She proposed the officer recommendation that the application be permitted. This was seconded by Cllr Paul Crossley.

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

RESOLVED that permission be granted.

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

RESOLVED that the report be noted.

57 COMMITTEE PERFORMANCE REPORT - JULY TO SEPTEMBER 2023

The Chair drew attention to the improved performance in relation to the number of enforcement cases being closed and it was noted that, after a period of vacancies, the Enforcement Team was now fully staffed.

RESOLVED that the report be noted.

The meeting ended at 12.08 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	15th November 2023
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

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

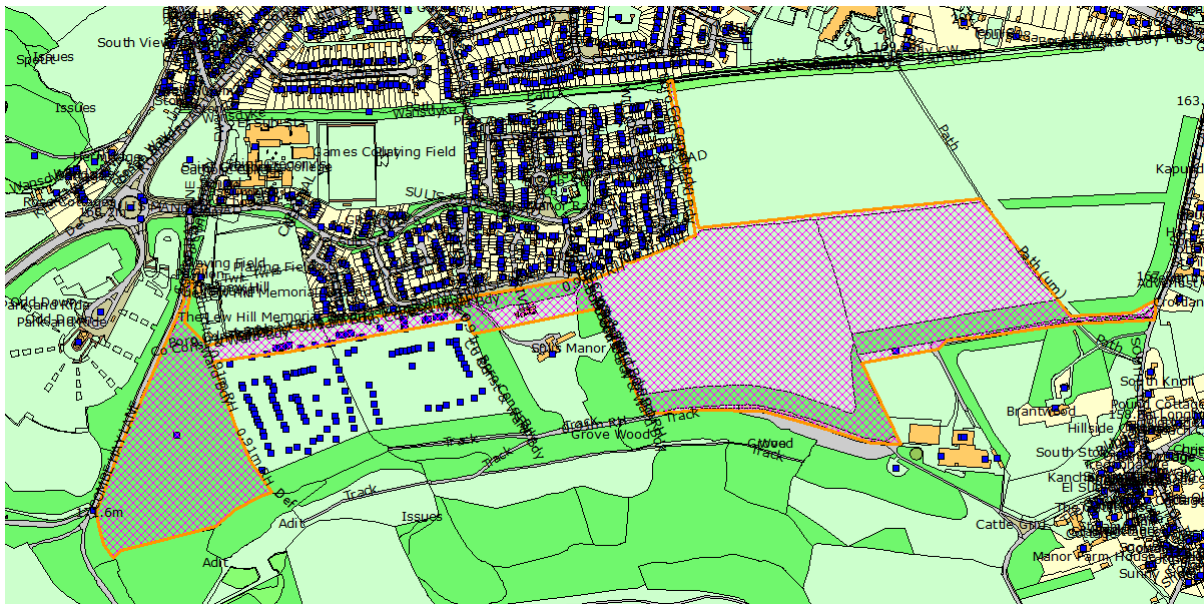
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	22/02169/EOUT 17 November 2023	The Hignett Family Trust Parcel 4234, Combe Hay Lane, Combe Hay, Bath, Bath And North East Somerset (i) Outline application for Phases 3 and 4 for up to 290 dwellings; landscaping; drainage; open space; allotments; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road (details of internal roads and footpaths reserved); (ii) Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; boundary treatment; and, the erection of 4 x Bat Night Roosts; to enable construction of the spine road; with the ecologic mitigation on Derrymans and the field known as 30Acres (edged blue on the Location Plan).	Bathavon South	Chris Griggs-Trevarthen	Delegate to PERMIT
02	23/00660/FUL 20 April 2023	Mr Chris Lyons Systopia Consulting Limited Proximity House, Pixash Business Centre, Pixash Lane, Keynsham, Bristol Construction of 2no. industrial units (Use classes B8 and E(g)) with associated parking, external yards, landscaping and services.	Keynsham East	Ben Burke	PERMIT
03	23/01692/LBA 11 July 2023	Mr And Mrs Roger And Kerry Parsons Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath, Bath And North East Somerset Provision of new entrance gates.	Widcombe And Lyncombe	Ben Burke	CONSENT

04	23/01693/FUL 11 July 2023	Mr And Mrs Roger And Kerry Parsons Bloomfield House, 146 Bloomfield Road, Bloomfield, Bath, Bath And North East Somerset Provision of garden room building and new entrance gates.	Widcombe And Lyncombe	Ben Burke	PERMIT
05	22/04109/FUL 12 January 2023	Mr Charlie Gamlen Elm Grove Farm, Lower Road, Hinton Blewett, Bristol, Bath And North East Somerset Conversion and extension of barn to create 1no. dwelling and replacement of all remaining buildings with 4no. dwellings together with associated hard/soft landscape works; drainage and access improvements.	Mendip	Danielle Milsom	PERMIT
06	23/02731/FUL 17 November 2023	Vertex Investments Ltd 1 Drake Avenue, Combe Down, Bath, Bath And North East Somerset, BA2 5NX Change of use from a 5 bedroom dwelling (Use Class C3) to a 5 bedroom House in Multiple Occupation (HMO) for 3-6 people (Use Class C4) (Retrospective).	Combe Down	Christopher Masters	PERMIT
07	23/03159/FUL 22 November 2023	Ian and Virginia Campbell Rockside, Mead Lane, Saltford, Bristol, Bath And North East Somerset Erection of front balcony, two storey side extension, garage and associated alterations following removal of conservatory and existing garage.	Saltford	Christopher Masters	REFUSE
08	22/04565/FUL 26 October 2023	Mr Mike Coupe The Old Post Office , Tucking Mill Lane, Midford, Bath, Bath And North East Somerset Erection of new single storey rear extension to dwelling and relocated pedestrian gate access	Bathavon South	Christopher Masters	PERMIT
09	23/02958/VAR 4 October 2023	Mr & Mrs J & S Flavell Waterworks Cottage , Charlcombe Way, Fairfield Park, Bath, Bath And North East Somerset Variation of conditions 5 (Bicycle Storage (Pre-occupation)), 7 (Implementation of Landscaping Scheme (Bespoke Trigger)) and 15 (Plans List (Compliance)) of application 23/00895/FUL (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

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 22/02169/EOUT
Site Location: Parcel 4234 Combe Hay Lane Combe Hay Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Combe Hay **LB Grade:** N/A

Ward Members: Councillor Matt McCabe Councillor Fiona Gourley

Application Type: Outline Application with an EIA attached

Proposal:

- (i) Outline application for Phases 3 and 4 for up to 290 dwellings; landscaping; drainage; open space; allotments; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road (details of internal roads and footpaths reserved);
- (ii) Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; boundary treatment; and, the erection of 4 x Bat Night Roosts; to enable construction of the spine road; with the ecologic mitigation on Derrymans and the field known as 30Acre (edged blue on the Location Plan).

Constraints:	Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy HE1 Scheduled Ancient Monuments, Policy HE2 Somersetshire Coal Canal & Wa, 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, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, Placemaking Plan Allocated Sites, Public Right of Way, Scheduled Ancient Monuments, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant:	The Hignett Family Trust
Expiry Date:	17th November 2023
Case Officer:	Chris Griggs-Trevarthen
To view the case click on the link here .	

REPORT

REASON FOR REPORTING TO COMMITTEE

The application has been referred to the chair/vice chair of Planning Committee in line with the scheme of delegation following call-in requests from Cllr. Joel Hirst and Cllr. Matt McCabe. The chair/vice chair have decided that the application should be determined by committee and have made the following comments:

Chair, Cllr. Duncan Hounsell

"I note the number of objections from individuals, organizations, and local Parish Councils. This application is of considerable public interest and is best determined at committee in the public domain where all relevant material considerations, planning arguments, and debate can be heard by the wider public."

Vice Chair, Cllr. Ian Halsall

"This application has generated substantial public interest and raises matters relating to the development in and around protected and sensitive landscape and heritage environments. This application must be heard and discussed in public to both allow the public, ward members and Parish Council to express their views and for the committee to debate the proposal. This is given the quantum of development, particularly the proposed 40% affordable homes, delivery of local housing need in the immediate term and the perceived economic benefits, sustainable transport improvements and biodiversity advantages and whether these outweigh those argued adverse and less than substantial harms."

DESCRIPTION

The application site forms part of the strategic site allocation B3a 'Land adjoining Odd Down, Bath', known as Sulis Down.

It is located on a plateau on the south side of Bath, between the Odd Down Park and Ride to the west and Southstoke Lane to the east. Most of the allocation comprises agricultural fields except for the centrally located Sulis Manor, an Arts and Crafts manor house used as a residential language school, and Odd Down football club, which occupies the north-west corner of allocation adjacent to Combe Hay Lane. It also includes the existing modern former farm buildings at Manor Farm which are used for various commercial purposes.

The allocation lies within the Cotswolds Area of Outstanding Natural Beauty ("AONB") and is within the indicative extent of the two World Heritage Site ("WHS") settings. Sulis Manor is identified as a non-designated heritage asset and its curtilage is included within the boundary of Bath's two World Heritage Site designations. The Wansdyke Scheduled Ancient Monument ("SAM") runs east-west along the north side of the adjacent Sulis Meadows estate. The South Stoke Conservation Area abuts the south-eastern corner of the allocation.

The southern extent of the allocation and the land beyond contains a tree belt which sits at the lower part of the plateau. Sulis Manor has well treed boundaries and these are subject to a group Tree Preservation Order ("TPO") reference 500/306.

There are also several listed buildings in the surrounding area including the Cross Keys Inn (Grade II) to the north-east at the junction of Midford Road and Southstoke Road and the following listed buildings within the South Stoke Conservation Area:

- Tithe Barn (Grade II*)
- Church of St James (Grade II*)
- Manor Farmhouse (Grade II)
- 1, 2 and 3 The Grange at Manor Farm (Grade II)
- Brewery House (Grade II)
- Packhorse Inn (Grade II)
- The Priory (Grade II)
- Southstoke Hall
- The Lodge to Southstoke Hall (Grade II)
- K6 Telephone Kiosk, Southstoke (Grade II)

The land was allocated for residential development and most of it was removed from green belt as part of the Core Strategy in 2014. The commercial buildings at Manor Farm remain within the green belt.

A masterplan of the site submitted in 2018 divided the allocation into 4 phases: Phase 1 consists of land to the west of Sulis Manor, Phase 2 consists of Sulis Manor, and Phases 3 and 4, land to the east of Sulis Manor.

Planning permission for phase 1 of the allocation (comprising the erection of 171 residential units, open space, green infrastructure, landscaping and associated works including provision of vehicular access from Combe Hay Lane) was granted in August 2019 subject to various planning conditions and a s106 agreement (dated 14th August 2019).

The current hybrid application seeks detailed planning permission for the continuation of the spine road (from Phase 1) across the north side of Sulis Manor and outline planning permission for up to 290 dwellings on phases 3 and 4 with all matters reserved except for access.

The application proposes to provide 40% affordable housing (up to 116 homes). It also includes the provision of new allotments, ecological mitigation, landscaping, drainage and new footpaths/cycleways.

The outline proposal comprises the following set of parameter plans:

Land Use Parameter Plan
Access and Movement Parameter Plan
Green Infrastructure Parameter Plan
Building Heights Parameter Plan
Lighting Parameter Plan
Drainage Parameter Plan

It is also accompanied by an Ecological Mitigation and Enhancement Plan and a Comprehensive Masterplan.

PLANNING HISTORY

The most relevant planning history is set out below:

Planning application 17/02588/EFUL

Full planning permission for the erection of 171 residential units, open space, green infrastructure, landscaping and associated works including provision of vehicular access from Combe Hay Lane

Status: Permitted 15th August 2019

Planning application 21/02214/EVAR

Variation of Condition 24 (Plans List) of application 17/02588/EFUL (Full planning permission for the erection of 171 residential units, open space, green infrastructure, landscaping and associated works including provision of vehicular access from Combe Hay Lane)

Status: Permitted 6th September 2021

Planning application 22/01370/FUL

Creation of new allotments including associated facilities and landscaping, including access serving the allotments.

Status: Pending consideration

Planning application 17/03304/DEM

Demolition of Sulis Manor House and associated outbuildings to north of site

Status: Withdrawn 7th August 2018

ENVIRONMENTAL IMPACT ASSESSMENT

The application has been submitted with an Environmental Statement and is EIA development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The environmental statement includes the following chapters:

1. Introduction
2. Site and Surroundings
3. Development Proposals (including assessment of alternatives)
4. Approach to Environmental Statement
5. Planning Policy
6. Traffic and Access
7. Climate Change
8. Landscape and Visual Impact Assessment
9. Ecology: Context and Impact Assessment
10. Cultural Heritage (including architectural and archaeological impacts)
11. Cumulative Impact
12. Summary and Residual Effects

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below. The complete list and text of responses received can be viewed on the Council's website.

ARBORICULTURE: No objection to detailed application / Scope for revision to outline application

The introduction of the allotments to the south of Hazel Way and Spruce Way has the potential to also secure adequate green infrastructure along this boundary but no detail has been provided. More detailed information is needed on the space available between the allotment use and boundary for tree planting to ensure that conflicts are not introduced, and that green infrastructure provision is not compromised.

CONSERVATION: Scope for revision

Lack of a comprehensive masterplan and site plan.

Lack of elevations to assess impact of building heights on heritage assets.

Lack of information resulting in inability to fully understand impact on the setting of heritage assets.

Potential negative impact on designated and undesignated heritage assets.

Development intensity/density.

ECOLOGY: No objection, subject to conditions

ARCHAEOLOGY: No objection (Advice does not cover Wansdyke SAM - see Historic England)

HIGHWAYS: No objection, subject to conditions and obligations

PUBLIC RIGHTS OF WAY: No objection

URBAN DESIGN AND LANDSCAPE: No objection, subject to conditions.

No objection to the detailed application for spine road, subject to standard landscape conditions.

Regarding the outline application, in accordance with Policy B3a a comprehensive masterplan must be prepared and agreed. The revised version of the masterplan (Rev H dated August 2023) cross-refers to the vision and principles set out in the Design and Access Statement ("DAS") and incorporates key wording from the DAS. This is helpful in clarifying the development aspirations, including a stated commitment to follow the City of Bath Strategic Design Values as set out in the adopted Placemaking Plan. Since it is a policy requirement that a comprehensive masterplan should be agreed, it is not clear why the masterplan is not listed amongst the plans submitted for approval but has been submitted as 'illustrative' only, which diminishes its status.

The level of detail included in the masterplan is similar to that of the six parameter plans, and is consistent with them, so in the event that outline permission is given, it is recommended that the masterplan be listed alongside the parameter plans and formally linked to the permission.

This would be helpful in giving the LPA added confidence that the 'vision statement' in the masterplan will be realised.

PLANNING POLICY: Scope for revision

Should the proposal meet all of the Placemaking Principles set out in Core Strategy Policy B3a the principle of the proposed capacity would be acceptable. Careful consideration of each of the Placemaking Principles is required by appropriate consultees, to ensure that the proposed density and form of development can be appropriately accommodated at the site. Assessment is also required in relation to impact of allotment provision on the openness of the Green Belt. To carry out this assessment, further details are required regarding the proposed allotment uses.

DRAINAGE AND FLOOD RISK: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No objection, subject to conditions

AIR QUALITY: No objection, subject to conditions

CONTAMINATED LAND: No objection, subject to conditions

HOUSING: No objection, subject to obligations

PARKS: No objection, subject to conditions and obligations

ECONOMIC DEVELOPMENT: No objection, subject to obligations

EDUCATION: No objection

WESSEX WATER: No objection

HISTORIC ENGLAND: Comments

The application for up to 290 dwellings and associated infrastructure and ecological mitigation, has the potential to impact on several highly designated heritage assets, including the City of Bath World Heritage Site (WHS) and part of the West Wansdyke Scheduled Monument. These are heritage assets of the highest significance [NPPF 200b].

Historic England still have concerns about this development. The applicant has made progress with reducing the harm through planting and design on the northern edge, however there will still be development in the setting of the heritage assets which will cause harm. We recognise that the site has been allocated for development. It is for the local authority to ensure that the development fulfils the requirements of the Design Guides and Policies to ensure a sustainable development that minimises harm to the heritage assets that are impacted by the proposal. This should include suitable planting along the northern boundary to further reduce the harm caused to the heritage assets.

The proposed development will cause harm to the significance of the heritage assets through a change in their setting. This includes the removal of part of the open green agricultural landscape that forms part of the WHS Outstanding Universal Value Green Setting Attribute No.5. This harm is in our view less than substantial. However, the conservation of highly designated assets whatever level of harm is identified has to be given great weight through the planning process (NPPF 199). Any harm identified must be assessed alongside any public benefits (NPPF 202).

We recommend that if you are minded to grant this permission suitable conditions are included to allow for alterations to the Broad Close path and Wansdyke crossing in the event that scheduled monument consent is not granted for a crossing that can accommodate cyclists.

NATURAL ENGLAND: No objection, subject to conditions

Natural England concur with the conclusions of the Appropriate Assessment, provided that all mitigation measures are appropriately secured in any planning permission given.

Natural England advises that the decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Natural England note the identification of slight/moderate adverse effects on the AONB but recognise due to the screening provided of the site by the intervening topography and vegetation, these effects will be limited in extent geographically. They recognise and endorse the mitigation measures proposed which will aid in limiting the landscape impact of the proposal. On this basis, Natural England do not object in principle to the proposal.

DEPARTMENT FOR LEVELLING UP, HOUSING & COMMUNITIES: No comment

COMBE DOWN SURGERY: Comments

1. The development will generate approximately 700 new potential patients and it is reasonable to assume that most patients will register at either Combe Down Surgery or Odd Down surgery.
2. Rush Hill surgery had to close their list for a period of 9 months last year due to a lack of clinicians available to provide a safe service.
3. At Combe Down and Odd Down surgeries the main problem is the lack of room space to house the staff need to look after increasing patient numbers.
4. A patient increase of 700 would be about 5% and there would be a need to expand the workforce by the same amount, plus more clinical and admin space would definitely be needed.
5. There is an opportunity to take back some space from a pharmacy business vacating at Combe Down but the rooms require significant investment to make them suitable for 2 consultations and a small admin space.
6. Money from the Integrated Care Board via s106 funding allocated would allow reconfiguration of the space from the pharmacy business leaving.
7. It does not seem unreasonable to expect a good contribution to local health infrastructure needs given the strains that new housing will put on it.

NHS INTEGRATED CARE BOARD: No objection, subject to obligation

Combe Down Surgery and Rush Hill Surgery along with all GP surgeries across the country are experiencing significant and growing strain whilst also struggling to recruit staff resulting in patients having to wait longer for appointments. Additional increase in patients without having the appropriate staffing model in place together with insufficient premises space will put the staff under severe pressure and will impact on waiting times as well as the resilience of the primary care workforce.

To maintain good sufficient adequate premises capacity to allow the appropriate staffing ratios for the increased population from this housing growth, the ICB would seek a contribution of £124,677 towards a scheme/s, or premises solution, in the locality that increases capacity in Primary Care and associated health care to deliver health care services.

RUH BATH NHS FOUNDATION TRUST: No objection, subject to obligation

The Trust considers that this development will create potentially long-term impact on the Trust ability provide services as required. The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.

The funding contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments, and housing trajectories when the contracts are negotiated. Furthermore, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide services required due to the funding gap it creates. A contribution of £276,843 is sought to mitigate this direct impact.

CAMERTON PARISH COUNCIL: Objection

21st July 2022

1. Traffic modelling carried out for phase 1 suggested a total of 450 would cause a severe highways impact on the northbound approach to Odd Down Park and Ride roundabout.
2. Phase 1 has already had a detrimental effect on access to the Park and Ride and traffic on A367, with increased rat running in villages along this route. An additional 300 homes will exacerbate this contrary to ST7.
3. Adverse effect on access to the Park and Ride will discourage its use and increase traffic driving into Bath.
4. The increased number of homes is overdevelopment. The number of proposed homes detracts from the quality and character of the existing settlement and its locality.
5. Detrimental impacts on the setting of the WHS contrary to HE1.
6. Detrimental impacts on the openness and visual amenity of the Green Belt contrary to GB1 and CP8.
7. Detrimental impacts to the local landscape and green setting of the existing settlement contrary to NE2a.

15th June 2023

1. Changes do not address the key issues that more houses mean more traffic chaos and congestion.
2. Combe Hay Lane is already a bottleneck.

5th September 2023

1. Additional information does not address issues of rat running.
2. The proposals will have a detrimental effect on wildlife. The plateau is home to protected wildlife including greater horseshoe bats and is a nesting site for Skylarks.
3. Excessive overdevelopment
4. Contrary to multiple local and national policies
5. There are no exceptional circumstances that would allow this proposed development within the AONB.
6. It contradicts the B&NES Biodiversity Net Gain guidance note which highlights the importance of access to good green space and the benefits associate with access to the natural environment.

SOUTH STOKE PARISH COUNCIL: Objection

2nd August 2022

1. Requests further information including phase 1 Transport Assessment, minutes of meeting between B&NES and phase 1 applicant, B&NES response to pre-scoping presentation.

19th August 2022

1. Objects to the significant increase in proposed development.

2. Proposal represents major development in an AONB and is not justified by exceptional circumstances.
3. The so-called Masterplan is piecemeal and was only subject to a minimal consultation exercise.
4. Allotments and drainage should not be located on Derrymans Field. The access road, facilities and lighting will cause harm to the openness of the green belt.
5. There is a lack of play provision and public open space.
6. Pedestrian and Cycle connectivity is inadequate and unsustainable.
7. Provisions of public rights of way, public access and connectivity fall dramatically short of local and national requirements. The proposals will be car dependent contrary to the Climate Emergency.
8. Inappropriate assumptions have been used in the biodiversity net gain calculations.
9. Concern about the tree removal plans for the spine road and consider the replacement plans too simplistic. No information about the impacts removing trees upon air pollution, bat conservation or biodiversity overall has been provided.
10. Major omissions in the application relating to light levels and impacts upon the Bath and Bradford-on-Avon Bats Special Conservation Area.
11. The LPPU examination established that the housing land supply will exceed the Local Plan requirements.
12. Respecting the Wansdyke SAM significant impacts, the ability of the site to connect to adjacent areas. Coupled with the lighting limits need to avoid impacts on bat species, this will undermine the provision of routes capable of meeting statutory requirements.
13. There will be significant harm to the setting of the Bath WHS, the South Stoke Conservation Area and the habitats of numerous bird, mammal and reptile species.
14. Links to public transport are limited to the Park and Ride, the distance of which is outside national guidelines for the majority of the proposed dwellings. The proposals do not include any enhancement to public transport.
15. No provision has been made for rapid charging points for electric cars.
16. Traffic modelling falls short of requirements and doesn't include VISSIM modelling for the south of Bath area or incorporate other recent and proposed developments. Impacts upon the highways network will be severe.
17. Concern about the lack of provision for secondary education and lack of capacity at existing schools. Will further encourage use of motor vehicles.
18. Highlight Wessex Water concerns regarding soakaways directly above Fullers Earth deposits and the slope stability problems.
19. Acknowledges that there is a clear need for genuinely affordable accommodation for low paid workers but feel this should be provided on brownfield sites close to the city centre.
20. The vision in the Design and Access Statement does not reflect the policy requirement for sustainable development.
21. Pedestrian connections are poorly lit and lack active frontage and surveillance and cycle routes are unlikely to be attractive.
22. Proposals should include local retail provision and measures to support non-car and low emission travel, such as a mobility hub.
23. Play provision is minimal and peripheral.
24. Insufficient lighting and ecological information.
25. Impact upon bat habitat in relation to the changes on Rowley Top as mitigation for loss of skylark habitat.
26. Tree belt on the northern boundary adjacent to Hazel Way needs to be strengthened.

27. Further detail is required regarding the Derrymans proposals due to the sensitivity of this land (green belt, AONB and WHS).
28. Scope for additional tree planting along the access road.
29. The density, building and landscaping requires revision to address the localised and wider landscape impacts (moderate/substantial).
30. NPPF Paragraph 177 (AONB), sub-causes a) and c) are not met.
31. Lack of information about the impact upon the Western part of the Wansdyke.
32. Stronger green buffer is required on the eastern boundary to screen the development.
33. No consideration of policy CP4 (District Heating) in the sustainability statement.
34. Consideration of net-zero operational carbon and embodied carbon should be considered due to the advanced stage of the LPPU.
35. Inadequate information regarding over-heating.
36. Only one point of cycle access for 300 dwellings.
37. The proposed residential development is far from sustainable as the access for pedestrian, cycle and public transport users is limited.
38. The TRICS databased used is out of date.
39. Baseline traffic surveys - not reflective of the existing network situation and therefore, the foundations for the modelling assessment cannot be relied upon.
40. TRICS - best practice not followed, not robust by applying mixed private/affordable housing.
41. MSOA selection - includes 6 'built up' MSOAs, not considered to be reflective of the site's location and therefore dilutes car driver mode share.
42. 15% driver discount - not supported by any evidence but linked to sustainability of the site which, as noted, in reality does not benefit from the sustainable credentials implied in the TA.
43. Climate emergency reduction - employs a further reduction on baseline traffic by suggesting the 7% reduction is achievable and realistic without substantial evidence to warrant its use;
44. Use of standalone junction modelling instead of the recommendation of BANES to use the local area VISSIM model.
45. The potential increased use of the Odd Down Park and Ride site has not been reflected within the Traffic Impact Assessment.
46. Not allowing for the true effects of the additional traffic resulting from committed developments on the wider network.

18th December 2022

1. There is no certainty that the pedestrian/cycle path connecting phases 3/4 to Cranmore Place can be delivered.
2. Without details of street lighting, appropriate all-weather surfacing and provision to a desirable width to include for cyclists, the routes to the north and east of the site cannot be considered attractive or acceptable to promote its use to access to services and local amenities. This is a serious oversight when considered against a "safe and suitable access for all users" as set out in the NPPF.
3. Cycle accessibility is constrained, and the methodologies used to identify suitable routes are not robust.
4. The development does not promote appropriate opportunities for sustainable travel by public transport.
5. Walk distances and alignments illustrated are not consistent nor is delivery evidenced.
6. Bloomfield Road is not an attractive cycle route.

7. Walking distances remain more than best practice.
8. The decrease in the future baseline scenario remains ambiguous and lacks justification. The baseline traffic flows are underrepresented.
9. Outdated modelling software versions have been used and lack of VISSIM modelling.
10. Mulberry Park has been excluded from the future baseline modelling scenario.
11. Does not account for increase in use of Bath Park and Ride sites.

21st July 2023

1. Need for additional housing has not been demonstrated.
2. The so-called Comprehensive Masterplan is no more than a concept diagram.
3. The allotments on Derrymans are not within the allocation site and will harm the green belt, the WHS setting and the landscape.
4. Changes to the public rights of way and connectivity continue to fall short of local and national requirements, e.g. lack of lighting on land marked as not for development.
5. Need independent expert opinion on whether the application meets BNG and dark skies requirements.
6. Removal of the mature Walnut tree should be resisted since it will harm the Wansdyke SAM.
7. Traffic assessment fails to provide VISSIM modelling, has questionable traffic assumptions, uses out of date software and has inaccurate data.

2nd October 2023

1. The application is not mixed use and increases the number of dwellings more than 60% above the allocation target.
2. No special circumstances exist to outweigh the harm that would be caused to the AONB and WHS.
3. Inadequate provision for public open space.
4. Biodiversity net loss and protected species would be caused significant harm.
5. Real harm to heritage assets including the Wansdyke, Sulis Manor, the WHS and South Stoke Conservation Area.
6. Development would encourage car-based lifestyles in the face of a Climate Emergency.
7. Lack of connectivity, lack of public transport and overall sustainability would have a severe impact upon the highway network in the south of Bath.

ENGLISHCOMBE PARISH COUNCIL: Objection

1. Fully support comments of Camerton Parish Council and SOBA.
2. Current house building results in excess traffic and Englishcome already experiences significant rat running at peak times on lanes used by farmers, walkers and horse riders.
3. Additional house building will only make an unacceptable situation worse with A367 traffic diverting onto Ten Acre Lane, Kilkenny Lane and onto Englishcombe Road and through the village with its blind corners and single track road.
4. An eastern exit/access onto Midford Road will cause additional problems where it joins Wellsway north of St Martin's Hospital creating more traffic and chaos.

DUNKERTON AND TUNLEY PARISH COUNCIL: Objection

30th May 2023 and 27th July 2023

1. Main vehicular access via Combe Hay Lane is completely inadequate.
2. Negative impact upon traffic at the Park and Ride roundabout, which is near gridlock at peak times, would result in tailbacks along the A367.
3. This would affect the entire road network on the south side of Bath with increased rat running through the villages adjacent to the A367.
4. The traffic modelling for phase 1 suggested that 450 homes would have a severe highways impact contrary to the NPPF.
5. The development is contrary to ST7.

19th September 2023

1. Criticism of the submitted tranquillity assessment which mischaracterises the road network.
2. It also ignores the high level of rat-running on Combe Hay Lane which will worsen with the development.
3. Modelling from the traffic forecasts is not believable and it is not possible to challenge without access to the model or scenario selection.

COMBE HAY PARISH COUNCIL: Objection

5th August 2022

1. Phase 1 did not meet the mix of affordable housing requested by B&NES and was conditional on the shortfall of larger 2 or 3 bedroom units being made up in subsequent phases.
2. Phase 1 did not contain an agreed Comprehensive Masterplan and neither does the current application. There are no proposals for the Sulis Manor or Odd Down FC sites. Unresolved issues such as the siting of the allotments, the affordable housing mix, the lack of community facilities and the incorporation of Sulis Manor will have direct and foreseeable consequences for local communities.
3. Combe Hay Lane is a narrow country lane wholly unsuited to increased traffic flows. Development will increase the volume of traffic rat running up Combe Hay Lane to avoid queues approaching the Park and Ride roundabout.
4. The likelihood of residents of the new development turning left down Combe Hay Lane has not been properly investigated. Those seeking to avoid traffic will use this route.
5. The surface water drainage arrangements appear to be of concern to Wessex Water given the infiltration basins directly above the Fullers Earth area with existing slope stability issues.
6. There is a complete lack of any community facilities on site; no shop, no café, no community hall, no school, no doctor's surgery. There are apparently no spaces available at nearby local secondary schools with the nearest school over 4miles away on the other side of Bath. There are no small shops, cafes or pubs within walking distance of the development so everything requires additional traffic movements.
7. Provision of allotments off-site will degrade the openness of the green belt and is contrary to policy B3a.
8. There is no mixed-use element within the proposal and a failure to meet the NPPF social objectives for sustainable development "to support strong, vibrant and healthy

communities ... with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing."

9. Consolidating allotments on Derrymans will only benefit the few users and not support a sustainable community in phases 3 and 4. Derrymans is too far from phases 3 and 4 to be a sustainable solution.

10. Use of Derrymans will have an unacceptable impact on openness (due to parking, structures, paraphernalia, etc. It is also within an SNCI for which NPPF and policy NE3 protections apply. It should be retained for agricultural use with potential for ecological and landscape mitigations of phases 2-4. There is no natural surveillance over Derrymans and it will be susceptible to theft and vandalism. Allotments are also likely to be damaged by deer and deer fencing would impact upon openness. Picnic areas and hard landscaping for vehicles should not be permitted in this area.

11. The South Stoke plateau contributes greatly to the setting of the WHS. The proposed development would damage the green setting and could lose Bath its World Heritage Site status.

12. The Historic Environment Setting Impact Assessment is flawed and does not reflect the latest policy guidance and claims no direct harm despite a new crossing being proposed. It also makes no reference to the impact upon the Wansdyke's current open setting.

13. The development will materially affect the setting of the Wansdyke and potentially the Wansdyke itself.

14. The proposals will have a significant negative impact on a number of the factors that were cited in the South Stoke Conservation Area appraisal, e.g. peaceful rural atmosphere, unencumbered by large-scale modern development.

15. The proposed Spine Road across Sulis Manor will have a significant negative impact on the setting of this important Arts and Crafts house, result in the unnecessary removal of 73 mature TPO trees, and will destroy a roost for the greater and lesser horseshoe bats through the removal of some outbuildings. Tree should be checked to ensure they are not veteran trees.

16. Query whether the design of the current access onto Combe Hay Lane from Phase 1 will be able to cope with traffic flows.

17. Already severe traffic bottlenecks in the local area and increased traffic will make this worse. Motorists will use Combe Hay Lane to avoid these bottlenecks.

18. There are several schools near these bottlenecks and increased traffic could prejudice highways safety.

19. B&NES should not take an over optimistic view that new residents will use public transport/walk/cycle because most will drive. Key services and facilities are not within preferred walking limits and so development will not reduce dependency on the private car.

20. The extra dwellings proposed in this application (alongside other developments) will create severe congestion and pollution at peak times extending in all directions. It is noted that the previous assessment for phase 1 showed that a development of 450 dwellings would have a severe impact upon the highway network.

21. The proposal will not avoid or minimise detrimental impacts on the Cotswold AONB, the South Stoke Conservation Area, the character of the Cam Brook valley, Combe Hay Lane, Sulis Manor Plateau or the Wansdyke SAM.

22. Developer has failed to delivery trees along the southern boundary in phase 1 and this suggests a similar failure in phase 3 and 4 to deliver green infrastructure will occur.

23. The proposal is contrary to Placemaking Principles 1, 2, 3, 4, 5, 6 and 7 of policy B3a.

24. The development does not promote all opportunities for sustainable transport contrary to the NNPF.

25. The site is in the wrong location for sustainable travel being on the edge of Bath with heavily congested roads and a steep hill. The site also constrained by the Wansdyke and there are no cycle lanes or plans to install them.

23rd December 2022

1. The proposed development has no supporting infrastructure and will be car dependent.
2. The surrounding road network is heavily congested, and the local cycle network is poor.
3. There is a need to scale back development and incorporate good local infrastructure to facilitate a shift away from car dependency.
4. The transport assessment makes clear there will be no public transport operating within the development. The nearest bus stops will be over 1km away.
5. It is not clear which any footpaths/cycleways will be lit. New lighting will have an unacceptable impact on bats, the SAM and dark skies.
6. No proposals have been put forward to improve the local road network for cyclists. The proposed route along Bloomfield Avenue has a gradient and distance that is beyond the capabilities of most cyclists.
7. None of the concerns of the Highways Officer have been addressed. There is no VISSIM modelling and no off-site measures offered. Safe limits for key pollutants on Wellways are already being exceed.
8. Traffic surveys carried out before Eater when traffic was lighter and still recovering from the impacts of the pandemic.
9. The assertion that traffic will not impact Combe Hay/Wellow because Bath is the main employment hub and service centre is wrong. Traffic traveling between Milford/Monkton Combe/Bradford on Avon/Trowbridge/Warminster/Salisbury and the A36 will seek to avoid congestion in Odd Down and will use Combe Hay Lane. A small increase in cars will have a disproportionate effect.

23rd March 2023

1. The applicant has failed to demonstrate the need for additional housing. Notes that the LPPU Inspector found that B&NES have a 7-year housing land supply.
2. NPPF guidance about development in an AONB has not been addressed nor has there been an explanation of the impact upon the tranquillity of the AONB.
3. Continued lack of a Comprehensive Masterplan and the latest revision adds little.
4. Detrimental impact on an already stressed road network.
5. Lack of sufficient community facilities. It is not a mixed-use development.
6. Siting of allotments on Derrymans is contrary to policy B3a.
7. Proposed public rights of way and connections do not delivery against local and national requirements.
8. Inadequate protection of the Wansdyke SAM - removal of a mature Walnut tree will disturb the monument and a new footpath will cut through it.
9. Insufficient evidence to satisfy Wessex Water about land stability.

16th June 2023

1. Nothing in the latest submission addresses the Parish Council's previous concerns.

2. The removal of allotments from Derrymans Field is welcome but does not address the question of allotments for phases 1 and 2. The suitability of the new location for the allotments is questioned.

20th September 2023

1. Considering comments raised by others, query whether an engineering geologist has or will be consulted on concerns about land stability.
2. Seek confirmation that the plans submitted by the developer in respect of Phases 3 and 4 provide for sufficient space between the houses to enable individual soakaways to be installed.
3. Seek assurance that the developer will not be permitted to change drainage plans later to adopt a single large soakaway as it was in relation to phase 1.
4. Seek assurance that potential land instability because of the use of a single soakaway in Phase 1 is being monitored.

24th September 2023

1. Criticism of the submitted tranquillity assessment.
2. Conclusions do not reflect local knowledge and circumstances.
3. The key routes identified are flawed and don't reflect reality.
4. 100% of development traffic will not head north towards Sulis Manor Road
5. The B3110 Midford Road is not the most attractive and quickest route to destinations in the south/south east.
6. Rat routes along the red routes do already exist and increased traffic from the development entering the Park and Ride roundabout will make this worse.
7. A rat route along the yellow route is clearly ridiculous and should no have been considered by this report. No one would choose this route over the route through Wellow which has been conveniently forgotten about in this analysis.

WELLOW PARISH COUNCIL: Objection

22nd July 2022

1. B&NES has fulfilled its housing quota and any further need should be met by brownfield sites.
2. Absence of an agreed Comprehensive Masterplan is unacceptable.
3. It fails to address the significant increases in vehicle movements that will head south down Combe Hay Lane in order to access the A36 via Wellow, Combe Hay and Hinton Charterhouse.
4. No traffic modelling has been carried out to assess the impact of an almost certain increase in traffic heading south down Combe Hay Lane.
5. Combe Hay Lane is very narrow with dangerous blind bends and pinch points and is unsuitable for even a small increase in traffic.
6. Encroachment onto the Green Belt and negative impacts on wildlife and habitats is unacceptable.
7. If development proceeds there should be an eastern exit onto Midford Road at the junction of Southstoke Lane, a 'no left turn' at the site exist onto Combe Hay Lane and an 'access only' sign at the northern end of Combe Hay Lane.

25th May 2023

1. Strongly echo the points raised by Combe Hay Parish Council relating to the Travel Assessment by Tetra Tech.
2. When the A367 is blocked at or near Dunkerton, traffic diverts onto Combe Hay Lane and causes gridlock at numerous pinch points, for example Stone Barns, Combe Hay Bridge and the narrow junction with Wellow High Street. Even a small number of cars originating from the development will cause problems.
3. There are existing problems with speeding and congestion on Wellow High Street and the development would make these worse to the detriment of highways safety.
4. A second entry/exit onto Southstoke Road and/or Midford Road is required. The presence of the Wansdyke need not be a barrier to the construction of a second exit from the site.
5. A 'no left turn' and 'access only' signs should be installed on Combe Hay Lane.

11th September 2023

1. The conclusions in the tranquillity assessment are based upon false assumptions about rat running through Combe Hay and Wellow.
2. No evidence to support these conclusions.
3. Congestion at nearby roundabouts (Odd Down Park and Ride, Red Lion, Sainsbury's and Esso/Tesco) will encourage turning left down Combe Hay Lane.
4. Estimated number of peak hour journeys is a clear underestimate.
5. The tranquillity assessment fails to consider more likely alternative routes.
6. There is already gridlock and associated 'road rage' at various pinch points on these routes, especially in the centre of Wello.
7. Additional traffic from the development will exacerbate existing issues and have a clear and serious impact upon the tranquillity of the Cotswold AONB.

COTSWOLDS CONSERVATION BOARD: Objection

4th August 2022

1. The case for exceptional circumstances to justify major development in the AONB needs to be revisited.
2. Paragraph 176 of the NPPF was amended in July 2018, four years after the Core Strategy allocation and now specifies that the scale and extent of development in AONBs should be limited.
3. The NPPG was updated in July 2019, one month after the committee resolution to grant permission for phase 1, and now states that AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.
4. Phase 1 is already likely to have met needs arising from this part of the AONB and further homes would be accommodating need outside of the AONB. There is no need for this development.
5. The number of proposed homes exceeds the Core Strategy by almost 60% and is beyond the figure of around 300.
6. Inclusion of Derrymans Field undermines the requirement for the scale and extent of development in the AONB to be limited.

7. Proposals will have a significant detrimental effect on the AONB environment, the protection of which attracts great weight.

29th September 2022

1. The Inspector's letter on the examination of the LPPU confirms that the Council has a 5-year land supply. The site is only anticipated to deliver a further 50 dwellings by the end of the current 5-year period and is only identified as having a capacity of 129 in the Council's own evidence. This aligns with the board's own conclusion that there is no need for this site.

2nd February 2023

1. Exceptional circumstances do not exist to justify a further 300 dwellings on top of the 171 already permitted.
2. The proposals fail to meet placemaking principles 1, 2, 3 and 5 of B3a.
3. There is a lack of an assessment of the impacts of the scheme upon the tranquillity of the AONB.
4. Note that the proposed lighting has been reviewed and will be designed in accordance with the limiting criteria for an E1 Environmental Zone, in order to limit obtrusive light and light pollution. Request that this is conditioned if permission is granted.
5. Fundamental concerns about retaining the allotment provision at Derrymans remain.
6. The application currently displays a disappointing approach to biodiversity mitigation and habitat creation when it impacts a special quality of a nationally protected landscape.
7. Recommend the creation of calcareous / species-rich grassland habitat on the field called 'Great Broad Close' (between the site and Wansdyke), with habitat connectivity to the existing calcareous grassland to the south of the site.

7th June 2023

1. The board welcomes the amendments but maintains its objection in terms of the principle of development, assessment of landscape and visual impact, impact upon the tranquillity of the National Landscape as well as its cultural and natural heritage.

21st September 2023

1. The board maintains its previous objections.
2. Notes the conclusions of the tranquillity assessment but considers there to be a lack of evidence to support these conclusions.
3. The conclusions of the Core Strategy Inspector are nearly 10 years old and the policy context has now changed.
4. Note Government comments that 'meeting housing need is never a reason to cause unacceptable harm to [AONBs]'.
5. No assessment of existing rat running movements to support the tranquillity assessment.
6. Reference to recent appeal decision near Tewkesbury where Inspector was not satisfied that the transport assessment was sufficiently robust to be confident it won't have a severe impact on the road network or harm the tranquillity of the AONB. A precautionary approach should be adopted.

AVON GARDENS TRUST: Objection

25th January 2023

1. Sulis Manor has considerable architectural merit informed and influenced by the preceding years of Modernism and the Arts and Crafts Movement. The manor is a strong example of the transition in British architecture during the inter-war period. The estate is included within the Bath World Heritage Site, which reflects its importance to the city.
2. The spine road would conflict with the status of the locally listed asset and require the felling of 80 TPO trees.
3. Sulis Manor bordered by mature champion (diameter exceeding 745mm) Beech trees.
4. Surfacing of the pedestrian and cycle path have yet to be resolved.
5. Technical reports and the Environmental Statement fail to point out the problems and severe arboricultural harm that be caused to the setting of Sulis Manor and its grounds.

1st September 2023

1. Proposal to extend the spine road remains unchanged.
2. Compensation tree planting would be some distance from Sulis Manor.
3. Loss of trees would lead to an adverse impact to the setting of the Manor.

CAMPAIGN TO PROTECT RURAL ENGLAND: Objection

29th July 2022

1. An increase from 300 to 471 dwelling is a huge increase.
2. The public consultation was insufficient, lasting only two weeks during the school holidays and did not cover the whole allocation.
3. The Comprehensive Masterplan must include all sites within the allocation.
4. Allotments should not be allowed on Derrymans as it is not within the allocation and is in the green belt. It is also too far from phases 3 and 4 and will require car travel contrary to the Climate Emergency plan.
5. The scale and extent of development in AONBs should be limited. The proposals are not. The Cotswolds AONB management plan specifies that development should be based upon robust evidence of local need arising from within the AONB. These proposals meet Bath's need and other surrounding non-designated areas. The needs of the parishes within the AONB would be more than adequately met by phase 1.
6. The proposals will have a huge impact on traffic. It is noted that the traffic modelling carried out in phase showed that for a total of 450 dwellings there would be a severe impact upon the road network.

23rd December 2022

1. Transport submissions do not allay traffic concerns. Standalone junction modelling is insufficient and up to date VISSIM modelling has been provided.
2. Traffic surveys prior to easter and when schools are closed is not best practice plus there is no assessment of traffic flows from other nearby or future developments.
3. The pedestrian/cycle path crossing the Wansdyke would need SAM consent and there is no guarantee this would be granted. There is no certainty of cycle connections to nearby facilities, increasing car dependency.

4. An unlit path would not be safe during twilight/darkness hours, but a lit path would have an impact upon the dark skies of the Cotswold AONB and nocturnal wildlife.
5. The proposed path dissects Great Broad Close and will make it less suitable for agricultural use and open the possibility of future arguments for development.

24th March 2023

1. Still no Comprehensive Masterplan and no plans for the development of Sulis Manor or its grounds.
2. Negative ecological impact and disruption of foraging routes for bats and breeding/foraging grounds for skylarks.
3. Insufficient evidence about the impact of the lighting scheme on ecological corridors along the southern boundary and potential light spill into the Cam Valley.
4. Support the 40% affordable housing in the same style as the private units, but concern about the mix being skewed towards one-bedroom apartments.
5. The Council has an adopted LPPU which demonstrates a 7-year housing land supply. There is no need for extra housing on the plateau beyond phase 1.

16th June 2023

1. No change to the number of dwellings which exceeds the 300 or so in policy B3a.
2. Still no Comprehensive Masterplan.
3. Welcome allotments for phases 3 and 4 no longer being placed on Derrymans, but query why there is still an application pending for the phase 1 allotments on this field.
4. Where will phase 2 allotment demand be located?
5. There will be light pollution, particularly during winter months when tree cover is reduced, on the Cam Valley below.
6. Loss of a green space valued by local people and visitors.
7. Negative effect on important ecological site.
8. Exceptional circumstances do not exist to justify a further 300 homes on this site.

BATH CAMPAIGNS NETWORK: Objection

1. Proposals are not in the long-term interests of Bath residents, nor in line with the Ecological Emergency or the Local Plan.
2. There is no agreed number of affordable homes so its likely that the actual number will be insufficient.
3. Lack of necessary information about additional services needs for 300+ new dwellings including healthcare, traffic, schooling, water and sewerage.
4. The green belt shouldn't be built upon.
5. The area is very important for wildlife.
6. There will be a negative impact on the Wansdyke SAM (which is already in decline).

BEAR FLAT ASSOCIATION: Objection

1. Additional houses would generate considerable traffic on the A367 and on long roads. The A367 is heavily congested with long queues, such as on the Wellsway southbound approaching Bear Flat.
2. The WECA Corridor Study may result in lower capacity of motor vehicles generally as priority is likely to be given to buses, cyclists and pedestrians.

3. 471 homes is in a different order to that proposed in the site allocation.
4. The allotments will impact on the green belt and the AONB.

BATH PRESERVATION TRUST: Objection

1. Insufficient level of detail provided relative to the sensitivity of the site.
2. Absence of a comprehensive masterplan risks harm to the setting and landscape value of the Bath WHS and is contrary to policy B3a.
3. Generally supportive of reduction in maximum heights and notional distribution but maintain concerns about impact on long views. Early augmentation of the woodland buffer is vital.
4. Mechanisms to ensure that housing remains affordable in the long-term are required.
5. Not appropriate to leave total parking spaces and traffic assessment/mitigation to reserved matters stage.
6. Insufficient links would be provided between both the multiple phases of development across the plateau as well as with surrounding communities and infrastructure. Overly private car reliant.
7. Allotments represent encroachment on and build-up of the green belt and AONB with resulting impacts on openness and a shift in character. Contrary to Section 15 of the NPPF and Policies NE2, NE2a, and CP8 of the Core Strategy and Placemaking Plan.
8. Sustainability measures should be considered as early as possible and not be left to reserved matters. The impacts of solar PV to the wider landscape should be considered.
9. Greater consideration is required to achieve a more sustainable balance of housing and much-needed infrastructure to serve future residents as well as the surrounding communities. Currently contrary to Policies SD1, B1, CP6, D1, D2, and D3 and Section 2 of the NPPF.

25th January 2023

1. A holistic, visionary and comprehensive masterplan is strongly encouraged.
2. B&NES Council and the developer would be missing a huge opportunity to achieve high quality sustainable development that achieves climate change resilience and contributes to local objectives to tackle the climate and ecological emergencies if a mediocre approach is accepted.
3. The development fails to uphold Garden City principles.
4. Allotments and community use must be well integrated within the development site.
5. Inadequate assessment has been given to the impacts on the agricultural field, habitats and the Wansdyke, a Scheduled Monument.
6. We welcome the intention to deliver a policy-compliant amount (40%) of "tenure blind" affordable housing on the site. Social housing in apartment blocks needs to be complemented by adequate amenity and green space and stronger links with the natural environment, requirements which are not currently being met by the layout and landscaping as proposed.

14th June 2023

1. The absence of a fit-for-purpose comprehensive masterplan will not enable the successful co-ordination and integration of the multiple phases of development with one another, as well as the allocation site as a whole with its wider townscape and landscape setting.

2. The development fails to uphold Garden City principles.
3. Allotments and community use must be well integrated within the development allocation site, and we do not consider that the proposed alternative site is the most suitable.
4. The proposed re-assessment of energy efficiency measures to be implemented on the site is positive but requires further detail relating to potential impact on landscape views.
5. Inadequate assessment has been given to the impacts on the Broad Close agricultural field, habitats and the Wansdyke, a Scheduled Monument, as a result of the proposed 3m wide north-south through road.

THE ENTRY HILL COMMUNITY ASSOCIATION: Objection

1. The proposals will have a severe impact upon the road network.
2. Increases in traffic will discourage the use of the Odd Down Park and Ride.
3. The assessment of significant transport effects follows out of date guidance from the IEMA. There should be more professional consideration on what constitutes a 'severe' impact
4. The A367 is already at capacity and even a small increase (5%) will force more traffic on to surrounding residential roads and alternative routes.
5. Query plans for active travel provision noting the location on a hill on the outskirts of the city.
6. The assessment did not consider the lower parts of the A367, where it passes through Bear Flat and onto the city centre where much of the congestion occurs.

FEDERATION OF BATH RESIDENTS' ASSOCIATIONS: Objection

1. FOBRA object to this as overdevelopment in contradiction of the Local Plan and fully support the detailed objections put forward by the South of Bath Alliance.

SOUTH OF BATH ALLIANCE: Objection

7th August 2022

1. There are 171 houses now being built (phase 1). There is an estimate of 50 to be built in and around Sulis Manor (phase 2). The 300 more houses proposed in the application for phases 3 and 4 would bring the number to 521. This will far exceed the 'around 300' in Policy B3a. In addition, land occupied by the Odd Down Football Club is also part of allocated site with an unknown allocation of houses for future planning. Collectively this is a massive overdevelopment of the plateau.
2. Alternative scales of development have not been considered despite a request from B&NES to do so.
3. The Phase 1 development will not deliver the mix of affordable housing that B&NES requested and was only approved on the basis that any shortfall would be addressed in subsequent phases. This shortfall is not being addressed in the current application.
4. There is no agreed Comprehensive Masterplan for the plateau. This is required by B&NES and is critical if an integrated holistic approach is to be made for this development.
5. The February 2022 Framptons public consultation on behalf of the applicant was flawed with leading questions based on incomplete information and with only a two-week window for responses. The responses were overwhelmingly negative, and no account has been taken of them in the current proposal.

6. The tree belts along the southern boundary have not been enhanced as required. Houses are being built in phase 1 and are planned to be built where the plan indicates there should be 'Additional Green Infrastructure'.
7. The siting of allotments should be within the site allocated for development and not in the Green Belt at Derrymans as proposed.
8. The site is recognised as exceptionally good for bats and the proposed development will destroy their roosting sites and drive them away from a regionally important foraging area.
9. The proposal for phases 3 & 4 will prevent skylarks nesting anywhere on the plateau and the proposed site of Rowley Top will not provide adequate mitigation.
10. The felling of 71 trees in Sulis Manor grounds will result in an unacceptable loss of biodiversity which a plantation of young trees will not replace.
11. A biodiversity net gain is not achieved if the parameters in the model are set correctly.
12. B&NES's own landscape officer objected to phase 1 based on the 'unacceptable harm' that it would cause to the landscape in this area. Phases 3 and 4 would cause greater harm.
13. The proposed development on the plateau runs directly counter to the vision of the Cotswold National Landscape (AONB) and the UK's National Planning Policy Framework.
14. The development puts at risk Bath's status as the UK's only World Heritage City.
15. The developers impact study of the Wansdyke is flawed and understates the impact the development would have on this Scheduled Ancient Monument.
16. The development would have a major impact on the South Stoke Conservation Area and threaten its 'exceptional landscape setting' and 'peaceful rural atmosphere'.
17. The road across Sulis Manor grounds would ruin the setting of this important Arts and Crafts house and garden, and the framework of trees around it.
18. The proposed development would have a severe impact on the already congested road network around Odd Down. The applicants traffic modelling is based on flawed assumptions.
19. There are limited access points to the site for cyclists and the steep hills and congested roads make cycling difficult. Phases 3 and 4 are between 700 m and 1.25 km from Odd Down Park & Ride. This is likely to build in car dependency.
20. There are no shops, cafés or meeting places in this application and it does not comply with Building for a Healthy Life, the industry standard for the design of new housing developments.
21. The proposal to include a school within the site has been removed by the applicant and additional houses have replaced this. This even though there is inadequate capacity in the local schools for a development on this scale and the school highlighted for expansion does not meet B&NES's own criteria for such expansion.
22. Local medical facilities are under huge pressure which additional housing in this area will only exacerbate.
23. The proposed development runs counter to B&NES's priority local actions for the Climate Emergency and Ecological Emergency. Increased car dependency will increase carbon emissions and habitats will be destroyed that should be conserved.
24. Multiple Placemaking Principles within Policy B3a have not been met, and on this basis the application should be rejected.

7th September 2022

1. The position of streetlights proposed for phases 3 and 4, and being implemented in phase 1 is adjacent to the protected tree belt and therefore breaks placemaking principle 5

within Policy B3a. The modelling of light spillage for phase 1 shows it to be in excess of that which has been agreed for the protection of the important local bat population.

2. The developers' Flood Risk and Drainage Strategy appears to have taken no account of the well documented ground stability issues due to the stratum of Fuller's Earth which lies below the surface limestone on the site. This can become unstable when saturated by heavy rainfall and risks landslides on the steep southern escarpment to the plateau.

3. There was an overwhelming response to the public consultation on application 22/02169/EOUT with over 98% of the submissions objecting to the development. Comments relating to mental health and well-being, traffic congestion and safety, the track record of the developers and a lack of faith in the planning process have been highlighted.

24th March 2023

1. Updates to the application do nothing to resolve the many issues with this application.

2. The comprehensive masterplan still not agreed, is not comprehensive and has not taken account of any of the feedback from the local community.

3. The provision of Green Infrastructure for this development does not meet the requirements of B&NES Policy B3a and compensatory tree planting is inadequate. New hoggin paths are proposed across areas where there should not be any development.

4. Traffic survey is unrepresentative as it took place when private schools were on holiday. No VISSIM modelling undertaken.

5. The revised skylark compensation plans are offering an area around one fifth of what will be lost and there is less evidence of its viability than the last plan.

6. The BNG calculations are flawed.

7. Insufficient evidence that the lighting scheme is acceptable.

8. Revised flood risk strategy does not provide sufficient evidence that it will not cause further landslips in the future.

9. The shadow HRA understates the impacts upon the Bath and Bradford upon Avon SAC.

10. The proposed Levelling Up and Regeneration Bill promises that local people will be at the heart of decision making in relation to planning applications. The responses to the B&NES consultation show that over 98% of the well over 1,000 respondents are opposed to this development.

11. The LPPU demonstrates that there is no need for the excessive number of houses proposed for the South Stoke plateau in the current planning application, as B&NES is on schedule to comfortably meet its housing targets in the coming years.

17th June 2023

1. The latest amendments propose moving the allotments for phases 3 & 4 from Green Belt land to within phase 3. However, this is to an area that the applicant identifies as being in 'deep afternoon shade' and therefore unsuitable for allotments. The proposal still remains to put the phase 1 allotments on protected Green Belt land and no site has been identified for the Phase 2 allotments.

2. The architectural standards promised for phase 1 are not being delivered. The same standards are being promised for phases 3 and 4 and therefore cannot be accepted at face value.

3. The visual impact of the tree removals is being misrepresented within the 'landscape sections' with, for example, the cross section from the eastern edge of Sulis Manor only showing one third of the proposed trees that would be removed in that area.

4. There is a lack of clarity relating to the fate of some of the drystone walls. Some parts of the documentation say they will be retained whilst other parts say they will be removed.
5. The revision to the applicant's drainage strategy now promises 'localised infiltration on a plot-by-plot basis without showing how this could be delivered.
6. The proposed development would have a severe impact on the already heavily congested roads around Odd Down and Combe Down. The traffic monitoring and modelling is flawed and should not be accepted by B&NES. There are no bus stops within acceptable walking distances and the cycle routes are too steep for most people meaning the sustainable transport options do not meet B&NES's requirements.
7. The proposed development is a high-density cul-de-sac development which does not comply with multiple local and national planning policies.

25th September 2023

1. The traffic monitoring and modelling submitted by the developers is fundamentally flawed and bears no relation to the heavily congested road network experienced by local residents both around Odd Down and in the minor roads within the AONB.
2. The revised Biodiversity Net Gain Calculations do not address the fundamental issues with the approach they are taking to the calculations that have been identified in previous SOBA objections. The required 10% gain would not be achieved.
3. The evidence suggests that the proposed mitigation site for skylarks is not suitable.
4. There is inadequate capacity in the local schools for a development on this scale, yet the developers are proposing making no contribution towards educational services in B&NES.
5. The latest changes to move the position of the allotments and reduce the number of houses by 10 to 290 do not address the fundamental issues with this excessive development.
6. The Tranquillity Assessment undertaken by the developers is based on zero observational evidence, ludicrous assumptions and comes to the nonsensical conclusion that the use of these roads as a 'rat run' is 'highly unlikely'.
7. There is inadequate capacity in the local schools for a development on this scale, yet HFT are proposing making no contribution towards educational services in B&NES. The main primary school identified with capacity does not meet B&NES's own criteria for expansion. The only secondary school with spare capacity is about 4 miles away on the other side of Bath.

10th October 2023

1. The Information to inform a Habitat Regulation Assessment submitted by the application is flawed and contradicted by the bat survey undertaken in 2021 and other evidence.
2. HFT are planning to remove the central tree belt which runs along the northern boundary of phases 3 and 4 and build houses there. This is on the grounds that it is affected by ash dieback. However, 73% of the trees are not ash and perfectly healthy. Removing it goes against B&NES Policy B3a which specifically marks it as to be retained.
3. The HFT report claims that the central tree belt is 'not well used by horseshoe bats and lighting will not have an adverse impact in these areas. This is contradicted by the 2021 bat survey and advice from Natural England.
4. The bat barns constructed in 2021 as mitigation for the destruction of existing horseshoe bat roosts do not appear to be being used apart from a record of a single lesser horseshoe bat in September 2023.

5. The proposed housing is too close to the southern tree belt and contravenes Policy B3a and Policy D8 that requires the darkness of key ecological corridors to be retained or improved. It also does not meet the requirements of the light spill testing commissioned by HFT.

6. The claim is made that the development of Sulis Manor grounds will have no impact on the bat population without any evidence to support this, or any development plans within Sulis Manor grounds to base such an assessment on.

THE INITIATIVE IN B&NES AND BATH CHAMBER OF COMMERCE: Support

1. An increase in housing supply is of crucial importance to long term economic growth and this scheme will make a significant contribution.

2. It delivers much needed affordable homes (40%) and open market homes. Those in phase one are beautifully designed and have been selling well, showing a pent up level of demand.

3. It's a highly sustainable and walkable site on the edge of the city adjacent to existing primary schools, secondary schools, a 6th Form, a doctors surgery and a supermarket.

4. Allotments and employment space are integral to the scheme.

5. It is close to the Park and ride and will reduce vehicle movements compared with alternatives.

6. Immense trouble has been taken over the detail of all ecological and heritage aspects.

7. Hard to see what more the applicant could have done to produce such a sustainable and much needed scheme.

COUNCILLOR FIONA GOURLEY: Objection

1. The NPPF states that development within AONB should only be for exceptional circumstances, and this development does not address any exceptional need.

2. The LPPU states that B&NES will protect the Cotswold AONB, enhance biodiversity, reduce car dependence, and promote active travel, enhance green space for health and wellbeing, retain or enhance darkness of ecological corridors - and this development would adversely affect all of these principles.

3. The current Local Plan Core Strategy and Placemaking Plan B3A, was fully consulted upon and passed by an Inspector who stated that around 300 houses could be allowed on the South Stoke Plateau. This application could result in over 500 dwellings which far exceeds that figure.

4. The proposals fail to meet most Placemaking Principles: absence of a comprehensive master plan; absence of mixed-use development; limited range of affordable and social rent housing as shown in Phase 1; failure to deliver on green infrastructure; inadequate mitigation on impact of landscape, ecology and geology; unacceptable impact on heritage assets including the Wansdyke and local conservation sites.

5. The impact on the traffic to and from Bath and on the wider area of North East Somerset as evidenced by the objections from six of the neighbouring Parish Councils and all adjacent ward councillors

6. The objections by renowned and respected bodies such as Bath Preservation Trust, the Cotswold Landscape Board, CPRE, Historic England and others, as well as over 1200 wide public objections and media interest.

COUNCILLOR NEIL BUTTERS: Objection

Cllr. Butters has made the following comments:

1. Impact upon the overcrowded road network which is already being impacted by other recent development including phase 1 and Mulberry Park.
2. Future developments (phase 2, Odd Down FC, St Martin's Hospital) will add to congestion.
3. The proposal has little to say about local facilities including shops, schools, doctors or leisure facilities.
4. Large flat open spaces are not common in and around Bath and are especially for those who are less mobile.
5. There should be a holistic approach to the development of the plateau and Phase 1 should not have been agreed without a comprehensive masterplan.
6. A total of 471 dwellings would result in total gridlock.

COUNCILLOR JOEL HIRST: Objection

4th July 2022

1. The proposal is a significant over development of what policy B3a envisages.
2. The transport assessment is flawed and relies upon a future reduction in car use.
3. Potential traffic generation will overwhelm the network at peak times and proposed mitigation is insufficient.
4. Negative impacts upon ecology including bats, skylarks and reptiles.
5. New paths across the Wansdyke SAM will cause significant harm.
6. The spine road will ruin the setting of Sulis Manor which is a significant local heritage asset and disrupt local residents and wildlife.
7. The loss of 80+ TPO trees is unacceptable.
8. Derrymans Field is an unacceptable location for allotments and would ruin the character of this green belt land.
9. This green space is valued by residents and is an important buffer of peace and tranquillity for many.
10. Development will harm people's wellbeing.
11. Negative impacts upon the Cotswolds AONB and the South Stoke Conservation Area.
12. The Council is already meeting housing targets and this proposal is inappropriate for what the council needs in terms of housing.

9th August 2022

1. There has been an unprecedented number of objections and planners should take account of the strength of public opinion.
2. Several changes since the phase 1 application was approved have been highlighted including new developments in: the south side of Bath, Radstock, Peasdown, Midsomer Norton and Chilcompton. Changes also include new allocations in the LPPU for additional development on the St Martins site, a reduction in bus services and the introduction of the Clean Air Zone. These factors will also create significant extra traffic pressure in south Bath.
3. It is difficult to reconcile the Council's declaration of Climate and Ecological emergencies with the proposals.

COUNCILLOR STEVE HEDGES: Objection

1. Overdevelopment of the site.
2. Traffic will be gridlocked.
3. The examination Inspector only allowed up to 350 houses.
4. Loss of habitat for rare bats and skylarks.
5. Some of the land is still in the green belt.
6. Existing builders on phase 1 have already breach planning control by breaking through a hedgerow.
7. Developing green fields defeats the object of the ecological and climate emergencies.

COUNCILLOR MATT MCCABE: Objection

1. The number of proposed dwellings is contrary to policy B3a.
2. Failure to secure on-site allotments is contrary to policy B3a.
3. Previous traffic analysis suggested that there would be an additional 150 cars per hour in the morning peak. The number of proposed dwellings above that stated in policy B3a will add to already bad congestion and worsen highways safety on nearby single lane rural roads.
4. Overdevelopment of this site, which is above a principal aquifer, will have a significant impact on water sources. Moving soak-away drainage to the south will damage the sources of Padleigh Brook to the west, whilst overloading the unnamed stream to the south.
5. The removal of 70 TPO trees is an unacceptable loss of green infrastructure following the Council's Climate Emergency declaration.
6. The spine road will seriously harm the setting of Sulis Manor.
7. The overdevelopment of the site will unacceptably harm the green setting of the Bath World Heritage Site.
8. There is no capacity in local amenities, including schools, GPs and Dentists.
9. Phase 1 did not delivery the mix of affordable housing required by the Council. This shortfall is not addressed in the current proposals.
10. The findings of the consultation undertaken prior to the application have not been incorporated into the proposals.
11. Harm to rare biodiversity, such as Skylark nesting grounds.

WERA HOBHOUSE MP: Objection

1. Large numbers of additional homes in the south of Bath are putting massive pressure on road traffic in the city, particularly Odd Down and Combe Down.
2. B&NES Highways department highlighted that the effect of 450 units would cause 'severe' disruption to the road network leading to long tailbacks and fume emissions.
3. The developer has not carried out the detailed VISSIM modelling requested.
4. Increased traffic poses threats to human health.
5. Proposals which cause severe traffic congestion are in direct conflict with local and national planning policy.
6. No truly comprehensive masterplan has been submitted.
7. Allotments should be provided within the development boundary.
8. Access to green space is important for our physical and mental wellbeing.
9. New homes will encroach upon precious green space which currently enjoys very high public access and usage.

10. Loss of 70 mature trees, destruction of bat roosting sites and ruination of nesting habitat for a significant number of breeding pairs of skylarks.

THIRD PARTIES/NEIGHBOURS: **1269 OBJECTION** comments have been received. The main issues raised are summarised below:

Many objections related to the additional traffic generated by the proposed development. It was suggested that the existing area is already heavily congested and that the proposals for additional homes will significantly worsen this. Concern was raised about the impact upon the local highway network in Odd Down and Bath more generally, as well as knock on impacts on Combe Hay Lane and associated villages as people rat run to try and avoid the congestion. Some suggested that there should be a no left turn sign from the sign access onto Combe Hay Lane to prevent this.

Many comments suggested that the transport assessment is flawed; suggesting traffic surveys were undertaken during private school holidays, traffic growth was based upon a largely aspirational and significant reduction in car use and that the proposals wrongly imply that planned WECA road improvements will improve network capacity around the site.

It is suggested that the introduction of the Clean Air Zone has pushed traffic up into the surrounding areas, such as Odd Down, and made the existing situation worse. LTNs were also felt to contribute towards this situation. Others highlighted ongoing developments, such as Mulberry Park, or future developments, such as St Martin's Hospital, which will further add to the traffic problems.

It was suggested that the increase in congestion will reduce the attractiveness of the Odd Down Park and Ride contrary to sustainable travel objectives. The change to the Combe Hay Lane junction was suggested to be also causing delays to those wanting to use the Park and Ride.

Concern has been raised about the single vehicle entry point to the site, suggesting that the existing junctions will be unable to cope and highlighting its proximity to St Gregory's and other schools. It's suggested that increased in car movements and parking will be detrimental to highways safety, particularly for children and pedestrians with prams or mobility issues.

Many have linked concerns about congestion to the potential for an increase in air pollution, particularly along school routes.

It was suggested that locating the two proposed play areas alongside the main spine road is not safe.

Many were concerned that the proposals would result in the loss of an accessible green space on the Southstoke Plateau which is used by the whole of the wider Bath community. The space was seen as being highly valued for a wide variety of reasons including the promotion of physical and mental well-being, access to the nature, access to natural play space for children, relaxation, and recreation. The significance of this was felt to have been highlighted during the Covid 19 pandemic when access to open space was considered to be vitally important. Many highlighted the beauty of the landscaping in this

location, with some pointing to the Millennium Viewpoint as a wonderful spot that is popular with residents and visitors alike. It was suggested that the development runs directly counter the B&NES Green Infrastructure Strategy and that it would harm tourism.

Many objected to the proposals for 290 dwelling in addition to the 171 in phase 1 suggesting that the total of 461 homes is far more than the 'around 300' figure in the policy. It was felt that this would be exacerbated further if 50 more homes are built around Sulis Manor and/or more homes are built on the Odd Down Football Club. Many felt this represented overdevelopment.

Many objections are concerned with the perceived lack of a comprehensive masterplan that is required by policy B3a and should be prepared through public consultation. Many deem this critical so that the total impact of the development can be assessed and felt that the proposals represented a piecemeal approach which is unacceptable and would result in incremental development creep.

Some felt that the proposed houses would be too close to the existing woodland and that there was not enough of a buffer. Others criticised the site layout calling it bland and/or lacking in quality or imagination. There was also criticism of the housing building in phase 1 which was deemed to be poor quality. Many described the development as urban sprawl, or 'just another suburban estate'. There was also some concern about the style of housing proposed and the use of Cotswold stone. It was felt that the buildings should in Bath stone/style and that the design aspirations would not create a legacy for any future community. Others felt that the proposed houses will be too tall.

Some considered that there were too many flats being built and not enough family housing.

Several comments felt that the site was poorly served by public transport, highlighting the lack of a bus route into the new development and limited options beyond the Park and Ride. Some suggested that new bus routes, bike hire or e-scooter hire should also be considered as part of the strategy for the development.

Concern was flagged about removal of the green strip of land that adjoins Sulis Manor within phase three of the development. The strip is suggested to provide a habitat to local wildlife, it also contains mature trees and shrubs that improve air quality.

Concerns were flagged about the poor state of the existing construction site on phase 1, with reference made to litter and noise.

Many comments suggested that there is no need for more housing and that B&NES are ahead of their housing targets. They also suggested that there was either enough brownfield sites to accommodate housing needs and/or that these should be built on first before any green field sites are developed.

Many suggest that the proposed homes will not be affordable on an average salary and that the development does a poor job of meeting needs. Several concerns indicated that builders would change their mind about affordable housing halfway through the development and that it wouldn't be delivered.

Many were concerned about the impact of the proposals upon wildlife and biodiversity. Various species have been highlighted as making use of the site including bats, skylarks, peahens, pheasants, woodland birds, badgers, deer, voles, owls, red kites, woodpeckers, song-thrushes, rabbits, hares, slow worms, dragonflies, newts, frogs, etc. It was considered that mitigation and compensation proposals were inadequate and did not make up for the ecological harm caused by the development.

Many suggested that local infrastructure, services and amenities were already under strain, and cannot support the additional development proposed. This included reference to schools, GP surgeries, dentists, nurseries, policing, parking, public transport, refuse collection, shops, playing fields, petrol stations, access to primary health care, and other community infrastructure.

Others criticised the proposals lack of community facilities including schools, play areas, shops and community spaces. It was suggested that the proposal was not 'mixed use' and did not comply with best practice guidance, such as 'Building for a healthy life'. It was suggested that this would mean that most journeys will end up being by motor vehicle, creating further congestion and pollution.

Many therefore described the proposals as car dependent and/or promoting car use contrary to sustainable development objectives in local and national policy. It was highlighted that the nearest secondary school is 4 miles away (St Marks) and that most services and facilities were outside of suitable walking distances meaning that most will have to drive.

Lots were concerned about the loss of green belt land or were disappointed that the land had previously been removed from the green belt. Many felt that the original location of proposed allotments, outside the allocation and within the green belt, was unacceptable. It was considered that the allotments would harm the openness of the green belt, the character of the landscape, and have a harmful ecological impact. It was also noted that they would be distant from phases 2, 3 and 4, disincentivising their use.

When first relocated, several commented on the new location of the allotments as being within an area of "deep afternoon shade" and therefore not being suitable. Inconsistency with the position of the phase 1 allotments remaining on Derrymans was also highlighted.

Many criticised a perceived lack of consultation before the application was submitted. The 2-week consultation run by the applicant was criticised for its short length and it was felt that no account was taken of feedback given.

There were objections to the disruption, dust, noise, pollution and traffic arising as a result of any construction work.

There was concern about whether existing drainage and water systems can cope with additional strain presented by the development. There was also concern about the potential impact upon ground water, underground springs and water pollution, particularly the potential knock-on impacts further down the valley. Others felt that there was a lack of information about geology and site/slope stability within the application and were concerned about the underlying geology of the site and the possibility of landslides or

subsidence. It was noted that the site borders an area of moderate to high landslide risk and that this risk would increase with climate change.

The site was considered by many to form part of the green setting of the city, which is one of the six Outstanding Universal Values of the Bath World Heritage site. It was felt that the proposals would have an adverse impact upon the WHS, with some going as far to suggest the development threatened the status of Bath as a WHS.

Several highlighted that the Wansdyke SAM is on the Historic England 'Heritage at Risk' register and its condition is labelled 'critical' and 'declining'. It is of national importance and needs to be protected. Many considered that the proposals will result in the loss of its open aspect to the south and that there would be direct impact on the monument from the proposed crossing. A comprehensive management plan for the Wansdyke Scheduled Monument, including provisions for its improved maintenance, was required for phase 1 and hasn't been provided. Several also suggested that insufficient archaeological investigation has taken place and that this led to concerns about impact on buried archaeology.

Many highlighted concerns about the impacts upon South Stoke Conservation Area. Particularly, the historic rural character and tranquillity of the conservation area was felt to be under threat. The proposals were also suggested to present a risk to its identity and its 'physical and emotional separation' from Bath. Many raised concerns that South Stoke will be subsumed by Bath because of encroaching development.

Concern was also raised about the impact upon Sulis Manor, a non-designated heritage asset and important arts and crafts building. The proposed spine road, tree removals and outbuilding removals were considered to adversely impact upon the setting of Sulis Manor.

Several comments suggested that the proposals do nothing to address the climate/ecological emergency. They suggest that the proposals will still incorporate gas boilers and do not make any commitments about solar panels/heat pumps. It was suggested that there was insufficient information about sustainable construction and that the proposals would run counter to the net zero and climate emergency pledges. Other objections were concerned to see that new building regulations on overheating were met, particularly compliance with Part O.

Many suggested that the area is a designated AONB and shouldn't be built on. It is suggested that the proposals do not demonstrate the 'exceptional circumstances' required. Lots of comments referred to the site's beauty and considered that the proposals will irreparably harm the landscape. This was allied to concerns about light spill and impacts upon dark skies because of artificial light pollution from the development.

Several comments highlighted the value of the arable farming that takes place on the site and raised concerns about the loss of prime agricultural land. These comments also mentioned food security concerns, both locally and nationally. It was suggested that the remaining fields would be uneconomic as small pockets of agricultural land and that this would lead to further future development pressure.

There was much objection to the removal of a high number of significant mature trees because of the spine road running through Sulis Manor. These were highlighted as being subject to a TPO and incredibly valuable. Many felt that the mitigation proposals were inadequate because replacement trees would take a lot of time to mature and were located some distance from Sulis Manor. Others also highlighted that the plans suggest the removal of all trees at the back of Hazel Way which raised privacy and further ecological concerns.

Some adjacent occupiers were concerned about the direct impact upon households which back onto this field including a loss of privacy from back gardens, loss of light, odours, noise, dust and air pollution from construction.

It was suggested that the plans include inadequate amounts of tree planting, particularly along the southern border of the site. The indicative tree species/specification were also criticised as containing too many species that were non-native and too small.

It was suggested that dry stone walls are characteristic of the area and should not be lost because of the proposals. Others highlighted that the plans about what would happen to these walls was confusing and contradictory.

Some suggested that the plan is discriminatory and that this is the only flat rural area in the locality with suitable footpaths for someone with mobility issues.

It was suggested that the proposals do not provided evidence that wheelchair user requirements for accessibility are being met by the proposals.

It was suggested that Odd Down Football Club should stay as a Football Club and not be developed.

Shared cycle and footpaths are unlit and therefore are not fit for purpose on dark mornings and evenings. They also conflict with the concept diagram which says 'avoid built development on this field'.

There were several criticisms of the tranquillity assessment, which suggested it was poor quality and was inaccurate.

18 SUPPORT comments have been received. The main issues raised are summarised below:

Main point highlighted by many is an urgent need for more housing in the city, with a particular need for more affordable housing. Several noted that it is near impossible for first time buyers to afford a home and that there are too many young people, couples and families stuck in HMOs or unsuitable rental accommodation.

The proposals for 40% affordable housing were highlighted as being desperately needed and, when combined with those provided in phase 1, represented a highly significant amount of new affordable housing which could meet the needs of young people, couples and families.

It was noted that the Foxhill Estate is a short distance away and there are families with children crammed into unsuitable flats due to the critical shortage of social housing having been on the Homesearch register for years. Poorer children living in these affordable homes would benefit from the semi-rural environment. It was also noted that affordable housing can help those fleeing domestic violence.

Several comments noted that brownfield development was too slow to deliver new homes and that there was a shortage of suitable brownfield sites. It was also noted that there needs to be a mix of both brownfield and greenfield sites to meet housing need for the whole district.

It was commented that good performance against housing targets does not indicate that there is no need for more housing.

It is suggested that the scheme will reinforce wildlife and biodiversity in many respects compared to the existing agricultural use. It was also noted that the proposals include the planting of new woodland, the extension of existing woodland, the reinforcement of hedgerows, strips of open green space, roost barns for horseshoe bats, compensation habitat for skylarks, wildflower planting and other mitigating factors.

Comments indicated that the Placemaking Plan requires that the development treat the beauty of the area with sensitivity and the proposals will not threaten the World Heritage Site status of the city. It was also noted that the surrounding land remains within the Green Belt so it will be protected from any further development.

It was suggested that, rather than being a burden, the proposals will support local amenities, expanding the customer base for shops and services.

The loss of footpaths through the countryside should not be a reason to prevent the construction of new housing, particularly affordable housing.

Comments about the need for more homes in Bath from other planning applications in the city were highlighted as helping to demonstrate the need for new homes.

An increase in traffic is not a good enough reason to prevent house building as it would mean nowhere in Bath would ever be suitable. Although there is some congestion, there is no evidence of gridlock. It was suggested that a proportion of homes could be age restricted for the elderly/retired who are less likely to drive or for other groups that are non-car owners.

The scheme is not overdeveloped and will have generous green spaces, allotments and woods with a density of 35-40 dwelling per hectare.

The site was allocated precisely because it could be supported by the existing infrastructure at Odd Down, including several schools, a GP surgery, shops (including a supermarket) and the Odd Down Park and Ride, all within short walking distance. Furthermore, the developer will contribute towards school provision in the area and CIL payments will go towards local facilities.

There are 5,500 people on the Homesearch register who need affordable housing to live in now. Thousands of young people raised in Bath are being forced out of the city due to lack of housing.

Access to housing is more important than preserving a nice view for a minority. It was suggested that there was nothing special about the site compared to other green spaces around Bath and that it seems like a natural and long-expected expansion of the city.

Concerns about noise from a new development can be overcome (with reference to noise abatement orders) and shouldn't be a reason to prevent new housing.

Several comments suggested that an increase in the housing stock will make house prices more affordable.

It was suggested that it would not be wise to wait for the development of this site, as changes in viability may mean less affordable housing would be provided in the future.

One commentator was impressed with the high quality of the current development in phase 1 which they considered to be in keeping with its surroundings. They particularly welcomed the pedestrian link to the Park and Ride. On this basis they supported the further development highlighting the need for new energy efficient housing in areas such as Sulis Down where links to existing infrastructure are possible. They did highlight concerns about access and egress, particularly traffic using Combe Hay Lane to avoid congestion, and seeks a second access/egress onto Midland Road.

There was concern that those objecting to the development were misrepresenting the affordable housing aspects of the proposal.

8 GENERAL comments have been received. The main issues raised are summarised below:

One query as to whether the required water supply and sewage disposal facilities been given sufficient thought. Will the existing infrastructure be able to cope or will storm water overflow and pollute local water courses, including the Cam Brook.

One comment highlighted the need to provide adequate amenities, bus stops, pharmacy, shops and school places, alongside adequate walking and cycling provision. It also mentions that local wildlife should be protected.

There was regret about the loss of green agricultural land and the loss of a local amenity for residents which currently supports people's mental health. Some felt it was overdevelopment of the site and would lead to the destruction of trees and ecology.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY POLICIES

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

- SD1 Presumption in Favour of Sustainable Development
- B3a Land adjoining Odd Down, Bath Strategic Site Allocation
- B4 Bath World Heritage Site
- CP5 Flood Risk Management
- CP6 Environmental Quality
- CP9 Affordable Housing
- CP10 Housing Mix
- CP13 Infrastructure Provision

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
- SCR2 Roof-mounted/Building-integrated Scale Solar PV
- SCR5 Water Efficiency
- SU1 Sustainable Drainage
- D1 General urban design principles
- D2 Local character and distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D6 Amenity
- D10 Public realm
- GB1 Visual amenities of the Green Belt
- HE1 Historic Environment
- HE2 Somersetshire Coal Canal and the Wansdyke
- NE2a Landscape setting of settlements
- NE4 Ecosystem Services
- NE6 Trees and Woodland Conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and Vibration
- PCS3 Air Quality
- PCS6 Unstable land
- PCS7A Foul Sewage Infrastructure
- H7 Housing Accessibility
- LCR2 New or Replacement Community Facilities
- LCR3a Primary School Capacity
- LCR7B Broadband
- LCR9 Increasing the Provision of Local Food Growing
- RE5 Agricultural Land

LOCAL PLAN PARTIAL UPDATE

The Local Plan Partial Update ("LPPU") 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 with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

- DW1 District Wide Spatial Strategy
- CP3 Renewable Energy
- CP7 Green infrastructure
- D5 Building Design
- D8 Lighting
- H7 Housing accessibility
- 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 and Nature Recovery
- NE6 Trees and woodland conservation
- PCS5 Contamination
- LCR6 New and Replacement Sports and Recreational Facilities
- SCR6 Sustainable Construction Policy for New Build Residential Development
- SCR8 Embodied Carbon
- SCR9 Electric Vehicles Charging Infrastructure
- ST1 Promoting Sustainable Travel and Healthy Streets
- ST2A Recreational routes
- ST3 Transport infrastructure
- ST7 Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS AND GUIDANCE

- Bath City-wide Character Appraisal SPD (2005)
- Bath Building Heights Strategy (2010)
- City of Bath World Heritage Site Setting SPD (2013)
- South Stoke Conservation Area Appraisal (2014)
- Green Space Strategy (2015)
- West of England Sustainable Drainage Developer Guidance (2015)
- Bath World Heritage Site Management Plan (2016 - 2022)
- Planning Obligations SPD (2023)
- Sustainable Construction Checklist SPD (2023)
- Transport and Development SPD (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").

LISTED BUILDINGS

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.'

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000

There is a duty under s85 of the Countryside and Rights of Way Act 2000 placed upon the Council, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

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.

CLIMATE AND ECOLOGICAL EMERGENCIES

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Procedural matters
2. Principle of development
3. Comprehensive masterplan
4. Green infrastructure
5. Trees and woodland
6. Ecology
7. Landscape and visual impact
8. Heritage
9. Transport and sustainable travel
10. Design

11. Education
12. Employment and economy
13. Residential amenity
14. Housing mix
15. Affordable housing
16. Housing supply and delivery
17. Public health infrastructure
18. Sustainable construction
19. Archaeology
20. Air quality
21. Contaminated Land
22. Land stability
23. Drainage and flood risk
25. Loss of agricultural land
26. Public sector equality duty
27. Other matters
28. Planning balance and conclusion

1. PROCEDURAL MATTERS

Given the likely significant effects on the environment of the proposed development an Environmental Statement ("ES") has been submitted with the application. The ES sets out the findings of the assessment of environmental effects in respect of Traffic and access, Ecology, Climate Change, Heritage and Landscape and Visual impacts, and measures to mitigate those impacts where appropriate.

The EIA Regulations state that the Council cannot grant planning permission in respect of an EIA application unless it has first taken the environmental information into consideration and must state in its decision that it has done so. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development. In this case, further information has been submitted and the application re-advertised in accordance with the 2017 EIA Regulations. The National Planning Casework Unit has also been duly notified.

The assessment of environmental effects and proposed mitigation form an integral part of the consideration of the proposed development set out in this report. To avoid repetition the findings of the ES are reported below as part of the assessment of the planning issues, together with responses to consultations and other representations received.

This application relates to only part of the Strategic Site Allocation for Odd Down to which Core Strategy Policy B3a relates and which is shown on the related Concept Diagram. Placemaking Principle 2 of Policy B3a requires the preparation of a comprehensive masterplan i.e. for the allocation as a whole. However, the policy does not require the submission of a single planning application for the entire allocation. Although the current planning application relates to only part of the allocation it is a valid application and is to be determined in accordance with the development plan unless material considerations indicate otherwise. When considering whether development proposals accord with the

development plan it is necessary to make this judgement with regard to the development plan as a whole.

2. PRINCIPLE OF DEVELOPMENT

Allocation policy B3a sets out 11 Placemaking Principles, alongside a concept diagram, required to enable the development. The 11 Placemaking Principles cover a broad range of issues including quantum, density, masterplan, green infrastructure, landscape, heritage, ecological, transport, connections, education and land stability.

Placemaking Principle 1 states the following:

1. Residential led mixed use development (to include 40% affordable housing) of around 300 dwellings, in the plan period. The site should be developed at an average density of 35- 40dph. The figure of 300 dwellings is not a cap on development if all the placemaking principles can be met.

The current application proposes the erection of up to 290 dwellings on phases 3 and 4 of the allocated site. Combined with the 171 dwellings approved and currently under construction in phase 1, this would result in a total of 461 dwellings within the allocation.

Many comments and objections have pointed out that the total of 461 dwellings clearly exceeds the 'around 300 dwellings' stated in policy B3a. However, the policy wording is clear that the 300 figure is not a cap. If it can be demonstrated that all the placemaking principles can be met, then the figure of 471 dwellings would be acceptable and would accord with the terms of the policy.

It is also relevant to note that during the Placemaking Plan examination the Council advised that in identifying the Odd Down site for 300 dwellings it had taken a very cautious approach to development capacity and that it was likely that a scheme with a higher capacity (100 to 150 dwellings above that in the Core Strategy) could come forward which could still accord with the Core Strategy development requirements. The issue of compliance with the Placemaking Principles is considered further below. However, in the light of the wording of Policy B3a the quantum of development proposed is not a reason for refusing planning permission.

The area proposed for residential development within phases 3 and 4 equates to 7.6 hectares with an average density of 38.1 dwellings per hectare. Whilst slightly greater than the density of development of phase 1 (33 dph), this is within the middle of the range indicated by Placemaking Principle 1 and is considered appropriate.

Compliance with the other placemaking principles is considered in the relevant sections below.

3. COMPREHENSIVE MASTERPLAN

Placemaking Principle 2 of Policy B3a requires the *"preparation of a comprehensive Masterplan, through public consultation, and to be agreed by the Council, reflecting best*

practice as embodied in 'By Design' (or successor guidance), ensuring that it is well integrated with neighbouring areas." Specific reference is also made to the masterplan in Placemaking Principle 5 (the requirement for a Landscape and Ecological Mitigation Strategy and Management Plan) and 6 (seeking to conserve the significance of heritage assets).

The applicant has submitted a masterplan which covers the area of the allocation. The purpose of the masterplan is to demonstrate that the current application complies with the Placemaking Principles, to ensure it is well integrated with neighbouring areas and that it does not prejudice future phases or development of the strategic allocation.

There has been much criticism of the submitted masterplan with many claiming that it is not 'comprehensive', lacks sufficient detail to be considered a 'masterplan' and/or that it hasn't been 'agreed' by the Council.

The policy does not provide a definition of 'comprehensive masterplan', and it is therefore considered to be given its ordinary meaning in the planning context, i.e. a plan which includes or deals with all elements of a site with a sufficient level of detail to give overall guidance for a development.

The policy does not state the mechanism for 'agreeing' the masterplan. There is no separate statutory or Council process nor guidance in local or national policy for agreeing a masterplan. The acceptability of the masterplan therefore falls to be agreed as part of the planning application process and will depend upon its ability to demonstrate compliance with the Placemaking Principles of B3a.

The submitted masterplan has been prepared based on an analysis of the site and its setting, as well as its constraints and opportunities. It is comprehensive in its spatial extent in that it relates to the entire strategic allocation.

In summary, the masterplan shows the proposed housing contained within the land released from the Green Belt, with a single point of vehicular access to the development from Combe Hay Lane. The road continues through the Sulis Manor site (to the north of the existing main building) to connect with land to the east. Emergency access is shown via the access road to Sulis Down Business Village. Pedestrian and cycle links into the site are shown from the north (including across the Wansdyke) as well as from the east, south and west and linking with permissive and proposed Public Rights of Way across and around the allocation.

The masterplan also shows the development parcels for phases 1, 3 and 4 with perimeter roads, green spaces, allotments, new tree planting and ecological mitigation measures. A central 'heart' providing a community space for a range of outdoor civic and recreational functions is shown between phases 3 and 4.

Annotation on the masterplan indicates that it should be read alongside chapters 1-4 of the Design and Access Statement. These chapters provide more information about the vision for the development, the site context, pre-application consultation and the detail of the comprehensive masterplan.

Some objections have highlighted that the masterplan does not show detail of proposals for residential development of the Sulis Manor site or Odd Down FC.

In respect of Odd Down FC, the masterplan shows this retained in situ and no development coming forward in this part of the allocation. This is consistent with Placemaking Principle 10 of B3a which provides for the retention of Odd Down FC in its current location. The masterplan does not conflict with this placemaking principle.

In respect of Sulis Manor, the masterplan shows the spine road connecting phases 1 to phases 3 and 4, but otherwise shows Sulis Manor retained and no other development on this parcel. However, it does contain annotation which states, "Phase 2 residential layout to be brought forward by Sulis Manor Landowner." It is also noted that the cumulative impact assessment within the Environmental Statement is based upon the possibility of an additional 50 homes being built on this part of the site.

The applicants have chosen not to show any residential development within Sulis Manor on the masterplan as they are not the landowners and would have no control over whether the development comes forward in the manner shown. Within this context, showing an indicative scheme of residential development around Sulis Manor would not be particularly helpful as its delivery would be outside of the control of the applicant. Furthermore, even if agreed as part of this application, the masterplan is not binding upon future applicants/applications, and it would be possible for the owners of Sulis Manor to put forward a different but equally acceptable comprehensive masterplan showing how development could come forward.

What has been shown on the masterplan, i.e. the retention of Sulis Manor, is consistent with the relevant part of Placemaking Principle 6 which permits the conversion/retention of the Manor house.

The inclusion of the possibility of up to 50 homes on this part of the site within the cumulative assessment of the Environmental Statement is a recognition that, whilst not currently proposed, further development may come forward on this land in the future that is in line with Placemaking Principle 6 which allows for low-density development within the Sulis Manor grounds.

Whilst the level of information provided is commensurate with the hybrid nature of the current planning application, it is considered that the submitted masterplan and supporting documentation are sufficiently detailed to provide overall guidance for the development of the whole allocation. The masterplan is therefore considered to be sufficiently comprehensive in both its spatial extent and level of detail and complies with Placemaking Principle 2.

4. GREEN INFRASTRUCTURE

Placemaking Principle 3 of the B3a requires the provision of green infrastructure including multifunctional green space (formal, natural and allotments); well-integrated Sustainable Urban Drainage Systems and habitat, pedestrian and cycle connectivity within the site and to the surrounding area.

The green infrastructure parameter plan submitted with the application sets out several key facets of the proposed green infrastructure. The key elements include:

1. The protection of the existing southern tree belt with buffer zones
2. The provision of structural tree planting throughout the layout including tree lined primary streets and a tree lined processional route along a north-south green corridor linking to Millennium viewpoint.
3. Retention and enhancement of existing drystone walls across the site
4. An area set aside for allotment provision in the north-west corner of phase 3

The drainage parameter plan sets out a drainage strategy which proposes a SUDs scheme which incorporates attenuation and infiltration close to source across phases 3 and 4, making use of the underlying geology. This could include a variety of features such as infiltration swales and basins (where suitable) as part of a multi-functional green infrastructure. The detail of this approach will need to be provided as part of the reserved matters applications and is discussed further in the drainage section below.

The access and movement parameter plan includes proposals for a variety of pedestrian paths which provide a range of new connections across the site and through the surrounding woodland, including connections to the Millennium Viewpoint. The parameters also include two new shared use paths; one which runs along the primary street through the central heart of the development and then eastwards to South Stoke Lane; and another running north from the central heart across Great Broad Close linking to Cranmore Place and Frome Road.

These aspects of the scheme are considered to comply with Placemaking Principle 3 of B3a.

Policy LCR6 states that where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents.

The Parks team have estimated that the development of 290 dwellings will be occupied by approximately 667 residents (290 units x 2.3). These new residents will generate demand for the following quantities of green space:

Allotments	2,001sqm
Amenity Green Space	2,001sqm
Parks and Recreation Grounds	8,671sqm
Play Space (Children)	333.5sqm
Play Space (Youth)	200.1sqm
Natural Green Space	8,671sqm

The total demand for green space equates to 21,877.6sqm.

All matters are reserved for future approval, except access. A minimum quantity of on-site green space will, however, need to be secured using a S106 agreement. The on-site public green space provision will need to be secured by condition/clause for the use by the wider public and maintained to the reasonable satisfaction of the council. On page 9 of the Further Environmental Information Statement, the applicant states that it is likely that the provision of play space will increase at the detailed design stage.

The Green Infrastructure Parameter Plan presents the following quantities of green space for the proposed application:

Allotments	4,015sqm
Amenity Green Space	13,674sqm
Parks and Recreation Grounds	9,955sqm
Play Space (Children)	333.5sqm
Play Space (Youth)	200.1sqm
Natural Green Space	20,871sqm

The total proposed figure comes to a total of 48,515sqm. This figure includes allotment provision for phases 1, 2, 3 and 4. The proposals therefore meet the open space demand arising from the development and comply with policy LCR6.

The allotments for all four phases of the development have been relocated to the north-west corner of the phase three development site. The size of the allotments has also been increased so they are of an area to meet the allotment provision for all phases of the allocation. The Parks team support the consolidation of the allotment provision and the provision of allotments in this location allows the land parcel known as Derrymans to be used for the purposes of ecological mitigation and enhancement.

The area designated for local food growing provision covers a total area of 4,015 m² and satisfies the requirements of the Green Space Strategy (2015).

Full details of the allotment provision will be set out through future reserved matters applications. However, an indicative layout is provided on page 63 of the Design and Access Statement. The Parks team support the indicative proposal, but encourage the applicant to provide rectangular plots, laid out on a grid.

The proposals comply with policy LCR9 in relation to allotments.

5. TREES AND WOODLAND

Placemaking Principle 5 requires the retention and protection of existing trees and tree belts within the site. Furthermore, policy NE6 only permits development where any adverse impacts upon trees and woodland of value have been avoided or where this is unavoidable to allow for appropriate development, compensatory provision has been provided.

The green infrastructure parameter plan and supporting documents show the appropriate retention of the relevant trees and tree belts around phases 3 and 4. Changes to the

parameters throughout the application process have resulted in an improvement in the buffers to the western and southern boundaries of phase 3 to the satisfaction of the Council's Arboriculturalist.

They have also welcomed the re-positioning of the allotments to the north side of phase 3 which will potentially improve the separation distance between retained trees along the boundary with Sulis Meadows and built development. However, they have questioned the lack of detail and raised concerns about the indicative detail of the allotment layout and whether these will leave enough space for hedge and tree planting. The detail of the allotment layout is reserved, and it is considered that this detail can be resolved as part of a future detailed application.

The Biodiversity Strategy refers to extensive replanting within the southern tree belt which is where significant losses are expected because of ash dieback. More detail regarding tree species will be necessary and this planting should be treated as a priority. These matters can be secured by condition.

It has been suggested that the position of the proposed development conflicts with the green asterisks in the concept diagram which show where 'additional green infrastructure' should be delivered. However, by its very nature the concept diagram is illustrative, and the use of asterisks rather than a defined area reinforces this point. It is considered that an appropriate extent of additional green infrastructure has been identified and that there no conflict with the concept diagram.

Concerns have been flagged about the removal of trees along parts of the central tree belt to the east of phases 3 and 4 which have taken place under an approved Forestry Commission felling licence, due to ash die-back. The forestry licence included a requirement for off-site replacement planting which has been undertaken in accordance with the conditions of the licence. Whilst the licence covered the removal of the entire central tree belt, the applicant has since confirmed this is no longer the intention and that only selective thinning will take place in the remaining tree belt to the north of phases 3 and 4. This belt is also to be strengthened with additional tree planting along its length. This approach will be secured via the s106 agreement and planning conditions.

The position of the spine road requires the removal of 69 individual trees and 4 tree groups all of which are subject to the group TPO surrounding Sulis Manor. However, as discussed in the sections below, the proposals are consistent with the corridor for the link road agreed as part of the s106 agreement for the phase 1 application and there is no other reasonable alternative to gaining access to phases 3 and 4. The loss of these trees is unavoidable and suitable replacements are proposed to the east within 30 Acres. This approach has been accepted by the Council's Arboriculturalist.

Other concerns have been raised about where the masterplan shows potential footpath connections across the western boundary of phase 3 into Sulis Manor. It has been agreed with the applicant that these are not proposed routes within the current application but are shown as potential routes which can be safeguarded and called upon should development take place in phase 2 and further connections along this boundary be required. The assessment of the impact of any such route would therefore fall to be considered as part of a future application on phase 2. The safeguarding of these routes so that they can be called upon if required will form part of the s106 agreement.

The proposals comply with policy NE6.

6. ECOLOGY

Ecology surveys have been submitted with the application and the Council's Ecologist and Natural England are satisfied that the survey effort is sufficient to inform the application for development.

The application site for Phases 3 and 4 comprises two large arable fields surrounded by hedgerows, stone walls and tree belts. The access road will require removal of an area of tree cover/woodland within Sulis Manor as well as a small area of calcareous grassland of relatively low ecological quality.

The compensation and enhancement proposals are complex; options have been provided for land adjoining the site at 30 Acres and on Derrymans. The latter currently supports an unusual habitat of regenerating grassland with some calcareous indicator species and is within the Fuller's Earth Works - South Stoke Site of Nature Conservation Interest (SNCI). There are also arable weeds which are of some botanical interest around the field margins of Phases 3 and 4. Compensation for skylarks is provided on land at Great and Long Tynings.

The site supports a population of greater and lesser horseshoe bats, as well as at least nine other bat species. Horseshoe bat populations are functionally linked to the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), the closest component unit of which is 1.2km to the north-east. The plateau also supports a range of nesting bird species including between 3-8 pairs of skylarks. A badger sett is located off-site but close to the proposed development and good populations of common lizard and slow worms are present in the stone walls and around field margins.

Designated Sites - Bath and Bradford-on-Avon Bats SAC

There are night roosts for both horseshoe species located within the outbuildings of Sulis Manor which are proposed for demolition. There will also be the loss of foraging habitat comprising approximately 0.4ha of woodland, garden shrubs and grassland habitat because of the proposed spine road. There will also be indirect impacts on the mature beech woodland to the north of the new road route and the Wansdyke to the north as the link to these two foraging areas will be severed by the road.

There is also the potential for impacts arising from light spill on dispersal corridors for SAC bats along the route of the new spine road, along the southern tree belt and along the western boundary of phase 3 during both construction and operational phases of the development. There may also be additional disturbance to SAC bat populations using the southern tree belt and surrounding foraging habitat because of increased recreational use and/or physical damage to these areas.

Therefore, without mitigation, the risk of a 'likely significant effect' on the SAC cannot be completely ruled out and an Appropriate Assessment has been undertaken by the Council's Ecologist.

A significant range of mitigation measures are proposed and have been considered as part of the Appropriate Assessment. These are set out below:

There are two bat barns that have already been constructed on site (eastern and western Bat Barns) and there will be re-planting within the 10m buffer zone around eastern bat barn of a wildflower meadow.

Four new night roost suitable for horseshoe bats will be constructed on the western edge of phase 3.

A total of 0.4ha of calcareous grassland will be created at Derrymans to replace the loss of 0.03ha of lowland calcareous grassland and 0.08 of modified grassland in Sulis Manor grounds.

A total of 0.15ha of new broadleaved woodland will be planted at 30 Acres to replace foraging habitat lost in the Sulis Manor grounds. A further 0.92 ha of replacement woodland (comprising 300+ trees) to be planted at 30 Acres to compensate for approximately 80 tree removals at Sulis Manor. This planting adjoins the southern tree belt and will extend the woodland northwards alongside South Stoke Lane, enhancing and strengthening this corridor for horseshoe bats.

The original scheme proposed to fell the central tree belt under an approved Forestry Commission felling licence, due to ash die-back. However, the applicant has since confirmed this is no longer the intention and that only selective thinning only will take place. This complies with the relevant parts of Placemaking Principle 5 of B3a which require the retention and cultivation of hedgerows and tree belts (as indicated on the concept diagram).

The spine road will be lit overnight with road lights progressively dimmed between 22.00 and 07.00 hrs; lights will be dimmed to 10% of normal output between 23.00 and 06.00hrs. Further light controls during the construction stage, which will mitigate impacts, will be secured by condition.

A 'dark corridor' limiting light spill to less than 0.2 lux on the horizontal plane and less than 0.4 lux on the vertical plane along the entire length of the southern tree belt will be achieved through careful consideration of the proposed parameter plans which show a 14m buffer between the southern tree belt and the development and limits the building height to a maximum of 2 storeys.

Lighting level along the western boundary of phase 3 will be limited to less than 0.2 lux on the horizontal plan and less than 0.4 lux in the vertical plane. This will be achieved through careful consideration of the proposed parameter plans which show a minimum 14m buffer between the western boundary of phase 3 and the development and limits the building height to a maximum of two to two and a half storeys.

Final levels of predicted light spill on the vertical and horizontal planes can be further influenced by detailed design and final layout at the reserved matters stage, and scope remains for light spill levels to be further reduced by additional mitigation measures (for example shields, dimming, use of hop-overs) details of which can be secured by condition. The lighting mitigation also demonstrates compliance with the relevant parts of Placemaking Principle 5 of B3a which seeks to provide dark skies to the east and south of the site and limiting light spill to no more than 1 lux.

A programme of native tree and shrub planting will be implemented to strengthen the southern tree belt and to create greater structural diversity. On the southern side of the existing tree belt, an area has been identified for additional planting near the eastern bat barn. This will increase the depth of the tree belt and provide better links into the escarpment woodland to the south. This also complies with the relevant parts of Placemaking Principle 5 of B3a which requires new woodland planting along the southern boundary.

The fragmented stone wall and hedgerow forming the eastern link alongside the public footpath running from South Stoke to the Wansdyke will be defined by re-construction of the stone wall in place, bordered by GI planting along western side to reinstate and strengthen the flyway.

There will be protection measures for vegetated habitats including tree protection measures that will be implemented during construction and secured via a CEMP/arboricultural method statements/tree protection plans.

Footpaths around the development within bat sensitive areas, e.g. the southern farm track and footpaths through the southern tree belt, will remain unlit. In addition, the new shared use link towards the Wansdyke has been moved away from the boundary alongside Sulis Meadows and now runs through the middle of Great Broad Close and will also remain unlit.

The permissive footpaths across the site and the surrounding plateau which have been created over the past 20 years will be retained and are considered able to accommodate the increased use and recreational pressure arising from the development. The main footpaths through the tree belts will be further defined by dense understorey planting in certain areas to deter people from venturing off the footpaths.

There will be maintenance of the existing fencing along the southern boundary to deter pedestrian/cycle access into the escarpment woodland. This will effectively channel access into South Stoke Valley along established public footpaths that can be managed and monitored. Additional fencing and maintenance to prevent people creating informal routes into the adjoining farmland will also be implemented.

The use of public footpaths in South Stoke Valley will be monitored and, if problems occur, remedial measures will be undertaken to control access, including fencing, improved signage, locking of gates and public education, as appropriate. This complies with the relevant parts of Placemaking Principle 5 of B3a which requires a recreational strategy to minimise harm to adjacent grazing regimes and habitats.

All of the above matters will be secured through a combination of planning conditions and planning obligations (s106 agreement), e.g. LEMP, CEMP, BNG Plans, parameter plans, etc.

The Council's Ecologist considers that provided the above mitigation is implemented, the application would not have a significant negative impact on bat roosts, foraging or commuting habitats for SAC bat populations. Additional planting provided may also be of potential benefit to SAC bats. The Appropriate Assessment therefore concludes that the proposals would not have an adverse effect on the Bath and Bradford on Avon SAC either alone or in combination with other plans or projects. Natural England have accepted this assessment and raise no objection to the proposals.

The proposal complies with the relevant parts of NE3 and the Conservation of Species and Habitats Regulations 2017.

Fuller's Earth Works - Southstoke Complex SNCI

The original scheme proposed to entirely replace current habitats with compensatory tree planting and allotment creation on the Derrymans Field part of Fuller's Earth Works - Southstoke Complex Site of Nature Conservation Interest ("SNCI").

A botanical survey of Derrymans Field (Kestrel Wildlife Consultants, July 2022) indicated that this land 'could be viewed as a species-rich wildflower meadow'. It should be noted that species-rich grasslands are a local priority habitat. The Council's Ecologist considers that the field meets SNCI criteria, particularly given potential for restoration back to calcareous grassland.

In addition, based on a site visit and the consultant ecologist's findings, Derrymans field is considered to be of high value to invertebrates. As a result of these findings, an alternative location for the tree planting and the allotments was requested. Revisions to the proposals have resulted in alternative mitigations and locations for the tree planting which will not significantly impact on existing nature conservation interest of Derrymans. This is supported, as it will minimise harm to ecologically valuable habitats within the SNCI.

The proposals comply with NE3 in respect of impacts upon the SNCI.

Derogation Tests

There will be a requirement for the developer to secure a bat licence from Natural England, which will set out a detailed method statement to safeguard bats during demolition of the outbuildings at Sulis Manor.

The application includes details of a bat mitigation and compensation scheme and proposes works should proceed under a bat mitigation licence. This approach and the proposed mitigation measures are acceptable. To comply with the Conservation of Species and Habitat Regulations 2017, the Council must be satisfied that a licence is likely to be granted based upon the three derogation tests.

The Council's Ecologist has confirmed that that the proposal will not harm the conservation status of the affected species and that this test of the Habitats Regulations will be met. The remaining two tests are considered below:

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

The public benefits should be commensurate with the level of impact. In this instance the proposals provide substantial public benefits in the form of new housing including 40% affordable housing alongside other subsidiary benefits such as the creation of local construction jobs, biodiversity net gain and the creation new connections and routes across the site. These public benefits are overriding, and this test is passed.

Test 2 - There is no satisfactory alternative.

The bat roosts would be demolished because of the proposed spine road. The Core Strategy Inspector ruled out the possibility of accessing phases 3 and 4 via South Stoke Lane due to the harmful impact this would have upon the character and appearance of the South Stoke Conservation Area and its setting. There is no other potential vehicular access route to the site due to the physical and natural barriers presented by Sulis Meadows estate and the Wansdyke SAM. The positioning of the spine road has been carefully considered to minimise impacts upon the framework of trees which surround Sulis Manor and any alternative location would have greater impacts upon this woodland or upon the Manor House itself. A 'do nothing' approach would result in the allocated site becoming undeliverable which in turn would have a knock-on impact upon the Council's housing supply and delivery position.

Therefore, it is considered that there is no satisfactory alternative, and this test is passed.

Protected and Notable Species

Comments in relation to horseshoe bat species are set out above. Bechstein's bats were not recorded on site and are either assumed to be absent or only using the site very occasionally. Other bat species will be accommodated for within habitat provision and protection measures for horseshoe bats, as well as the proposed bat boxes integrated into dwellings. At least 20% of new dwellings should include a bat roost feature. A detailed specification for habitat boxes can be secured by condition.

The site current provides habitat for nesting Skylarks who utilise the arable fields which make up much of the application site. It is proposed to provide off-site compensation for nesting skylarks. Originally proposed at nearby Rowley Top, clarification was sought about its capacity and ability to provide habitat for additional breeding pairs. Subsequently, the proposals were amended and now propose two off-site areas at Great and Long Tynings neither of which were currently used by skylarks. The proposals include managing these fields in a way that will favour breeding skylarks, through the provision of "Skylark plots".

Provided that a dozen plots in either of the fields is created, this would enable up to a maximum of 8 breeding pairs to use the field. This would be supported, as it would provide

enough mitigation for the 4-5 pairs which are likely to be displaced by the development of Phases 3 and 4 on the Sulis Down plateau. This skylark compensation will be secured by a S106 agreement if consent is granted. This complies with the relevant parts of Placemaking Principle 5 of B3a which requires the safeguarding of skylark interest through adequate mitigation or off-site compensation. The Ecology Team also requested that at least 20% of new dwellings include bird nesting features, particularly targeting Species of Conservation Concern such as swift and house sparrow.

The ES identifies that an intermittently active badger sett is present in the grounds of Sulis Manor. The consultant ecologist has confirmed that it is located 36m from the working corridor of the spine road and therefore it is acknowledged that mitigation and licensing are not required for works to proceed lawfully. Notwithstanding this, the submitted Biodiversity Strategy contains mitigation measures for badgers which are supported. In addition, a pre-commencement badger survey and any updates to mitigation required as a result will be secured by condition.

Reptile surveys was carried out across Sulis Down in 2013 and good populations of slow worm and common lizard were found along the southern boundary of the site. In 2019, reptiles from Phase 1 were translocated into a Reptile Receptor Zone (RPZ) located within Derryman's, the reptile fence has since become defunct so they may now have colonised the remainder of the field. The proposals to translocate reptile species from Phases 3 and 4 and Derryman's (outside of RPZ) as per the Reptile Strategy V4 (Kestrel Wildlife Consultants, September 2023) are welcomed.

Presence/likely absence surveys of Derryman's were attempted in 2023 but the refugia were removed. The applicant has proposed completing the surveys (involving 7 visits) once the site has been securely fenced in autumn 2023 and this approach is supported. Should reptiles be present, then a further 13 visits (making 20 in total) should be undertaken to estimate the size of the population. A population class size assessment of Phases 3 and 4 would also require completion. The methodology for the translocation proposed requires modification as at least 30-60 days of trapping would be required depending on the size of the reptile population. The Council's Ecologist is satisfied that this information can be secured by condition in this instance.

The RPZ associated with the phase 1 development was 5m wide, this will be expanded to 10m wide (and 150m long) and 6 x artificial hibernacula are due to be created. Both measures will increase the carrying capacity of the RPZ. In addition, the area incorporates natural refugia in the form of a remnant drystone wall offering optimal conditions for basking lizards and hibernating reptiles. It is therefore considered that the mitigation proposed is sufficient to accommodate a good-sized reptile population.

The Council's Ecologist has noted that ploughing/rotovating of the entirety of Derryman's to enable re-seeding would not be supported and alternative habitat management should be considered, at least in part, particularly if reptiles are present. This information can be secured by condition. Ideally, this issue would be resolved prior to determination given that protected species surveys are not ordinarily conditioned. However, this is the only satisfactory solution in this instance. Reptile surveys and a detailed method statement will need to be secured by a section 106 agreement and a planning condition, to include the location of reptile exclusion fencing and a full methodology for the trapping and translocation.

It is considered that all boundary features (including garden walls/fences) could incorporate hedgehog connectivity measures unless there is reasonable justification (e.g. risk of road collisions) for lack of such features. A detailed specification for these features can be secured by condition.

The proposals comply with policy NE3 and the relevant parts of Placemaking Principle 5 of B3a in respect of protected species.

Biodiversity Net Gain

The Local Plan Partial Update including new BNG policy NE3a was adopted in January 2023, major developments are required to deliver at least a 10% net gain.

Following requested clarifications from the Council's Ecologist, the BNG metric has been updated and accompanied by the necessary condition assessments of some of the baseline habitats.

The proposals include a mixture of on and off-site enhancements. The off-site provision includes the enhancement of the existing southern tree belt and planting of new woodland at 30 Acres. This will need to be secured via a Section 106 agreement.

The baseline score for Sulis Down Phases 3 and 4 is 38.72 units (on-site). Therefore, at least 3.872 units (i.e. 10%) should be delivered through activities which are not required as mitigation or compensation. The proposals show that post intervention 24.07 units are expected from habitat creation or enhancement to deliver wildlife conservation activities, which are not required for mitigation or compensation for protected species, protected habitats or protected sites. This is 54% of the baseline score (on-site and off-site). Therefore, the proposals are in accordance with the net gain rules on additionality.

The calculations indicate that the scheme can deliver a gain 3.96 habitat units and 1.0 hedgerow units, providing a net gain of 10.22% habitat units and 10.34% hedgerow units which would demonstrate compliance with Policy NE3a.

7. LANDSCAPE AND VISUAL IMPACT

This is clearly an exceptional site, and the landscape quality of the area is a key aspect of the site's exceptional character. Many comments have highlighted the quality and natural beauty of the landscape in this area. Whilst the principle of residential development in this location has been established by the allocation policy, Placemaking Principle 5 does include several landscape requirements relating to retention of existing trees/hedgerows, additional planting/screening and the need to avoid or minimise detrimental impacts (and provide enhancement too) to a range of landscape receptors.

A Landscape Visual Impact Assessment ("LVIA") has been submitted with the application as part of the ES.

It identifies several adverse effects of the development on landscape character at levels ranging from moderate to slight. Applying the example criteria set out the LVIA methodology (doc ref NPA/11192), this means that in respect of several of the identified landscape receptors, the development may 'Conflict or not wholly fit' with the character of the landscape; may 'Have a negative impact or be at variance with' some existing characteristics or features or may 'Diminish or detract from' the sense of place or local distinctiveness of the area.

These adverse effects on character are identified in respect of Sulis Manor; the fields east of Sulis Manor; Derrymans; The Cotswolds AONB in the context of Bath; the plateau landscape at the southern edge of Bath; the valley landscape south of Bath; and the World Heritage Site Setting.

In respect of the World Heritage Site Setting, the Council's Landscape Officer disagrees with the judgement in the ES in respect of the overall impact as being moderate/slight and believes that the overall level of effect would be slightly higher, at 'moderate' or above.

The LVIA also identifies a wide range of adverse visual effects, including a number at the moderate/substantial level which are deemed to be significant for EIA purposes. These include adverse effects on views from permissive paths within the site and adjacent public footpath BA22/2, on local views from the north (Wansdyke path; residential properties; users of Old Frome Road and Midford Road), on local residential properties to the west, on local views from the east/north east including Cross Keys junction residences and users of South Stoke Lane, and in local views from the south (users of PRow BA22/3 and from the northern edge of South Stoke).

Several aspects of the application have been designed to minimise and avoid detrimental impacts on views and landscape features.

Firstly, the site layout and extent of the development has been set back from the southern edge of the site with a buffer provided to help minimise the impacts upon the setting of South Stoke.

The building heights parameters plan sets limits for the maximum heights across different parts of the development. The broad principles of this appear reasonable and indicates that the 3-storey elements will be furthest from the boundaries of the site, which is appropriate. This parameter plan also includes a requirement that no more than one third of the buildings within each defined area are to be the maximum number of storeys permitted. Further refinement of this approach will be possible through the consideration of detailed reserved matters applications.

There will also be reinforcement planting to the existing tree belt along the southern boundary, including the replacement ash trees removed due to 'Ash die-back' disease and additional planting along the northern boundary to reduce the impact of the development on open rural views over the plateau from the junction of at Midford Road and the Cross Keys and wider views to the south.

The plans also include retention and restoration of existing drystone walls across the site which form a distinctive and key characteristic of the Cotswold AONB.

There is also a commitment to sensitive lighting design to minimise and limit light pollution and the impact that this may have upon the night-time landscape.

It is also proposed to utilise building materials which will appear more recessive and integrate into the landscape to minimise visual impact, particularly in longer distance views. The precise material palette will be determined as part of reserved matters applications, but there is no reason that this approach cannot be secured at that stage.

The overall levels of adverse impacts identified in the LVIA are generally not too dissimilar to those that were assessed by the Core Strategy Inspector as part of the examination in 2014. It is considered that although there are a range of adverse impacts identified, it is considered that these are partly an inevitable consequence of housing development replacing an existing agricultural landscape and it is considered that the development, through its design, has sought to avoid and minimise these impacts and has proposed adequate mitigation to lessen these impacts.

The proposal complies with the relevant landscape requirements of Placemaking Principle 5 of B3a.

Area of Outstanding Natural Beauty

The whole site falls within the Cotswolds AONB. The proposal would have acknowledged adverse effects upon the majority of a Landscape Character Area (LCA) identified within the Cotswolds AONB Landscape Character Assessment, namely LCA 9A - High Wold Dip-Slope (Sulis Manor Plateau).

Paragraph 177 of the NPPF states that planning permission should be refused for major development in Areas of Outstanding Natural Beauty other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

In reviewing the allocation of the site in 2014, the Core Strategy Inspector specifically considered the principle of major development within the AONB and concurred with the Council's assessment that there would be a moderate adverse impact on the special qualities of the AONB. That assessment took into account the existing visual intrusion of built development on the landscape of the plateau, the fact that the plateau exhibits only some of the qualities that make the AONB special and that built development would be pulled back from the more sensitive parts of the plateau where it could have a wider adverse impact. Whilst there would be a loss of the existing farmed landscape, resulting in harm, this harm would be contained largely within the plateau.

In the light of that assessment, the Inspector concluded that there were exceptional circumstances for major development within the AONB.

The current ES is broadly consistent with these previous assessments and concludes that there would be a slight/moderate adverse related to the general overall change associated primarily with the residential development, replacing agricultural land, as a relatively small extension of the existing urban area, and related effect on tranquillity of the local landscape character. It also notes that there will be an indirect effect on the AONB

landscape to the south of Bath associated with the extension of the urban edge toward the southern edge of the plateau and that this will extend and increase the influence of the urban area on the wider landscape south of Bath.

The Cotswold AONB Board has objected to the current application on the grounds that it represents major development in the AONB and contend that exceptional circumstances no longer exist to justify the development. In particular, they do not believe that development which would exceed the 'around 300' dwellings stated in the policy is not justified. The Cotswold AONB Board have also suggested that development of more than 129 homes is not needed and conflicts with paragraph 176 which states that the scale and extent of development in the AONB should be limited.

In respect of the extent of the proposed development, this remains within the area of the allocation and does not spread development further than originally envisaged at the time of the Core Strategy examination. In terms of the scale of development, and as discussed in the principle of development section above, the figure of 'around 300' is explicitly stated as not being a cap on the quantum of development provided that all of the Placemaking Principles are adhered to. The need for homes is discussed further in the Housing Supply and Delivery section of this report.

It is also noted that the Cotswold Conservation Board made similar representations to the LPPU consultation in 2022 seeking a review of the B3a allocation. However, the allocation remains as part of the LPPU.

It is not considered that there is any conflict between the updated wording of paragraph 176 of the NPPF, and the proposed development. There remain exceptional circumstances which justify the allocation and the proposed development which is demonstrably in the public interest (see planning balance section).

Nevertheless, the adverse impacts of the development proposals upon the AONB are material considerations and, in accordance with paragraph 176 of the NPPF, great weight should be given to this matter in the planning balance.

In response to comments from the Cotswold AONB Board, a tranquillity assessment has been submitted to consider the impact of vehicle movements from the proposed development on the tranquillity of the AONB.

This considers the possibility of motorists 'rat-running' by taking shortcuts through the villages and lanes which lie within the AONB. In line with the transport assessment undertaken, it concludes that taking account of the position on the ground and the fact that many of these lanes are narrow and winding, that rat running through the AONB is highly unlikely. It also concludes that in the event that drivers do rat run through the AONB, the likely frequency will be very low and would have a neutral/negligible effect upon the AONB, including both residents and visitors of the AONB.

The Highways Team agree with the findings of the transport assessment which in turn supports the conclusions of the tranquillity assessment. It is therefore considered that the proposed Development will have no significant impact on the tranquillity of the Cotswold AONB in the immediate or the wider surroundings of the site.

8. HERITAGE

Placemaking Principles 6 seeks to conserve the significance of various heritage assets and identified several issues which need to be addressed for each asset.

City of Bath World Heritage Site

Parts of the site (Sulis Manor and its grounds) lies within the City of Bath World Heritage Site ("WHS"). The remainder of the site lies within the defined setting of the WHS, the purpose of which is to protect and enhance the significance of the Outstanding Universal Values ("OUV") of the WHS.

Part of the significance and Outstanding Universal Value of the WHS is its setting within green hills, surrounded by open agricultural land that evokes the landscape of the Georgian period. The fields at Odd Down are currently still used for agriculture. There has been some planting of shelter belts within those fields as well with public footpaths created through them.

The fields still have remnants of stone walling and some hedging. The current field pattern had been established by the 1840's when the Tithe map was drawn for the parish of South Stoke. A map of the City of Bath from 1742 shows an earlier field pattern of smaller irregular fields with cultivation strips; from the former medieval ridge and furrow system of land division and use. By the 1840's some of the fields had been joined into larger fields and the boundaries changed.

Since the Georgian period the field pattern has changed and there has been development of the land to the east. It is however still an agricultural landscape, which evokes the Georgian agricultural landscape. This open agricultural landscape then forms part of the significance of the WHS through the green setting of Attribute 5.

The WHS setting assessment within the ES assesses the impact on the WHS as having a neutral effect suggesting that the impact is mitigated by compliance with the B&NES Building Heights Strategy and screened by the existing tree belts and further woodland planting. It concludes that the greater treed landscape would reinforce the rural treed nature of the setting and act as a buffer to the WHS.

However, Historic England alongside the Council's Conservation and Landscape Officers disagree with this assessment as the plans show only scattered trees to supplement the existing tree belts and new buildings will be visible from the West Wansdyke and from within the boundary of the WHS.

Placemaking Principle 6 sets out the following issues which need to be addressed for the WHS:

The Southern boundary of the site should remain undeveloped to limit the visibility of development in wider views. An acceptable southerly extent of development and appropriate building heights will need to be established as part of the Masterplan.

The masterplan and accompanying parameter plans show that the southern boundary of the site would remain undeveloped and there is no objection to the southern extent of the development. The building heights parameter plan show most of the development area as up to 2-2.5 storey with a maximum ridge height of 11m above existing ground levels. A short strip along the indicative route of the spine road and around the central heart of the development is indicated as up to 3 storey with a maximum ridge height of 14m above existing ground levels. The plan also indicates that no more than one third of dwellings within these areas should be the maximum 3 storeys.

The Easterly extent of development and appropriate Eastern boundary treatment should be established as part of the Masterplan

The masterplan and accompanying parameter plans establish the easterly extent of development adjacent to the undeveloped field of '30 Acres'. The parameter plans indicate the reinstatement and restoration of the dry-stone wall along this boundary which is considered to provide an appropriate boundary treatment that complies with the distinctive character of the area.

Control light pollution to protect the visual screening of the site from views to the south

There is also a commitment to sensitive lighting design to minimise and limit light pollution and the impact that this may have upon views from the south. In views from the south, the use of sensitive lighting will help to limit the impact of the development as it is seen against the illuminated backdrop of the existing urban edge of Bath. However, whilst the masterplan and lighting impact assessment have provided reassurance that the north edge of the development will be lit in a way that minimises impacts, in views from within the WHS boundary, looking south, lighting will still be visible where previously there was none.

The proposal complies with the relevant parts requires of Placemaking Principle 6 in respect of the WHS and has sought to conserve the significance of the WHS and its setting as far as possible.

Nevertheless, the proposed development will cause harm to the significance of the WHS through a change to its setting. This includes the removal of part of the open green agricultural landscape that forms part of the WHS Outstanding Universal Value Green Setting Attribute No.5. Taking account of the geographical extent of the WHS and the fact that Odd Down is not identified as an important green hillside in the WHS Setting SPD, this harm is considered to be less than substantial.

The WHS is of the highest, international significance as a heritage asset, and its green setting is one of the key attributes of the Outstanding Universal Values identified by UNESCO in inscribing Bath as a WHS. The conservation of designated assets whatever level of harm is identified must be given great weight through the planning process (NPPF 199).

Paragraph 202 of the NPPF requires that less than substantial harm to a heritage asset is weighed against the public benefits of the proposal.

The public benefits of the proposals are discussed throughout this report and summarised in the planning balance section below. They comprise the provision of a significant number of new homes, including the provision of 40% affordable housing; economic benefits associated with construction; delivery of sustainable transport measures and contributions; biodiversity net gain and the site's sustainable location.

Whilst great weight is afforded to the less than substantial harm to the WHS, it is considered that the considerable public benefits of the proposals, in this case, clearly outweigh that harm. The proposals are therefore consistent with policies B4 and HE1 and the NPPF in respect of the City of Bath WHS.

Great Spa Towns of Europe World Heritage Site

In 2021, Bath received a second inscription from UNESCO as one of the Great Spa Towns of Europe. The boundary for the inscription mirrors the existing boundary of the City of Bath WHS. Therefore, the application site is partly within the Great Spa Towns of Europe WHS (Sulis Manor and its grounds) whilst the remainder of the site lies within its setting.

Whilst each of the Great Spa Towns is different, the summary of Outstanding Universal Value indicates that they contain ensembles of spa buildings, all of which are integrated into an overall urban context that includes a carefully managed recreational and therapeutic environment of parks, gardens, promenades, sports facilities and woodlands. The summary goes on to state that "Buildings and spaces connect visually and physically with their surrounding landscapes, which are used regularly for exercise as a contribution to the therapy of the cure, and for relaxation and enjoyment."

It is therefore considered that the proposed development will cause harm to the significance of the Great Spa Towns of Europe WHS through a change to its setting. This includes the removal of part of the open green agricultural landscape that forms part of the WHS Outstanding Universal Value relating to the connection of buildings and space to the surrounding landscape used for relaxation and enjoyment. Taking account of the geographical extent of the WHS, this harm is considered to be less than substantial.

The WHS is of the highest, international significance as a heritage asset, and its green setting is one of the key attributes of the Outstanding Universal Values identified by UNESCO in inscribing Bath as a WHS. The conservation of designated assets whatever level of harm is identified must be given great weight through the planning process (NPPF 199).

Paragraph 202 of the NPPF requires that less than substantial harm to a heritage asset is weighed against the public benefits of the proposal.

The public benefits of the proposals are discussed throughout this report and summarised in the planning balance section below. They comprise the provision of a significant number of new homes, including the provision of 40% affordable housing; economic benefits associated with construction; delivery of sustainable transport measures and contributions; biodiversity net gain and the site's sustainable location.

Whilst great weight is afforded to the less than substantial harm to the WHS, it is considered that the considerable public benefits of the proposals, in this case, clearly outweigh that harm. The proposals are therefore consistent with policy HE1 and the NPPF in respect of the Great Spa Towns of Europe WHS.

Wansdyke Scheduled Monument

The West Wansdyke Scheduled Ancient Monument ("SAM") is located approximately 200m north of phases 3 and 4. The monument is a linear boundary of a possible Prehistoric origin, and may have been used as a military frontier and boundary during the 9th century AD.

The primary significance of West Wansdyke is derived from its physical earthwork remains and their potential to contain archaeological evidence which could contribute to a better understanding of the origin and development of the monument.

Its setting prior to the mid-19th century was an open agricultural landscape. Which would have been similar to the original landscape at the time of its construction. Since the mid-19th century the land to the north was exploited through a number of stone quarry workings and Fullers earth mines. Following the end of the quarrying, housing and residential developments replaced the quarries. This was all north of the Wansdyke. It wasn't until the mid-20th century that the land to the south of the Wansdyke was then developed as a school (St Gregory's) and a small housing development (Sulis Meadows).

The eastern half still retains the open fields to the south that evoke the rural landscape that has been part of the landscape for centuries. These open fields therefore contribute to the significance of the Wansdyke scheduled monument and form part of its setting.

The monument is on the Heritage at Risk Register for various reasons, including animal burrowing, erosion from unofficial footpaths, fly-tipping and vegetation growth.

Policy HE2 states that development adversely affecting the physical remains and/or historic routes of the Wansdyke and/or its setting will not be permitted unless it can be demonstrated appropriate mitigation and/or enhancement is provided consistent with Policy HE1. It states that policy B3a also applies for the section of the Wansdyke lying within the allocation site.

Placemaking Principle 6 of B3a sets out the following issues which need to be addressed for the Wansdyke SAM:

Within the allocation, avoid built development in the field immediately to the south of the Wansdyke. To mitigate impacts, tree planting should be retained as indicated on the Concept Diagram

No built development is proposed within the field immediately to the south of the Wansdyke. A shared use path is proposed to cross this field but is not considered to constitute built development which would cause any significant harm to the setting of the monument given that it is an engineering operation and will be finished with a self-binding gravel that is appropriate to the edge of countryside context.

Tree planting is proposed along the northern boundary of phases 3 and 4 which will supplement the retained tree belt (with selective thinning) helping to provide a screen between the new development and the setting of the Wansdyke SAM. Whilst Historic England have raised concerns about the effectiveness of this boundary treatment that have not raised any objection to the proposals.

A Management Plan setting out a strategy for the long-term and effective management of the monument including detailed measures for its positive enhancement will be developed in consultation with English Heritage and form part of any development proposals. This should include a recreational and movement solution which serves the new community and minimises harm to the Scheduled Monument.

A Wansdyke Management Plan was approved under Phase 1 of the development (ref: 17/02588/EFUL). This will be updated to reflect the Proposed Development, the new crossing and ongoing management of the Wansdyke. This will be secured as part of the s106 agreement.

Limit development height and density in more prominent areas, such as higher ground and development edges.

The building heights parameter plan show most of the development area as up to 2-2.5 storey with a maximum ridge height of 11m above existing ground levels. A short strip along the indicative route of the spine road and around the central heart of the development is indicated as up to 3 storey with a maximum ridge height of 14m above existing ground levels. The plan also indicates that no more than one third of dwellings within these areas should be the maximum 3 storeys apart from the northern boundary (identified as areas 3A and 4A) which is limited to 2 storey.

The land use parameter plans also establish that a minimum of two thirds of the frontage along the northern boundary of the site (identified as areas 3A and 4A) should be planted with trees and vegetation with only a maximum of one third built frontage facing visible and facing towards the Wansdyke.

Limit lighting column heights to that of the development to minimise vertical features within the view from the Wansdyke

A Lighting Impact Assessment accompanies the planning application that sets the lighting columns to 5m in height, which will be below the vertical features of the buildings. In addition, the proposed share use path across Great Broad Close will be unlit so that the dark character of this part of the setting is retained.

Notwithstanding the above, when looking south from the monument lighting within the development will still be visible where previously there was none.

The design of the proposed crossing over the Wansdyke has not yet been finalised or agreed with Historic England or the Department of Culture Media and Sport. There is further evaluation work to do before a crossing can be fully designed. Scheduled Monument Consent (SMC) has been granted in relation to the phase 1 planning obligations for an evaluation to better understand the monument at this point and any impacts there may be on it from a crossing. Further SMC will be required to implement

any final crossing design and it is possible that such consent may not be forthcoming if it would cause harm to the monument.

The s106 agreement to deliver the shared use crossing at this point would therefore be on basis of the developer making all 'reasonable endeavours' to secure SMC and construct the crossing. This is consistent with the approach taken to the footpath crossing of the Wansdyke agreed as part of phase 1. As advised by Historic England, it is proposed that the wording of the s106 agreement will allow an alternative route to be designed if SMC isn't granted for a crossing suitable for cyclists.

The proposal complies with the relevant parts requires of Placemaking Principle 6 in respect of the Wansdyke SAM and has sought to conserve its significance and setting as far as possible.

Nevertheless, the proposed development will cause harm to the significance of the WHS through the loss of open rural countryside within its setting. The ES quantifies the significance of this effect as 'moderate', and this assessment is accepted. Consistent with the view of Historic England, this harm is considered to be less than substantial.

The Wansdyke SAM is of the highest, national significance as a heritage asset. The conservation of designated assets whatever level of harm is identified must be given great weight through the planning process (NPPF 199).

Paragraph 202 of the NPPF requires that less than substantial harm to a heritage asset is weighed against the public benefits of the proposal.

The public benefits of the proposals are discussed throughout this report and summarised in the planning balance section below. They comprise the provision of a significant number of new homes, including the provision of 40% affordable housing; economic benefits associated with construction; delivery of sustainable transport measures and contributions; biodiversity net gain and the site's sustainable location.

Whilst great weight is afforded to the less than substantial harm to the Wansdyke SAM, it is considered the considerable public benefits of the proposals, in this case, clearly outweigh that harm. The proposals are therefore consistent with policies HE1, HE2 and the NPPF.

South Stoke Conservation Area

The South Stoke Conservation Area lies immediately to the south-east of the allocated site having been expanded in 2014 to include Brantwood and its grounds. The South Stoke Conservation Area Appraisal (June 2014) summarises the special interest of the area which includes, inter alia:

- Unusual hillside location and exceptional landscape setting on the southern edge of the Cotswolds within the Cotswolds AONB.
- Village built into the slope of a valley overlooking the Cam valley affording fine extensive vistas unencumbered by large scale modern development.

- Contribution of natural landscape features such as ancient deciduous woodland and narrow (and often steep) lanes lined with hedgerows.
- Peaceful rural atmosphere with little intrusion from traffic despite proximity to Bath
- Village pattern and grain that has undergone little change and witnessed limited modern development.
- Prominent position of the Manor Farm which constitutes an early farm complex with rare surviving late mediaeval agricultural buildings.

The Conservation Officer considers there to be a lack of information to fully understand the impact on the South Stoke Conservation Area ("CA"). However, the ES is considered to appropriately identify the significance of the South Stoke and provides sufficient information to understand the impacts of the development upon it.

Placemaking Principle 6 sets out the following issues which need to be addressed for the South Stoke CA:

Limit the height and/or density of development closest to South Stoke Conservation Area to avoid harm to its setting.

The masterplan and accompanying parameter plans show that the southern boundary of the site would remain undeveloped and there would be a buffer with the southern tree belt. The building heights parameter plan show most of the development area, including that closest to the South Stoke CA, as up to 2-2.5 storey with a maximum ridge height of 11m above existing ground levels. A short strip along the indicative route of the spine road and around the central heart of the development is indicated as up to 3 storey with a maximum ridge height of 14m above existing ground levels. The plan also indicates that no more than one third of dwellings within these areas should be the maximum 3 storeys.

Provide a sensitively designed and improved pedestrian/cycle link, following the desire line to Cranmore Place/Frome Road to allow access to Threeways School and the Supermarket.

The earlier phase 1 development already contains planning obligations which require the delivery of a pedestrian connection from the development site over the Wansdyke to Cranmore Place/Frome Road. The current proposals include a significant number of retained, new and enhanced footpaths and cycleways across the allocation. This includes proposals for a shared use path directly from central heart of the proposed development across Great Broad Close to connect to Cranmore Place/Frome Road.

As discussed in the Wansdyke Scheduled Monument section above, an obligation on the developer to use reasonable endeavour to secure SMC for this crossing has been agreed.

The ES concludes that the proposals would have a neutral impact upon the setting of the CA due to the fact that the CA and the important buildings within it are wholly screened from the application site due to the steep slope dropping away from the site, the planting throughout and around the village, and the dense tree belts along the southern edge of the application site.

This conclusion is consistent with the approach adopted by the Core Strategy Examining Inspector when confirming the allocation of the site. In the 2014 report stated that:

"because of its location on the valley side just below the plateau edge, the village is essentially hidden from the north. The important perception of separation between the edge of the city at Cross Keys and the entrance to a rural village on the lip of the plateau would be retained by keeping within the Green Belt the two fields adjoining South Stoke Lane and by avoiding any suburbanisation of the lane, such as by widening or street lighting. Whilst the boundary at Brantwood would abut the allocation, new built development would be separated from the boundary by existing and new tree planting. The woodland around Brantwood would also assist the visual separation of new development from the village itself. Provided that any access arrangements in this south-eastern corner do not undermine the existing rural qualities of South Stoke Lane and subject to adherence to place-making principle six, the Council's conclusion that there would be no harm to the conservation area is justified."

The proposed development is consistent with Placemaking Principle 6 and, although there is emergency access proposed to connect to the south-east corner, this is small scale and low impact and does not undermine the rural qualities of South Stoke Lane. The impacts of the proposed development on South Stoke CA are therefore no greater than that assessed by the Inspector at the time of the allocation.

It is therefore considered that the proposals preserved the setting of the South Stoke CA. The proposals therefore comply with Placemaking Principle 6 of B3a, policy HE1 and the NPPF in respect of the South Stoke CA.

Non-designated heritage assets

Sulis Manor is a non-designated heritage asset.

Historic England identify Sulis Manor as of strong local interest as an unusual example of Arts and Crafts design in the Bath area, where the style was little used, and for its association with the Carr family, Bath clothiers, who ran one of the city's significant woollen mills in the C19 and early C20. It is included within the Bath World Heritage Site, which reflects its importance to the city.'

The grounds of Sulis Manor have a deep border of mature trees which obscure the manor house and its garden from most angles. This heavily wooded surrounding contributes towards the scheduled character of the manor house and its grounds and form an important part of its setting.

Placemaking Principle 6 sets out the following issues which need to be addressed for the Sulis Manor:

Incorporate Sulis Manor and garden into development sensitively, retaining the framework of trees, and considering the conversion/retention of the Manor House and/or a low density development

The detailed part of this application proposes to extend the spine road of phase 1 through the grounds of Sulis Manor to serve the proposed phases 3 and 4. The arboricultural report submitted with the application indicates that a total of 69 individual trees and 4 tree groups will need to be removed to construct the spine road through Sulis Manor.

The loss of these trees and the introduction of a busy spine road through the grounds of Sulis Manor will have an adverse effect upon its setting, both in terms of its visual impact and upon the sense of seclusion through the introduction of lighting and traffic movement, with associated noise and light.

Whilst the proposals will have an impact upon the setting of Sulis Manor, it is necessary to consider whether these impacts have been minimised or whether there were less impactful alternatives that should have been considered. In this case, there is no obvious alternatives to provide access to phases 3 and 4. The Core Strategy Inspector effectively ruled out the possibility of accessing these phases via Southstoke Lane due to the potential detrimental impacts upon the setting of the South Stoke CA and other designated assets. The presence of the Wansdyke SAM and the Sulis Meadows estate prevent any other potential access from the north.

A corridor for the route of the link road was agreed as part of the s106 agreement forming part of the phase 1 application. The current proposal roughly follows the area, but dips slightly south to link to the existing road in phase 1. The amendment of the area provides an improvement in the separation distance between the road and the belt of trees to the north beside Burnt House Road and attempts to reduce the number of trees lost. This approach has been accepted by the Council's Arboriculturalist.

It is therefore considered that the proposals have sought to minimise the impact upon the framework of trees around Sulis Manor. Whilst no development other than the spine road is proposed within phase 2, options for conversion/retention of the Manor House are maintained through the masterplan.

The proposal complies with the relevant parts of Placemaking Principle 6 in respect of Sulis Manor.

Nevertheless, the proposals cause harm to the setting of the Sulis Manor. The ES chapter on cultural heritage identifies the likely significance of this effect as minor.

In accordance with paragraph 203 NPPF, 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.

This is considered in the planning balance section below.

The Conservation Officer also identifies Brantwood as another non-designated heritage asset on the north side of the South Stoke Conservation Area which was included following a boundary review in 2014. The South Stoke Conservation Area Appraisal describes Brantwood as a significant historic building in the spirit of the Arts and Crafts and of a Jacobean style utilising local materials and architectural detailing. It is set within

substantial and attractive grounds and ornate gardens which contain some significant tree species including a mature Cedar.

Whilst the boundary at Brantwood would abut the allocation, new built development would be separated from the boundary by existing and new tree planting. The woodland around Brantwood would also assist the visual separation of new development from Brantwood itself. The emergency access arrangements in this south-eastern corner do not undermine the setting of Brantwood either.

It is therefore considered that the proposed development will preserve the setting and significance of the Brantwood non-designated heritage asset.

Listed buildings - Cross Keys Pub

Whilst there are no listed buildings within the application site or the allocation itself, there are several designated assets in the surrounding area which should be considered.

The Grade II Cross Keys pub is situated c.390m northeast of the application at the junction of Midford Road and Southstoke Road. There is limited intervisibility with the application site, due to its lower elevation, some intervening planting and the distance. However, there are some sequential views of the Cross Key Pub and the north-east portion of the application site. There will be some perception in these views of the introduction of new built form into this part of its setting.

Whilst this impact has been identified and acknowledged in the ES, the Council's Conservation Officer, is satisfied that the impact of the proposed development will be more limited. The detrimental impact upon the setting of the Cross Keys Pub is therefore considered to be a less than substantial adverse impact upon its significance.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals fail to preserve the setting of the Cross Key Pub listed building and that considerable weight must be given to this matter.

The conservation of designated assets whatever level of harm is identified must be given great weight through the planning process (NPPF 199).

Paragraph 202 of the NPPF requires that less than substantial harm to a heritage asset is weighed against the public benefits of the proposal.

The public benefits of the proposals are discussed throughout this report and summarised in the planning balance section below. They comprise the provision of a significant number of new homes, including the provision of 40% affordable housing; economic benefits associated with construction; delivery of sustainable transport measures and contributions; biodiversity net gain and the site's sustainable location.

Whilst great weight is afforded to the less than substantial harm to the Grade II listed Cross Keys Pub, it is considered the public benefits of the proposals clearly outweigh the less than substantial harm to the listed building. The proposals are therefore consistent with policy HE1 and the NPPF.

Listed buildings - Other assets

Other listed buildings/structures within the surrounding area are largely confined within the boundary of the South Stoke Conservation Area, including:

Tithe Barn (Grade II*)
Church of St James (Grade II*)
Manor Farmhouse (Grade II)
1, 2 and 3 The Grange at Manor Farm (Grade II)
Brewery House (Grade II)
Packhorse Inn (Grade II)
The Priory (Grade II)
Southstoke Hall
The Lodge to Southstoke Hall (Grade II)
K6 Telephone Kiosk, Southstoke (Grade II)

However, as discussed in the South Stoke Conservation Area section above, the CA and the important listed buildings within it are wholly screened from the application site due to the steep slope dropping away from the site, the planting throughout and around the village, and the dense tree belts along the southern edge of the application site. There is limited intervisibility between these assets and the applications it and it is considered that the settings of the above assets are not affected by the proposed development.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals will preserve the setting of the above assets.

9. TRANSPORT AND SUSTAINABLE TRAVEL

In addition to the district wide transport policies required of all new development (ST1, ST7, etc.) this allocation has site specific requirements for transport which are set out in Placemaking Principle 7 of B3a.

Paragraph 111 of the NPPF also sets out key tests stating 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."

Vehicular Access

Placemaking Principle 7 includes a requirement to provide vehicular access, and junction enhancement, to facilitate access to the site from Combe Hay Lane. This junction was enhanced as part of the phase 1 planning application, and it is proposed that access to phases 3 and 4 will be taken from the same point via the spine road through phase 1 and 2 (Sulis Manor).

The Highways Team have raised no objection to the use of this access to serve the proposed development and it is consistent with the relevant requirement of Placemaking Principle 7.

Some comments received have suggested that further access should be taken from Southstoke Lane to the east to help better distribute traffic movements. However, Southstoke Lane is a narrow street with high stone boundary walls either side. It forms a key part of the setting of South Stoke Conservation Area. Vehicular access from this location would likely require improvements to the lane such as widening and street lighting and would necessitate a new road across the open green belt to the east. Such works would have a negative impact upon the South Stoke Conservation Area, the Green Belt and further detrimental impacts upon the Wansdyke SAM and the City of Bath WHS. For these reasons, the Core Strategy Inspector ruled out access from South Stoke Lane when confirming the allocation.

Placemaking Principle 7 also requires the provision of an additional access for emergency vehicles. This is shown in the south-east corner of the site connecting onto the access road serving Sulis Down Business Village. There is no objection to this proposed connection which minimises the impacts of an emergency access by making best use of existing routes. Conditions will be necessary to ensure that this route remains for emergency vehicles only.

Sustainable travel

Placemaking Principle 7 also require pedestrian and cycle links with Sulis Meadows Estate and Sulis Manor.

Connections with Sulis Meadow Estate are provided within the Phase 1 development. There is also a potential pedestrian connection point into the estate at the northern side of phase 3 shown on the comprehensive masterplan. Potential pedestrian connections are shown from the west side of phase 3 into Sulis Manor. However, these are not proposed for delivery and would be merely safeguarded in case connections are required for a future development on phase 2. A shared use cycle path runs alongside the spine road through the Sulis Manor site.

Placemaking Principle 7 also requires links to the National Cycle Route 24 and Two Tunnels to be facilitated. The access and movement parameter plan shows a 3m shared use path connection through phases 3 and 4 to South Stoke Lane. This would then enable cyclists to cycle on-road to Midford. This is an appropriate link given the rural nature of the route, the fact that it is likely to be a leisure route, is lightly trafficked and subject to low-speed limits. The applicant has also agreed to provide additional cycle signage to help identify this route. These will be secured as part of the s106 agreement.

A further requirement is for a sensitively designed and improved pedestrian/cycle link, following the desire line to Cranmore Place/Frome Road to allow access to Threeways School and the supermarket to the north (Sainsburys). In response to this, the application proposes a 3m shared use path crossing Great Broad Close following the direct desire line from the central heart of the development between phases 3 and 4. This route represents an improvement over the less direct, pedestrian only, route over the Wansdyke secured as part of the phase 1 application.

It has been designed to minimise impacts upon the Wansdyke SAM and the City of Bath WHS. It would be unlit, with open mown grass verges/field margins to allow the continued agricultural use of Great Broad close and would use self-binding gravel/hoggin as the surfacing material. Whilst this is sub-optimal in terms of accessibility, it is considered to strike the right balance between minimising harm and providing a direct route which helps to integrate the development with the existing urban area.

As discussed in the Heritage section above, the delivery of the crossing point over the Wansdyke falls outside of the control of the applicant or the Local Planning Authority as it is subject to the grant of Scheduled Monument Consent. If Scheduled Monument Consent for the shared use crossing is not granted, then the applicant has agreed to obligations to find an alternative route to the east of the 30 Acres field to connect with the shared use route at the Midford Road junction.

There will not be any dedicated bus provision through the site and the applicant has had confirmation from service providers that the single point of access would constrain any bus services and have a detrimental impact on patronage and timings. However, the site is located close to the Odd Down Park and Ride which provides a reliable and regular service to Bath city centre.

In accordance with Placemaking Principle 7, the proposals provide a safe and attractive pedestrian/cycle link to the park and ride via a shared use path along the main spine road of the development. This will then link to a direct pedestrian/cycle connection from Combe Hay Lane into the park and ride site to the west which was secured as part of the phase 1 application.

Placemaking Principle 4 requires that the development include new Public Rights of Way and provided enhanced public access within the site and connecting well to the surrounding area. Alongside all the connections discussed above, the proposals will include the following within the application site:

1. A new footpath along the northern boundary of Phase 3 and 4 that will connect to the existing PROW BA22/2 that runs north-south along the eastern boundary of 30 Acres links to South Stoke village.
2. New footpaths along the western and eastern boundary of Phase 3 that will connect to PROW BA22/3.
3. A new connection to the existing PROW BA22/1 which runs east-west along the Wansdyke. The site will connect to this PROW from the new 3m shared cycle/footpath through Great Broad Close.

4. Shared cycle/footpath from the Wansdyke to the edge of the Sulis Down Business Village, and then footpath only to the Millennium Viewpoint.

The Public Rights of Way Team have no objection to these proposals.

In addition, several off-site proposals have been agreed with the applicant. These include:

1. A shared-use path between Frome Road and Cranmore Place;
2. A shared-use path between Cranmore Place, the Wansdyke SAM and the site; and,
3. Old Midford Road, Packhorse Lane and Southstoke Lane on road cycle route.
4. Proposed pedestrian crossing at the staggered Combe Hay Lane/Sulis Manor Road

Further to the above, the Highways Team have identified two strategic projects designed to improve and encourage sustainable travel methods that will be of direct benefit to the site, specifically the Somer Valley Links project and the Scholars Way improvements.

In line with current policies ST1 and ST7, the Joint Local Transport Plan 4 and national guidance in NPPF, developers need to invest and plan to make sure that sustainable travel facilities are adequately provided for as part of their development and that every opportunity is sought to encourage sustainable travel as the 'first choice' in tandem with making the use of the private car less convenient/ appealing.

The Somer Valley Links is a committed scheme and Highways Team consider that there will be substantial improvements of benefit to occupiers of the site which will run from the Park and Ride into the City Centre. Local to the Sulis Down development this includes:

1. Upgrades to Odd Down to include additional facilities (e.g. e-Scooter hire, cycle storage locker, cycle stands, etc.)
2. A new bus lane and upgrade of Odd Down roundabout
3. Upgrades to The Beeches bus stop
4. An inbound bus lane and bi-directional cycle lane on The Wellsway, between Midford Road and Hatfield Road
5. Various bus stop upgrades further north in Bear, including a small 'Mobility Hub' proposal

This is a strategic project and to ensure compliance with CIL regulation 122, a proportionate contribution which is fairly and reasonably related to the development in scale and kind is sought. In this instance, the required amount is £420,076.60 and has been agreed with the applicant.

The Scholars Way scheme proposes the introduction of cycle routes connecting residential areas to educational establishments across the south of Bath. The first section aims to provide a cycle route between Claverton Down, Combe Down and Odd Down and includes:

1. Upgrading the existing shared path between Quarry Farm and Claverton Down Road via Rainbow Wood to a hard surface, to improve conditions for cycles and pedestrians. In the next phase, the council is looking at options to provide a direct cycle route to Ralph Allen School, giving more pupils the opportunity to cycle to and from school.
2. Upgrade the existing zebra crossing on Claverton Down Road (east of Shaft Road) to a parallel crossing for pedestrians and cycles.
3. A new zebra crossing on Claverton Down Road, adjacent to Ralph Allen School
4. An in-carriageway cycle route on Church Road and Combe Road, Combe Down, with painted cycle markings
5. A new cycle and pedestrian route from Combe Road to St Martins Garden Primary School, via Mulberry Park, including off-road sections and improved pedestrian and cycle crossings.

This is a strategic project and to ensure compliance with CIL regulation 122, a proportionate contribution which is fairly and reasonably related to the development in scale and kind is sought. In this instance, the required amount is £209,386.28 and has been agreed with the applicant.

The total S106 contributions in relation to strategic improvements in the locale of the Sulis Down planning application, specifically Somer Valley Links and Scholar's Way, to deliver public transport, walking and cycling improvements in the vicinity of the site is therefore £629,462.88. This can be secured as part of the s106 agreement.

Subject to the above matters being secured (either by condition or s106 agreement), the Highways Team consider that the proposed development now represents an enhancement to the active travel permeability for the area and complies with the relevant requirements of policy ST1 and ST7 in respect of sustainable travel.

Traffic Impact Assessment

A transport assessment has been submitted as part of the ES including modelling of the impact of additional traffic movements generated by the development upon nearby junctions. This concludes that the following junctions will be approaching capacity, but were still forecast to operate within the limits of capacity:

A367 / A367 Wellsway / Old Fosse Road / Combe Hay Lane; and,
A367 Wellsway / A3062 Frome Road / Frome Road Roundabout - PM Peak only

The technical assessments forecast that the A367 Wellsway / A3062 Frome Road / Frome Road Roundabouts will operate within capacity in all scenarios. Ultimately, the transport assessment concludes that development traffic generates a comparatively minor impact to network capacity when existing congestion is considered and that no junctions would be over capacity as a result of the proposal.

The Highways Team initially queried why the Odd Down Area VISSIM model had not been used to assess the impact of the development on the wider road network. The applicant has provided justification within Appendix B of the submitted Transport Assessment Addendum as to why this has not been utilised, citing age of the model, unrepresentative traffic flows/queue lengths and unrealistic trip rates. This has involved the review of CCTV footage of the local highway network to identify any interaction between key junctions. The Highways Team accept that the standalone modelling utilised in the assessment of the proposed development is acceptable.

The Highways Team also requested a sensitivity assessment to be completed to advise on network operation should WECA and B&NES initiatives to reducing traffic across the county by 7% not deliver the planned traffic reductions. The sensitivity modelling assessment detailed in the submitted Transport Assessment Addendum indicates that the proposed development will not have a severe impact to highway operation in a forecast of 2029, with the presence of committed development and proposed development traffic, and without B&NES Climate Change initiatives reduction.

Several comments received highlighted the fact that the dates of traffic surveys conflicted with when some private schools in the area were in fact on summer holidays. The Highways Team therefore requested that the applicant confirm that the existing network can accommodate the additional trips generated by private schools. This information has been submitted by the applicant and Highways Team are satisfied that after considering these additional trips, the network still has residual capacity to handle further traffic demands.

Others have referred to the transport assessment which accompanied the version of the masterplan submitted with the phase 1 planning application. This concluded that a development of 450 dwellings across the allocation site would result in a severe impact upon the local network. Questions have been raised about why these conclusions are no longer held to be true despite the current application proposing a total of 461 dwellings across the allocation. The simple explanation is that the traffic surveys undertaken, and accepted by the Highways Team as being robust, demonstrate that traffic levels in the area are lower than they were in 2017 at the time of the phase 1 application.

It should also be noted that the traffic modelling included consideration of an additional 50 dwellings on the allocation site, such as on phase 2 at Sulis Manor. Whilst a development of 50 dwellings on phase 2 would seem to be on the optimistic side given the constraints presented by the existing non-designated heritage asset and the surrounding TPO woodland, the fact that the assessments demonstrate that there is appropriate capacity on the road network even with this additional development adds further weight to the positive conclusions about the impacts of the currently proposed development.

In conclusion, whilst the proposals will add to existing traffic on the local road network, the detailed transport assessments undertaken, and reviewed by the B&NES Highways Team, demonstrate that the network would still be operating within capacity and that the impacts of the development cannot reasonably be described as severe. In accordance with paragraph 111 of the NPPF, development should not be refused on highways grounds.

Travel Plan

An Interim Travel Plan has been submitted with the application which outlines a package of measures with the aim of reducing the number of single occupancy car trips generated by residents and visitors by promoting travel by sustainable modes. The implementation of the travel plan will be secured in line with the Transport and Development SPD alongside a contribution towards the implementation of the travel plan measures.

Parking

Placemaking Principle 7 requires the development to ensure there is sufficient car parking in the vicinity of St Gregory's School to meet the school's needs. Provision for car parking for St Gregory's School at Odd Down Football Club will continue and would be unaffected by the proposed development.

As layout is a reserved matter, the number of parking spaces for vehicles and cycles does not yet fall to be determined. This will be determined as part of the reserved matters applications and will need to be in accordance with the parking standards set out in the Transport and Development SPD and will also need to be supported by evidence from an accessibility assessment.

Policy ST7 requires all new developments to provide facilities for electric charging having regard to the Transport and Development SPD. Updates to Building Regulations Part S now require all the installation of electric vehicle charging points within all new dwellings (subject to various exceptions). It is therefore not necessary to duplicate matters which are controlled by other legislation.

10. DESIGN

The residential part of this application is in outline with all matters reserved (except for access). The illustrative layout and information provided within the design and access statement is therefore indicative and subject to consideration through detailed reserved matters applications at a later stage. However, it gives a good impression of the design approach and suggests that the proposals will reflect a landscape led design which will conserve and enhance the natural beauty alongside an intent to create a neighbourhood that displays an architecture of traditional character with great attention to detail, visual composition and high-quality materials. This is informed by several over-arching principles including:

1. A layout that is landscape-led which will conserve important habitats, whilst integrating successfully with neighbouring areas
2. Retention, protection and management of existing trees and significant hedgerows and where possible, including them within an extensive public open space setting
3. Retaining and enhancing drystone walls across the site

4. Establishing tree-lined corridors both on the main east-west route and to the central green space
5. Secondary streets are similarly tree lined with smaller species, front gardens and hedgerow planting
6. A broken roofline, with varied heights, helps to mitigate long-distance views of the site
7. The central green public space provides a centrepiece for Phases 3 and 4 leading to the existing southern tree belt

The Design and Access Statement also provides more information about the vision for the 'central heart' of the development which lies between phases 3 and 4. It is stated to provide a range of recreational and civic functions and will knit together children's play facilities, community gardens and events spaces to encourage social interaction and engagement with nature. Further detail of this space will need to be considered through future reserved matters applications, but it is considered that this space will be capable of providing a focus for the development helping to create a sense of community within the proposal.

In terms of architecture, whilst still a reserved matter, the application proposes that the development draws upon the architecture of nearby houses, such as Brantwood and Sulis Manor and more generally on the Arts and Crafts Cotswold tradition. This represents a continuation of the design approach established in phase 1. This approach is considered appropriate within this context and there will be opportunities to learning and adapt from the development that has already taken place in phase 1.

The Design and Access Statement includes a 'Building for a Healthy Life' assessment, a government-endorsed industry standard for well-designed homes and neighbourhoods and a requirement of policy CP6. Officers have reviewed the 12 criteria and consider that the green ratings indicated are generally warranted based upon the information provided by the application and the parameter plans.

It is proposed that any reserved matters applications should be accompanied by a design statement which identifies how the detailed design meets the vision and objectives as set out in the Design and Access Statement. This will help ensure that a high-quality development comes forward at the detailed stage and maintains the high level of aspiration set out in the current application. This can be secured by condition.

Policy H7 requires that, for market housing, 5.6% of the dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing) and 48% of the remainder to be built to M4(2) accessible and adaptable dwellings standard. This will be secured by condition.

For affordable housing, it requires 7.8% of the dwellings to be built to meet Building Regulation M4(3)(2b) standard (wheelchair accessible housing) and the remainder to be built to M4(2) accessible and adaptable dwellings standard within houses, ground floor flats and upper floor flats where a lift is installed, and age restricted homes. This will be secured as part of the affordable housing obligations in the s106 agreement.

It is therefore considered that the proposals will be capable of demonstrating compliance with policies CP6, H7, D1, D2, D3, D4, D5, D10 and BD1 at reserved matters stage.

11. EDUCATION

The Council's Education services have reviewed the most recently available admissions data for July 2023 and compared this to the predicted pupil generation of the development which are set out below:

Earl Years (age 1-2) = 9
Early Years (age 2) = 6
Early Years (age 3-4) = 24
Primary age = 93
Secondary age = 57
Sixth Form = 12
Young people (aged 13 -19) = 30

Note that there is currently no specific housing mix and these figures are based upon average pupil yields.

In terms of early years, the Bath and North East Somerset Council Childcare Sufficiency Assessment Report indicates that this part of Bath is an area of childcare sufficiency for Early Years children, therefore under the childcare legislation we cannot ask for additional provision. However, it is noted that none of the existing provision is located within easy walking distance for parents with young children who will be living on the development.

Placemaking Principle 8 of B3a requires financial contributions to facilitate the expansion of St Martin's Garden Primary School. However, it should be noted that this Placemaking Principle 8 was included when the site was originally allocated in 2014. The latest data shows that there is currently projected to be sufficient primary school capacity available locally to accommodate the primary age pupils calculated to be generated. It should also be noted that contribution of £136,986.55 towards St Martin's Garden Primary School was secured as part of the phase 1 application. Financial contributions towards the expansion of primary schools are therefore not necessary and not justified.

In terms of secondary and sixth form provision, there are six secondary school in Bath. In order of distance from the development site, closest first, these are: St Gregory's Catholic College, Beechen Cliff (boys) and Hayesfield (girls), Ralph Allen, Oldfield and St Mark's. Beechen Cliff and St Mark's are projected to have sufficient spare capacity available in the future to accommodate the secondary age pupils calculated to be generated.

It is currently anticipated that pupils applying for a secondary school place on time at the point of bulk admissions into Year 7 should be able to obtain a school place within a reasonable distance from the development. Any pupils applying later or 'in year' are more likely to have to travel further. The exact picture will depend on the actual situation at the time of application for a school place.

Notwithstanding the concerns about the availability of early years provision close to the application site, the Education services have raised no objection to the proposals.

Furthermore, whilst there is conflict with Placemaking Principle 8, this is justified due to the latest admissions figures demonstrating that there is sufficient primary school capacity in the locality.

The proposal complies with policy LCR3a.

12. EMPLOYMENT AND ECONOMY

Placemaking Principle 9 states that the provision of additional local employment will be supported at Manor Farm, through conversion and redevelopment.

Manor Farm lies just to the southeast of the application site and comprises several employment uses situated within former farm buildings. It is not part of the current application but is shown as retained within the comprehensive masterplan and is considered to support local employment.

The proposals therefore do not conflict with Placemaking Principle 9 of B3a.

Whilst the proposed development does not contain any employment uses, the proposed residential development will generate a significant number of jobs associated with its construction. A large-scale phased development such as this will likely take multiple years to complete and will create work for a significant number of construction and related workers. This will have a positive impact upon the local economy both via the direct investment and jobs created and via the additional activity generated for local contractors and suppliers.

The Council's Planning Obligations SPD also requires large developments to secure contributions and obligations towards Targeted, Recruitment and Training ("TR&T") opportunities on site during the construction phase. The TR&T outcomes and contribution are calculated using estimated costs of development with an aim of providing opportunities for at least 5% of the construction work force being a New Entrant Trainee ("NETs"). For a development of this scale, this involves the following:

45 Work Placements

6 Apprenticeship starts

4 New jobs advertised through DWP

£21,285 contribution to support NETs entering into construction providing training, travel and equipment costs

These matters will be secured as part of the s106 agreement.

Whilst these economic benefits of the proposals are highlighted, it be noted that such benefits are temporary in nature and will not extend into the operational phases of the development (other than a handful of management/maintenance jobs generated).

These economic benefits are therefore afforded moderate weight.

13. RESIDENTIAL AMENITY

The nearest existing residential properties to the application site are located within the Sulis Meadows estate, primarily on Spruce Way, Hazel Way and Alder Way. These properties share a rear or side garden boundary with the north side of proposed phase 3. Given the re-positioning of the allotments into the north-west corner of phase 3, the vast majority of any of the proposed dwellings will be located a substantial distance away from the boundaries of the existing properties in Sulis Meadow. Given this distance and the limitations of height set out in the building heights parameter plan, the proposed development will not appear overbearing or result in any significant loss of light. Also, these separation distances will make it relatively easy for the detailed layout and design of the proposed dwellings to avoid any unacceptable overlooking or loss of privacy.

There are approximately 5 dwellings sharing a boundary with phase 3 on Spruce Way which are not buffered by the proposed allotment area. More care will have to be taken within the layout and positioning of dwellings in this part of the site when the reserved matters are considered. However, there is considered to be sufficient space and separation such that it would be possible to avoid any overbearing, overlooking or overshadowing impacts at the detailed design stage.

Properties along Burnt House Road will be largely unaffected by the proposed spine road which runs through Sulis Manor and are sufficient distance from the proposed residential development not to be unduly impacted in terms of loss of light, outlook or privacy.

Brantwood is a large property located to the south-east of phase 4. Given its extensive grounds and the position of the intervening southern tree belt, it is considered that the proposed development will not have any result in any undue impacts in terms of loss of light, outlook or privacy.

The creation of the new spine road serving phases 3 and 4 will create some addition disturbance for Sulis Manor. However, the impacts are not considered to significantly harm the amenities of any existing or potential occupiers.

Given the scale of the proposed development, there will clearly be a level of disruption and disturbance to nearby residents as a result of the construction works. However, these impacts can be suitably mitigated through appropriate controls and conditions. Measures to control dust, hours of working and other matters can be captured in a construction management plan which can be secured by condition.

The proposals comply with policy D6.

14. HOUSING MIX

The proposed development would provide up to 290 homes. As the residential part of this application is in outline, the precise housing mix is not fixed at this stage. This will be agreed at reserved matters stage. However, given that the development complies with the density requirements of the allocation policy, it is considered that the proposal will be able to provide an acceptable mix of house sizes and types.

Some comments received have raised concerns that Phase 1 has delivered far more one-bedroom flats and far fewer three-bedroom houses than were desired by the B&NES Housing Team. Whilst the detail of the affordable housing mix can only be confirmed once the detail of the reserved matters applications has been confirmed. The Council's Housing Team have provided an indicative affordable housing mix which takes account of the earlier provision of phase 1 and sets out aspirations for delivery from phases 3 and 4. Ultimately, the affordable housing mix in phases 3 and 4 will depend upon the layout and detail of the reserved matters and will be a result of negotiation with the developer.

15. AFFORDABLE HOUSING

The allocation policy B3a and policy CP9 both require that this site provide 40% of the proposed homes as affordable housing.

The submitted affordable housing statement indicates that the proposals will meet these requirements and commits to providing 40% of the 'up to' 290 homes as affordable housing.

This means that up to 116 homes will be provided as affordable housing.

Many comments have expressed scepticism about the affordable housing proposals, suggesting that they will not be genuinely affordable. However, the proposed affordable housing will be provided in accordance with the Council's preferred tenure split with 75% provided as a social rent tenure and 25% provided for shared ownership. The social rent will be set at Government Target Rent Regime levels.

Additionally, the application proposes to provide one 6-bedroom unit to the Council's Learning Difficulty service as specialist housing as part of the affordable housing offer. This mirrors similar provision provided in phase one.

Whilst there has been good delivery of new homes in B&NES in recent years, the delivery of new affordable homes has not been as successful. The 2022 Annual Monitoring Report indicates that in 2020/21 a net total of 103 affordable homes were completed followed by 53 affordable homes in 2021/2022. Since the adoption of the Core Strategy in 2011 a total of 1,986 affordable homes have been delivered against an assessed need of 3,290 homes by 2029. Within this context, the provision of up to 116 affordable homes therefore represents a considerable contribution that carries substantial weight in favour of this application.

It should also be noted that this application represents one of the only development proposals (other than the earlier phase 1 development) in the Bath area to include the delivery of 40% affordable housing.

Many comments have suggested that brownfield sites in the city should first be utilised to provide affordable housing before this site is developed. However, there is no policy requirement to adopt such a sequential approach and it is notable that, due to the increased costs and complexity of bringing forward brownfield land for development, that affordable housing on such sites is often reduced to ensure viability or is heavily dependent upon grant funding.

The provision of up to 116 affordable homes in the Council's preferred tenure complies with policy CP9 and the relevant part of B3a and is considered to carry substantial weight in the planning balance.

16. HOUSING SUPPLY AND DELIVERY

The proposed development would provide up to 290 new dwellings (both market and affordable). The provision of many new homes for families, couples, individuals, and other households is a significant benefit of this proposal.

This would also represent a significant contribution towards meeting the district's housing target of around 13,000 new homes, as set out in policy DW1, of which 7,020 are to be delivered within Bath in accordance with policy B1.

Many comments received have suggested that enough houses have already been delivered and/or that there is no need for the additional homes proposed as part of this development. Notwithstanding that the principle of new residential development has been established through the allocation policy, it is worth considering the proposal for 290 new homes within the context of Council's housing supply and delivery position.

In terms of overall supply, 8,784 homes have been completed between April 2011 and March 2022. To meet the Core Strategy requirement, another 4,216 dwellings need to be built during the remaining seven years of the plan period to 2029.

The current housing trajectory forecasts the site as delivering around 129 dwellings over the rest of the plan period. The application proposals for 290 dwellings exceeds this number and would provide more homes than currently anticipated in the trajectory. Rather than view the provision of 171 additional homes as a negative, it would actually have several positive benefits in terms of housing supply.

Firstly, building new homes can be complex and their delivery can be subject to forces and factors outside of the Council's control. Permitting additional homes within the trajectory, creates an additional contingency which will increase the likelihood of the Council meeting its housing targets by 2029 even if other sites fail to deliver.

Secondly, whilst the current plan period runs until 2029, the need for new housing will extend beyond this. Whilst the new local plan is in its early stages, it is highly likely that new housing in sustainable locations will continue to be needed beyond 2029. Within this context, utilising existing allocations and sites to deliver additional homes represents a sustainable approach which will alleviate some pressure to find sites for new homes in the new local plan. Simply put, providing an additional 171 homes on this site means that land for 171 homes will not need to be found elsewhere in the next plan period.

Thirdly, policy CP9 requires 40% of new homes to be delivered as affordable housing. Therefore, the more dwellings proposed means more affordable homes will be secured and would be delivered through developer subsidy (as opposed to grant funding or direct delivery). The proposals for 290 dwellings would provide up to 116 affordable homes

compared to the 52 affordable homes which would be required if only 129 dwellings were proposed.

In addition to the above, the Council must maintain a 5-year housing land supply (5YHLS) or risk losing control over the locations of new developments (via the presumption in favour of sustainable development in paragraph 11 of the NPPF). This is a rolling requirement to demonstrate that there are deliverable sites to provide for the next 5 years of housing supply.

As confirmed by the recent LPPU examination, the Council can currently demonstrate a 5YHLS.

In terms of the site's anticipated contribution, the current trajectory suggests 65 dwellings delivered in 27/28 and 64 in 28/29. Therefore, only 65 dwellings fall within the current 5YHLS period (2023-28). This represents a difference between 6.04 and 6.14 years supply and is considered to be reasonably marginal.

However, the 2024-29 period is much tighter and would include the anticipated deliver of all 129 dwellings from site. The implications of not delivering these homes during this period would therefore be more significant, potentially making it more difficult for the Council to demonstrate a 5YHLS.

In addition to demonstrating a 5YHLS, the NPPF requires Councils to pass the Housing Delivery Test. This compares a Council's past three years of housing delivery against its three-year requirement. As the Council has significantly exceeded its housing requirement for the past three years the Council is confident the test will be passed this year.

However, this test is a rolling requirement and must be re-assessed every year with significant penalties if not met. If the test indicates below 75% of the housing requirement has been delivered over the past three years, this engages the presumption in favour of sustainable development and the Council loses control over the locations of new developments.

Whilst the LPPU has bolstered the forecast supply/delivery of new homes, much like the 5YHLS, the forecasts for the housing delivery test are tighter for the remaining plan period than for the current year.

The provision of 290 dwellings (as opposed to the 129 anticipated in the trajectory) would significantly increase the contribution of the site to the 5YHLS and housing delivery test over the rest of the plan period.

Whether taken in isolation or seen within the context of the Council's housing supply and delivery position, the provision of 290 new homes on this site should be seen as a significant benefit of the proposal. It should also be seen as supporting the Government's stated objective of significantly boosting the supply of housing (paragraph 60, NPPF).

17. PUBLIC HEALTH INFRASTRUCTURE

The NHS B&NES, Swindon and Wiltshire Integrated Care Board ("ICB") have indicated that the existing GP surgeries in the local area are struggling to meet demand and have insufficient premise space to accommodate additional staff and patients. They have highlighted concern that the increase in patient demand that would arise from the development will put pressure on staff and waiting times as well as the resilience to the primary care workforce.

In order to maintain sufficient adequate premises capacity to accommodate appropriate staffing ratios for the increased population from this housing growth, the ICB have sought a contribution of £124,677 towards a scheme/s, or premises solution, in the locality that increases capacity in Primary Care and associated health care to deliver health care services.

Policy CP13 states that new development must be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities. This also states that Council's will work in partnership with relevant agencies and providers to ensure that social infrastructure is retained and improved for communities. Whilst not featured in the Planning Obligations SPD, the ICB make a clear case for the need for contribution towards improved/expanded facilities at local GP surgeries to avoid negative impacts upon this vital social infrastructure arising from this development.

The contribution amount has been re-calculated to acknowledge the reduction in the quantum of development from 300 to 290 dwellings (£120,590.10). It will be spent on an increase in the capacity of primary care in the locality (e.g. extension to an existing surgery, reconfiguration, etc.). It is therefore considered to be directly related to the development, necessary to make it acceptable and fair related in scale and kind to the development and meets the CIL regulation 122 tests. The applicant has agreed to this request, and it will be secured as part of the s106 agreement.

The Royal United Hospital Trust ("RUH") have also requested contribution towards providing additional services to meet patient demand from this development. This is on the basis of a funding gap for one year after each resident moves into the site and that they would be unable to secure additional funding during that period until a new contract can be renegotiated taking into account the local population.

The applicant's consultants have questioned the validity of this request and highlighted several factors.

Firstly, the funding gap arising out of contractual arrangements between NHS England, the ICB and the RUH over which the developer has no influence. There is no reason that the approach to additional financing could not be negotiated by the RUH once it is known that additional residential development will come forward.

Secondly, there have two relatively recent High Court rulings on the issue of securing secondary healthcare contributions as part of s106 agreements. Both cases have raised questions about whether this is a suitable approach that would comply with the CIL regulation 122 tests.

Policy CP13 also relates to the provision of infrastructure rather than as a means to support the general service costs of the National Health Service.

Given the above, it is considered that the proposed contribution for the RUH towards secondary healthcare does not meet the CIL regulation 122 tests and cannot be requested as an obligation.

18. SUSTAINABLE CONSTRUCTION

Policy SCR6 requires all new build residential developments to achieve zero operational emissions by reducing heat and power demand then supplying all energy through onsite renewables. Given that all the residential buildings in phases 3 and 4 are contained within the outline part of this application, it is not possible to fully confirm compliance with these heat, power and renewable energy targets. These matters can only be appropriately confirmed at the reserved matters stage when details of the form factor and fabric of the proposed buildings can be assessed.

However, an energy statement addendum has been submitted assessing the ability of some indicative building types to meet the required standards. This gives confidence that the standards of SCR6 can be achieved at the detailed stage and that the residential development will achieve zero operational emissions.

Policy SCR5 requires all new homes to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day and to provide each home with a system of rainwater harvesting. Whilst these matters cannot be assessed at the outline stage, there is no reason to believe that these measures cannot be delivered.

Policy SCR8 requires all large scale new-build to submit an Embodied Carbon Assessment which demonstrates a score of less than 900kgCO₂e/m² can be achieved within the development for the substructure, superstructure and finishes. This matter can only be appropriately confirmed at the reserved matters stage when more details of the construction will be available.

All the above matters will be secured via appropriate conditions or via subsequent reserved matters applications. The proposals comply with policies SCR5, SCR6 and SCR8.

19. ARCHEAEOLOGY

An archaeological excavation was carried out on the fields to the west of this current phase that revealed Roman period activity. The current phase does not contain any non-designated heritage assets with archaeological interest that require further investigation.

20. AIR QUALITY

An Air Quality Assessment has been submitted with the application which has reviewed the impacts of the construction and operational phases of the development.

In terms of operational effects raising largely from traffic pollutants, the assessment shows that the nitrogen dioxide and PM10 concentrations will remain below 40 µg/m³ and PM2.5 concentrations remain below 25 µg/m³ although there are some negligible effects at some locations. As concentrations are predicted to remain below the objectives there is no objection to the development.

The report also shows that, if mitigated, the effects of construction dust are insignificant. To mitigate the effects of the demolition and construction dust shown in the air quality assessment the Environmental Monitoring Officer has recommended condition requiring a construction dust environmental management plan to ensure there is no impact on residents.

The proposal complies with policy PCS3.

21. CONTAMINATED LAND

A Desk Top Study and Ground Investigation Report (Tetra Tech, November 2021) has been submitted. The site is a greenfield site, and no evidence of contamination was noted during the ground investigations and other analysis undertaken. The Contaminated Land Officer has therefore not requested any further investigation or risk assessments. However, a condition is proposed in respect of unexpected contamination.

The proposals comply with policy PCS1.

22. LAND STABILITY

Placemaking Principle 11 states that localised areas of land instability must be either avoided or addressed with appropriate remediation.

A Desk Top Study and Ground Investigation Report (Tetra Tech, November 2021) has been submitted with the application. The report identifies the ground conditions of the site as being characterised by a layer of topsoil and in some cases subsoil, together averaging 0.30m in thickness. The topsoil and subsoil overlie a weathered mantle of limestones beneath which lies an intact limestone bedrock.

The geotechnical assessment concludes that the use of traditional spread foundations would be feasible. It suggests that if greater bearing capacities are required for the development, the intact bedrock limestones of the Great Oolite Group are located at a relatively shallow depth and should be suitable.

Based upon mining records, site inspection, and previous reporting, the report concludes that the risk of undermining at the site is low. Known Fuller's Earth and Bath Stone mines are present to the north-west and west of the site but are not suspected within the site boundary itself.

Concerns have been raised by a local resident, a professional geologist, about the stability of the Fuller's Earth clay formation which lies beneath the limestone bedrock of the site resulting from the loading and changes to drainage arising from the development. Wessex

Water have also raised concerns about the positioning of attenuation basins in relation to an identified area of land instability to the south of the site. This matter has been dealt with through amendments to the drainage strategy (see below) and it is considered that the geotechnical assessment has appropriately identified the risks and mitigations to demonstrate that the site is capable of being developed without adversely affecting the stability of the development or that of neighbouring land. Furthermore, the remedial/precautionary measures required would not adversely affect the local amenities and/or environmental interests.

The proposals comply with policy PCS6 and criterion 11 of B3a.

24. DRAINAGE AND FLOOD RISK

A Flood Risk Assessment ("FRA") and Drainage Strategy has been submitted. The site falls within flood zone 1 and is at a low risk of flooding. The FRA appropriately considers all potential sources of flooding and is considered acceptable.

It is proposed that the site is to drain wholly via infiltration. The immediate geology beneath the site is favourable for this and the infiltration testing undertaken confirm this. The use of infiltration is at the top of the drainage hierarchy and is supported as the most sustainable means for the management of surface water. Utilising this method will also ensure that there is no significant additional pressure upon any existing sewer networks.

Areas to the south of the site have been identified as having almost "certain slope stability problems" according to the British Geological Survey. Concerns had been flagged about the risk of landslips arising from the infiltration basin originally being situated in this location. However, following negotiations the parameter plans have been updated to include a 50m buffer from the zone of slope instability and the drainage strategy has been updated. It now proposes localised, at source infiltration on a plot-by-plot basis. Access roads are also proposed to be drained by localised, at source infiltration methods. No attenuation or infiltration features will be included within the slope stability zone.

The revised approach is accepted by both Wessex Water and the Council's Drainage and Flood Risk team.

Several representations have highlighted concerns that the density of the development and spacing requirements for on-plot soakaways will mean that this strategy will not be feasible. As this relates to the outline part of the application, the details of the layout and drainage proposals are not yet fixed. However, given the sensitivity of this issue it is considered necessary to require details of the drainage strategy as part of any reserved matters application submitted.

The detailed drainage strategy will need to demonstrate how infiltration will take place across the development area and where soakaways will be sited. Calculations for the sizing of the soakaways will also be required and this will need to demonstrate the variability of the infiltration rate across the site and of the individual plot sizes. Whilst there is confidence that drainage strategy can be accommodate the 290 homes proposed, it is noted that the description of development is for 'up to' 290 homes. Therefore, should the detailed proposals be unable to demonstrate suitable soakaways for all 290 homes the

quantum of development would need to be reduced until this was possible. These matters can be secured by condition.

It is proposed that a new foul water connection will be made to the existing Wessex Water sewer in Burnt House Road. Foul drainage internally will fall to the southern boundary in-line with existing ground levels. Given these ground levels a foul pumping station will be required. This has been reviewed by Wessex Water who have raised no objection to the foul water drainage strategy.

The proposal complies with policies SU1, CP5, PCS7A and criterion 11 of B3a.

25. LOSS OF AGRICULTURAL LAND

Policy RE5 seeks to protect the best and most versatile agricultural land, particularly Grade 1 and 2, unless significant sustainability benefits are demonstrated to outweigh any loss. The NPPF defines the best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification.

The land comprising phases 3 and 4 is currently arable agricultural land and is identified on the Agricultural Land Classification maps as grade 3. However, these maps do not split this classification into 3a (good quality land) or 3b (moderate quality land).

The applicant has pointed to Table 5 in the Placemaking Plan Sustainability Appraisal Framework which identifies 'Protection of Grades 1-3a agricultural land from development' as one of its core objectives and data from the submitted Desk Top Study and Ground Investigation Report (Tetra Tech, November 2021) to suggest that the land is more likely to fall within the 3b category than the 3a category.

However, an Agricultural Land Classification survey has not been undertaken and therefore there is limited evidence to concluded either way. In this instance, it is therefore considered that a precautionary approach should be adopted, and the land should be assumed to be grade 3a.

In accordance with policy RE5, significant sustainability benefits are required to outweigh the loss of this agricultural land.

The benefits of the proposals are discussed throughout this report and summarised in the planning balance section below. The sustainability benefits comprise the provision of a significant number of new homes, including the provision of 40% affordable housing; economic benefits associated with construction; delivery of sustainable transport measures and contributions; biodiversity net gain and the site's sustainable location.

These matters constitute significant sustainability benefits and are considered to outweigh the loss of the agricultural land.

Comments have been raised about the impact of the proposed shared use path across Great Broad Close which would have the effect of splitting the existing agricultural field in two. There was some concern that the resulting field parcel would not be viable or that the shared path would impede access to the western most parcel. However, the remaining

land parcels are still a reasonably and viable size for farming and the path will be unlit, with open mown grass verges/field margins to allow the continued agricultural use of Great Broad close.

26. 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. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

Some comments on the application have suggested that site represents one of the only areas of relatively flat and accessible green spaces in this part of the city and that the proposals would result in the loss of this facility which unduly impact upon elderly and disabled people who will have difficulty accessing other green spaces.

Whilst the proposals will result in the loss of some greenfield land resulting an urbanising impact upon a currently agricultural field, the allocation site and its surroundings will continue to contain a significant amount of accessible green space.

The current site and its surroundings contain a network of public rights of way and permissive paths. However, many of these are along uneven and/or unsurfaced routes. The proposals would add to and enhance this network of paths and routes, improving the accessibility of the site for all, including those with mobility issues.

27. OTHER MATTERS

Some objections have highlighted the fact that Placemaking Principle 1 of B3a refers to a residential led 'mixed use' development and argue that the current proposals do not represent a mixed use being primarily residential in nature. The policy wording does not define what uses are intended by 'mixed use' in this context. Furthermore, the Placemaking Principles should be understood as applying to entirety of the allocation, not just the current application site. The allocation as shown on the comprehensive masterplan does include a mix of uses such as the business uses in the Manor Farm buildings, the Odd Down Football Club and Sulis Manor (residential language school). Additionally, the proposals include allotments which are distinct from the residential uses on the site and would also contribute towards a mix of uses across the allocation. It is therefore considered that there is no conflict with this aspect of Placemaking Principle 1 of B3a.

Allied to the concerns about the lack of a mixed use are comments about the lack of community facilities, shops, or services within the proposed development. However, the site is in a highly sustainable location at the existing urban edge of Odd Down. As discussed in the transport and sustainable travel section above, there is reasonably good proximity to a range of shops and services, including a supermarket and GP surgeries. The site is also in very close proximity to the Odd Down Park and Ride with regular, reliable bus services into Bath city centre where there are many shops and services available. Whilst there is limited local nursery provision which will entail some longer

journeys from the site, overall, the site is highly sustainable. This is consistent with the conclusions of the Core Strategy examining Inspector who consider this to be a highly sustainable site at the edge of the most sustainable town/city in the B&NES district. It should also be noted that the proposals include green space, play areas, allotments and other open spaces which will provide leisure and recreational opportunities.

Many comments have referred to the loss of green space that is highly valued for recreation, exercise and mental health. Whilst the proposed development will undoubtedly have an urbanising affect upon the application site and the plateau more generally, as discussed in the report above, the mitigations included within the proposals will minimise this impact. The proposals also open up new opportunities and access to some of the key green routes through the site, such as a footpath through the southern tree belt and a new north south route to the Millennium Viewpoint. The wider plateau will therefore continue to serve a function as a highly valuable green space which can be used by residents and visitors for recreation, relaxation and recuperation.

There has been some criticism of the public consultation undertaken by the applicant prior to the submission of the application. It has been suggested that the time period was too short, and the feedback received was ignored. Placemaking Principle 2 does not indicate the extent or type of public consultation required, although that undertaken by the applicant in this case appears to have been sub-optimal. Nevertheless, the masterplan has now been subject to four rounds of statutory public consultation as part of the current planning application process and is considered to have met Placemaking Principle 2.

28. PLANNING BALANCE AND CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise"*.

When considering whether development proposals accord with the development plan it is necessary to make this judgement with regard to the development plan as a whole.

Whilst there is conflict with Placemaking Principle 8 of policy B3a, this is justified due to the latest admissions figures demonstrating that there is sufficient primary school capacity in the locality. The proposals are otherwise considered to comply with all the Placemaking Principles of B3a and also complies with the other core policies of the development plan.

It is therefore considered that the development proposals accord with the development plan as a whole and, in accordance with the s38(6) duty, should be approved unless material considerations indicate otherwise.

In addition to compliance with the development plan, the proposals have been found to have the following benefits:

1. New homes making a significant contribution to the Council's housing supply and delivery position and providing homes for 290 individuals, families, couples, and other household groupings.

2. 40% affordable housing with the Council's preferred tenure mix of 75% social rent and 25% shared ownership representing a substantial contribution to the delivery of new affordable homes in Bath.
3. Economic benefits arising from jobs created during the construction phase including benefit to local suppliers and contractors. The creation of opportunities for NETs in the construction industry through the Targeted Recruitment and Training obligations.
4. The creation of a network of new and enhanced pedestrian and cycle paths across the allocation improving access to the plateau and various points of interest, e.g. Millennium Viewpoint. This includes a new direct shared use crossing north over the Wansdyke or, if SMC is not forthcoming, an alternative shared use route to connect at the Midford Road junction.
5. Biodiversity Net Gain comprising an increase of 10.22% habitat units and 10.34% hedgerow units including long term management and maintenance obligations through the LEMP and BNG plan requirements.
6. A contribution towards increasing capacity of primary health care in the locality (e.g. extension to an existing surgery or reconfiguration of existing buildings.).
8. Several on-site and off-site sustainable transport measures which will encourage a modal shift to active travel measures and reduce reliance of the site's inhabitants upon private motor vehicles. This includes proportionate contributions towards two strategy sustainable travel projects: Somer Valley Links and Scholars Way Scheme.
9. The creation of a residential development in a highly sustainable location, close to the Odd Down Park and Ride and a range of services and shops.

Against these benefits, there are several harms and material considerations arising from the proposed development that weigh against the proposal:

1. Less than substantial harm to the setting of the City of Bath WHS. Great weight is afforded to this matter in accordance with the NPPF.
2. Less than substantial harm to the setting of the Great Spa Towns of Europe WHS. Great weight is afforded to this matter in accordance with the NPPF.
3. Less than substantial harm to the setting of the Wansdyke SAM. Great weight is afforded to this matter in accordance with the NPPF.
4. Less than substantial harm to the setting of the Cross Keys Pub listed building (Grade II). Great weight is afforded to this matter in accordance with the NPPF and the duty under s66 of the Planning (Listed Buildings and Conservation Areas) Act.
5. Minor harm to the significance of Sulis Manor through harm to its setting.
6. Adverse effects on landscape character at levels ranging from moderate to slight.

7. Adverse visual effects from a variety of viewpoints, including a number at the moderate/substantial level.

8. Slight/Moderate adverse impact on the special qualities of this part of the AONB. Great weight is afforded to this matter in accordance with the NPPF.

9. Removal of 69 individual mature trees and 4 tree groups within the grounds of Sulis Manor (although compensatory planting provided in 30 Acres) to accommodate the spine road.

10. Harm to ecologically valuable habitats within the SNCI, albeit the harm has been minimised.

It is considered that in the above harms have been appropriately minimise whilst still enabling the delivery of the allocation. Whilst conscious of the various statutory duties and planning policy requirements to give these matters considerable or great weight in the planning balance, it is considered that these matters, both individually and cumulative, do not amount to material considerations which outweigh the compliance of the proposals with the development plan as a whole.

It is therefore concluded that, in accordance with paragraph 11(c) of the NPPF, the application should be approved without delay, subject to conditions and a s106 agreement.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 A.) Authorise the Head of Legal and Democratic Services to enter into a Section 106 Agreement to cover the following:

1. Primary Health Contribution £120,590.10

2. Highways works - Detailed planning application

a. Delivery of spine road from phase 1 across Sulis Manor to Phase 3

b. Enter into a s38 agreement to secure adoption of roadway, footpath/cycleway

3. Highways contributions

a. Somer Valley Links £420,076.60

b. Scholars Way Cycle Scheme £209,386.28

4. Affordable Housing

a. 40% of new homes must be affordable housing

b. 75% social rented units

c. 25% intermediate as shared ownership

5. Securing on/off-site BNG through a Local Biodiversity Gain Plan

6. Securing a Landscape and Ecological Management Plan for on/off site green infrastructure
 - a. Long-term wildlife conservation and landscape design aims and objectives
 - b. Creation of habitats to a specific condition
 - c. Management prescriptions and operations
 - d. Plan showing the boundaries to which the LEMP applies and all relevant areas
 - e. List of activities and operations not permitted within the LEMP plan area
 - f. Habitats to meet minimum standards
 - g. Proposed resourcing, funding sources and legal responsibility
7. Securing Skylark compensation measures
8. Securing Horseshoe Bat and SAC mitigation
9. Securing reptile strategy
10. Delivery of green infrastructure measures including the following green space:

a. Allotments	4,015sqm
b. Amenity Green Space	13,674sqm
c. Parks and Recreation Grounds	9,955sqm
d. Play Space (Children)	333.5sqm
e. Play Space (Youth)	200.1sqm
f. Natural Green Space	20,871sqm
11. Trees
 - a. Undertaking not to fell any further trees along north boundary without agreement
 - b. Tree replacements in 30 Acres
12. Provision of footpaths and share use paths, including highway management
13. Targeted Recruitment and Training in Construction
 - a. 45 Work Placements
 - b. 6 Apprenticeship starts
 - c. 4 New jobs advertised through DWP
 - d. £21,285 contribution to support NETs entering into construction
14. Highway/Cycle/Pedestrian Improvements
 - a. Shared-use path between Frome Road and Cranmore Place
 - b. Shared-use path between Cranmore Place, the Wansdyke SAM and the site
 - c. Old Midford Road, Packhorse Lane and Southstoke Lane on road cycle route
 - d. Pedestrian crossing at the staggered Combe Hay Lane/Sulis Manor Road
 - e. Enter into relevant highways agreements under s278 and s38 of the Highways Act
15. Travel Plan
 - a. Contribution of £224,750 towards Council delivery of travel plan
16. Wansdyke Crossing
 - a. Reasonable endeavours to secure Schedule Monument Consent
 - b. Delivery of Wansdyke Crossing, subject to SMC
 - c. Agree and deliver alternative cycle route if SMC is refused

17. Fire hydrant contribution £25,000
18. Delivery of emergency access
19. Safeguarding land for footpath connection to Sulis Manor
20. Monitoring fees contribution £441 per obligation

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

CONDITIONS APPLIED TO OUTLINE PLANNING PERMISSION

1 Reserved Matters Time Limit (Outline Application)

Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2 Reserved Matters (Outline Application)

Details of access (other than the means of access from Combe Hay Lane via the approved Phase 1 Spine Road across Sulis Manor grounds); appearance; landscaping; layout and scale (the reserved matters) shall be submitted and approved by the Local Planning Authority. Any reserved matters application must relate to all phases of the development. No development shall commence in any phase until all Reserved Matters for that phase have been approved by the Local Planning Authority. The development shall be carried in accordance with the approved details.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended). Reserved matters applications must relate to all phases of the development to ensure that the detailed design is brought forward in an integrated manner in the interests of good planning and achieving high quality design.

3 Reserved matters - Design Quality (Compliance)

Any application for reserved matters shall be accompanied by a Design Statement demonstrating how they meet the vision and objectives for the site, as set out in chapters 1-4 of the Design and Access Statement Rev C (August 2023) and how the Placemaking Principles in the allocation Policy B3a are satisfied.

Reason: In the interests of the appearance of the development and the character and appearance of the area and to ensure a high-quality development in accordance with policies B3a, NE1, NE2, NE2A, NE3, NE6, D4, CP6 and CP8 of the Core Strategy and Placemaking Plan.

4 Reserved Matters - Existing and Proposed Levels (Compliance)

Any application for reserved matters shall be accompanied details of the existing and proposed ground levels. These details shall include:

1. A topographical plan of the site including spot levels;
2. A proposed site plan/s including spot levels;
3. Site sections showing existing and proposed ground levels.

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

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with policies D1, D2 and NE2 of the Placemaking Plan and Local Plan Partial Update.

5 Reserved Matters - Allotments (Compliance)

Any application for reserved matters shall be accompanied by full details for the formation of allotments, including any structures; means of access; car parking and means of enclosure, together with a programme for delivery of the allotments and the supporting facilities. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the allotments are suitably designed to encourage local food growing in accordance with policy LCR9 of the Placemaking Plan.

6 Reserved matters - Drainage Strategy (Outline Application)

Any application for reserved matters shall be accompanied by a detailed drainage strategy and drainage masterplan demonstrating that surface water will be managed within the site using sustainable drainage principles so as to prevent any increase in onsite or offsite flood risk. This shall include:

1. Infiltration testing results
2. Detailed drainage and sizing calculations including electronic copy of the proposed
3. surface water drainage network (in a .mdx format)
4. Plans/drawings showing the siting of all drainage features
5. Ownership and maintenance schedules for all drainage features.

The approved surface water drainage network for each phase shall thereafter be installed prior to occupation of any dwellings in that phase and in accordance with the details approved as part of the reserved matters.

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 Reserved Matters - Lighting Design (Compliance)

Any application for reserved matters shall be accompanied by a detailed Lighting Scheme and Impact Assessment for all external lighting and internal lighting (in dwellings facing the southern and western ecological dark zones). These details shall be in accordance with (but not limited to) the approved Lighting Impact Assessment Addendum 3 produced by The Lighting Bee Ltd undated (uploaded onto IDOX 17th Aug 2023), Lighting Parameter Plan (Dwg no. PP 005 REV D) and Street Lighting Strategy Access Road full output (Dwg no. 4242-LB-EX-XX-DR-E-7080-41 P01). These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights, with details also to be shown on a plan. Luminaires shall have a peak wavelength higher than 550nm.

2. Combined external and internal light spill modelling. Predicted lux levels and light spill modelled on both the horizontal and vertical planes using a maintenance factor of 1 (to correspond with day 1 of operation). This must demonstrate that the proposal will not result in light spill above 0.5 lux onto any retained horseshoe bat habitat (namely the southern and western boundaries). The lighting strategy must ensure that all commuting corridors remain below 0.5 lux to enable horseshoe bats to continue to move across the site.

3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife.

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

No new external lighting (other than the approved lighting scheme) shall be installed unless full details of any proposed new external lighting have first been submitted to and approved in writing by the Local Planning Authority to include the above details.

Reason: To provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife in accordance with policy NE3 of the Local Plan Partial Update.

8 Reserved Matters - Landscape Design Proposals (Compliance)

Any application for the reserved matter of landscape shall include full details of both hard and soft landscape proposals and programme of implementation. 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, the Biodiversity Gain Plan, recommendations of the approved Ecological Report and agreed Bat Mitigation and shall include:

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

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

9 Reserved Matters - Sustainable Construction (Compliance)

Any application for the reserved matter of appearance shall be accompanied by an appropriate energy assessment, having regard to the Sustainable Construction Checklist SPD demonstrating how the proposed residential development will meet the requirements of policy SCR6. The development shall thereafter proceed in accordance with the approved details in relation to sustainable construction.

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

10 Sustainable Construction Compliance (Pre-occupation)

Prior to the occupation of the first dwelling in any phase of development 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

11 Phasing Plan (Pre-commencement)

No development shall take place until a phasing plan defining distinct parts of the development and the order in which these will be delivered has been submitted and approved by the Local Planning Authority (or any revised version of it submitted to and approved in writing by the local planning authority) and each phase shown on the approved plan shall be a Phase for the purposes of this permission. The development shall therefore be delivered in accordance with the approved phasing plan.

Reason: To ensure that the development is carried out in a satisfactory order and that relevant infrastructure and facilities are delivered in a timely manner.

12 Construction Management Plan (Pre-commencement)

No development shall commence on any Phase until a Construction Management Plan for that Phase 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 (following guidance the BRE Code of Practice on the control of dust from construction and demolition activities), noise and site lighting

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

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

13 Construction and Environmental Management Plan (Pre-commencement)

No development shall commence on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in Appendix 1 of the Biodiversity Strategy produced by Kestrel Wildlife Consultants undated (uploaded onto IDOX 25th May 2022) and shown on the Ecology Mitigation and Enhancement Plan (Dwg no. A 500 REV C) including:

- 1) findings of update ecological and protected species surveys and assessments as applicable, and proposals for further pre-commencement checks where required.

2) Practical measures (both physical measures and sensitive working practices) to include the location/boundaries (to be shown on a plan), timing and methodologies of specified works to avoid ecological harm and minimise ecological impacts during construction (may be provided as a set of method statements) for habitats and wildlife including (as applicable) badgers; birds; hedgehog, skylarks and other mammals, reptiles and bats including;

a) lighting and light spill, the location of any site compound or compounds, site office, welfare facilities and car parking to service that Phase and any external temporary lighting associated with the compound site office, welfare facilities and car parking or other works , in order to avoid light spill on bat sensitive areas and on boundaries of the development and to comply with Lighting Parameter Plan P005 Rev D

b) Management of footways and of vegetation in the protected tree belts and other ecological features to better control recreation and access

c) Additional planting and management to enhance the protected tree belts.

3) a plan showing boundaries of fenced exclusion zones for the protection of retained habitats and features (including bat houses, surrounding woodland and hedgerows) and ecologically sensitive zones and species, within which zones there shall be no excavations; clearance of vegetation; storage of materials; waste disposal; or vehicle or machine access; with details and specifications to also be provided for proposed fencing, barriers and warning signs, as applicable

4) A Skylark Compensation Scheme setting out the provision and timing for new off-site skylark plots and securing their long-term management and monitoring

5) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

6) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works

7) The identification of a responsible persons and lines of communication

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To avoid harm to existing and retained habitats and species during site preparation and construction works in accordance with policy NE3 of the Local Plan Partial Update and Policy B3A. 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.

14 Bat and Wildlife Mitigation and Compensation Scheme (Pre-commencement)

No development shall commence until full details of a Bat and Wildlife Mitigation and Compensation Scheme has been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in Appendix 1 of the

Biodiversity Strategy produced by Kestrel Wildlife Consultants undated (uploaded onto IDOX 25th May 2022) and shown on the Ecology Mitigation and Enhancement Plan (Dwg no. A 500 REV C) including:

1. Either, full and final details of proposed bat mitigation and enhancement measures (which may if desired take the form of a European protected species licence application method statement), or, a copy of a European Protected Species licence showing that a licence has already been granted, together with details of any additions or minor revisions to the bat mitigation and compensation measures described in the approved report;
2. Proposed details of additional biodiversity mitigation, compensation and enhancement measures. This shall include provision of integrated bat boxes in 20% of dwellings, incorporation of bird boxes/bricks in 20% of dwellings (particularly targeting swifts and house sparrow) as well as proposed hedgehog connectivity measures in fencing/boundary walls. To ensure permeability for wildlife through and around the site including with in residential areas. Proposed specifications, numbers, positions of all features must be shown on a plan.
3. Proposed implementation and monitoring timescales and reporting of monitoring results to the Local Planning Authority and the Local Environmental Records Centre shall be submitted to and approved in writing by the Local Planning Authority.

All works within the Scheme shall be carried out and retained and maintained thereafter in accordance with the approved details.

Reason: to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) in relation to roosting bats and nesting birds and Bath and North East Somerset Local Plan Policies NE3 in relation to biodiversity gain. NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases. The inclusion of the option of providing a copy of the European Protected Species licence in place of the full details of the mitigation scheme is provided for convenience.

15 Reptile Mitigation and Compensation Scheme (Pre-commencement)

No development shall commence until full details of a Reptile Protection, Mitigation and Enhancement Scheme has been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in the Reptile Strategy V4 produced by Kestrel Wildlife Consultants dated September 2023. These details shall include:

1. Reptile survey - the results of a presence/likely absence survey of Derryman's. Should a reptile population be found, then a population class size assessment shall also be undertaken, involving 20 surveys visits and results provided. In addition, the results of a reptile population class size assessment of Phases 3 and 4 shall also be provided.
2. Method statement- to include a plan showing the location of the reptile exclusion fencing and a full methodology for the trapping and translocation. The translocation

exercise shall involve at least 30-60 days of trapping depending on the size of the reptile population found.

3. Proposed implementation and monitoring timescales and reporting of monitoring results to the Local Planning Authority and the Local Environmental Records Centre shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of remedial action to be taken should monitoring indicate the reptile population at the receptor site is declining.

Reason: To avoid harm to protected species (reptiles) and to avoid a net loss of biodiversity, in accordance with NPPF and Policy NE3 of the Local Plan Partial Update. NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

16 Biodiversity Gain and Habitat Management Plans (Outline Application)

No development shall commence 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 at least 3.96 habitat units and 1.0 hedgerow units. The Plans shall be in accordance with the approved Biodiversity Net Gain Report P04 dated September 2023 and the BNG Metric P04 undated (uploaded onto IDOX 18/10/23) both produced by Nicholas Pearson Associates, as well as with current best practice guidelines and shall include the following:

1. An up-to-date BNG habitat map for on-site and off-site baseline and proposed habitats. All areas of habitat shall be given a unique reference number to be included in the metric and shown on plans.
2. Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details. Deadwood shall be retained wherever safely feasible.
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 onsite 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 calcareous grassland, other neutral grassland and woodland 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

17 Ecological and Biodiversity Net Gain Compliance Report (Bespoke trigger)

Prior to occupation of the final dwelling in each phase 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 CEMP, Bat and Wildlife Mitigation and Compensation Scheme and Reptile Mitigation and Compensation Scheme 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 Landscape Implementation (Compliance)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the

development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

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

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

19 Road Condition Survey (Outline Application)

No development shall take place until a detailed Road Condition Survey along Sulis Manor Road and Combe Hay Lane has been carried out and submitted to the Local Planning Authority in accordance with a specification that has first been approved in writing by the Local Planning Authority. Any damage to the public highway which has been identified as being attributable to the construction works for the development shall be repaired in accordance with a timetable to be submitted to and agreed with the Local Planning Authority and consultation with Local Highways Authority.

Reason: In the interests of maintaining the existing condition of the highway network, and to enable the Local Planning Authority to determine whether any damage to the public highway is attributable to the works carried out by the developer.

20 Unexpected Contamination (Outline Application)

In the event that contamination which was not previously identified is found at any time when carrying out the 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 that part of the development affected by the contamination.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework and policy PCS5 of the Local Plan Partial Update.

21 Arboricultural Method Statement (Outline Application)

No development shall commence on any Phase until a Detailed Arboricultural Method Statement with a Tree Protection Plan for that Phase following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall include details of the following:

1. A programme of works to include details of supervision and monitoring by an arboriculturist and the provision of site visit records and certificates of completion to the Local Planning Authority;
2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures, including the Northern Tree Belt.

No development or other operations shall thereafter take place except in accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the 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.

22 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.

23 Sample Panel - Walling and roofing (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of all external walling and roofing materials to be used has been erected on site,

approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with 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.

24 Arboricultural Compliance (Compliance)

The development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. A signed compliance statement from the appointed Arboriculturist shall be submitted and approved in writing by the Local Planning Authority before the occupation of the final dwelling in each phase.

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

25 Dwelling Access (Pre-occupation)

Prior to first occupation of each dwelling, the dwelling must be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Local Plan Partial Update.

26 Rainwater Harvesting (Pre-occupation)

Prior to the first occupation in any Phase, a rainwater harvesting scheme shall be submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting scheme shall include at a minimum one 200 litre rainwater butt per dwelling identified on a site plan, and details of the proposed specification, capacity, stand and tap. The development in that Phase shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce water consumption within the development taking account of the predicted effects of climate change including warmer summers and reduced rainfall in accordance with the NPPF and Policy SCR5 (Water Efficiency) of the Placemaking Plan.

27 Waste Management Plan (Pre-occupation)

No occupation of the development shall commence, in any phase, until a Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Waste Management Plan must include:

1. A joint risk assessment undertaken in association with the Council's Waste Operations Team;
2. Identification of a suitable interim refuse and recycling collection point;

3. If a suitable interim collection point cannot be identified, details on the alternative arrangements for the private collection of refuse and recycling from occupied properties during construction;
4. A scheduled occupation plan including a requirement to notify the Council's Waste Operations Team 2 weeks prior to the first occupation; and
5. Delivery point and dates for the distribution of waste and recycling containers. Collection of householder refuse, and recycling must then be undertaken in accordance with the approved Waste Management Plan in perpetuity.

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

28 Indoor Acoustic Insulation (Pre-occupation)

Prior to the first occupation of any dwelling in a phase, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policy PCS2 of the Bath and North East Somerset Placemaking Plan.

29 Housing Accessibility (Compliance)

A total of 5.6% of all market dwellings shall be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing) and 48% of the remainder shall be built to Building Regulations M4(2) accessible and adaptable dwellings standard.

Reason: To ensure that the optional technical standards for accessibility for market housing in accordance with policy H7 of the Bath and North East Somerset Council Local Plan Partial Update.

30 Plans List, Outline Planning Permission - Compliance

This outline planning permission relates solely to the description of development set out above and in the Application Plans and Documents attached to this planning permission. All reserved matters applications shall accord with the following approved Parameter Plans forming part of the application except where specific listed conditions in this permission require otherwise:

Approved drawings:

- L-101 Rev B Application Red Line
- L-102 Rev B Location Plan
- PP 001 Rev D Land Use Parameter Plan
- PP 002 Rev C Access & Movement Parameter Plan
- PP 003 Rev D Green Infrastructure Parameter Plan
- PP 004 Rev E Building Heights Parameter Plan
- PP 005 Rev D Lighting Parameter Plan
- PP 006 Rev C Drainage Parameter Plan

A-110 REV H Comprehensive Masterplan

Reason: To ensure that built development is restricted to non-Green Belt land in the interests of preserving openness and to ensure that there is sufficient space for green/blue infrastructure and public open space to ensure a high-quality development with sufficient landscaping and good access to green space in accordance with policies B3 A GB1, NE1, NE2, NE2A, NE3, NE6, D4, CP6 and CP8 of the Core Strategy, Placemaking Plan and Local Plan Partial Update

CONDITIONS APPLIED TO DETAILED PLANNING PERMISSION

31 Time Limit (Compliance)

The Detailed Application 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 permissions.

32 Works details and timetable (Pre-commencement)

No development of the Spine Road commence until a timetable and written details setting out the programme of activities to be undertaken for the works in Sulis Manor has been submitted to and approved by the Local Planning Authority. The timetable shall include:

1. The proposed Demolition Method Statement for the demolition of the outbuilding in the Sulis Manor Grounds
 2. The construction of 4 night roosts in advance of any demolition of existing structures
 3. The felling of the trees and vegetation clearance along the proposed spine road
 4. Reptile Survey on Derrymans
 5. Calcareous grass planting on Derrymans
 6. Replacement Broadleaf woodland planting on 30 Acres
 7. The control of illumination of installed street lighting
- The development shall thereafter be carried out in accordance with the approved timetable.

Reason: To ensure an appropriate sequencing of construction, mitigation and compensation activities and to achieve compliance with policies NE3 and relevant environmental legislation.

33 Construction Management Plan (Pre-commencement)

No development of the Spine Road 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. location of any site compound or compounds, site office, welfare facilities and car parking to service the works and any external temporary lighting associated with the compound, site office, welfare facilities and car parking or other works to avoid light spill on bat sensitive areas and boundaries of the development as shown Lighting Parameter Plan Ref P005 Rev D

8. Measures for the control of dust, noise and site lighting

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan and to safeguard bat sensitive areas. 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.

34 Construction Environmental Management Plan (Pre-commencement)

No development of the Spine Road shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

a) findings of updated ecological and protected species surveys and assessments as applicable, and proposals for further pre-commencement checks where required.

b) Practical measures (both physical measures and sensitive working practices) to include the location/boundaries (to be shown on a plan), timing and methodologies of specified works to avoid ecological harm and minimise ecological impacts during construction (may be provided as a set of method statements) for habitats and wildlife including (as applicable) bats (including lighting) badgers; birds; hedgehog and other mammals; reptiles

c) a plan showing boundaries of fenced exclusion zones for the protection of retained habitats and features and ecologically sensitive zones and species, within which zones there shall be no excavations; clearance of vegetation; storage of materials; waste disposal; or vehicle or machine access; with details and specifications to also be provided for proposed fencing, barriers and warning signs, as applicable

d) Control of new street lighting

e) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

f) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works

g) Responsible persons and lines of communication

h) Maintaining safe access through Sulis Manor

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To avoid harm to existing and retained habitats and species during site preparation and construction works in accordance with policy NE3 of the 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.

35 Arboricultural Method Statement (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall include details of the following:

1. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;
2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

No development or other operations shall thereafter take place except in accordance with the approved details.

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

36 Arboricultural Compliance (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed arboriculturist to the local planning authority within 28 days of completion of each phase of development.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

37 Night Roosts (Pre-commencement)

No works on the Spine Road (including demolition, ground works, vegetation clearance) shall take place until details of the location and design of 4 Bat Night Roosts including fencing hedgerows and other planting have been submitted and approved in writing by the local planning authority and the 4 Bat Night Roosts have been constructed in accordance with the approved details.

Reason To ensure that the proposed night roosts are suitably designed and erected before the demolition of the existing outbuildings ground works vegetation clearance in accordance with policy NE3 of the Local Plan Partial Update.

38 Bat Licence (Compliance)

No development of the Spine Road shall commence until a copy of the Bat Licence issued by Natural England has been provided to the Local Planning Authority authorising the demolition of the outbuildings and the removal of bat roosts as part of the development hereby permitted.

Reason: A copy of the Bat Licence issued by Natural England is required before demolition of the outbuildings.

39 Landscape Design Proposals (Bespoke Trigger)

No development of the Spine Road shall commence 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. Hard surfacing materials
4. Minor artefacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
5. Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
6. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment, the Biodiversity Gain Plan, recommendations of the approved Ecological Report and agreed Bat Mitigation and 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.

40 Landscape Implementation (Compliance)

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

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

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

41 Lighting scheme (Pre-commencement)

No development of the Spine Road shall commence until full details of the proposed lighting scheme in accordance with Dwg No. 4242-LB-EX-XX-DR-E-7080-41 P01 Street Lighting Strategy has been submitted to and approved by Local Plan Authority. The lighting design scheme will provide details and plans showing numbers, specifications, positions and heights of lamps; details of all necessary measures that shall be incorporated into the scheme to minimise impacts on bats and other wildlife and onto adjacent habitats and boundary vegetation.

The details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: To provide a sensitive lighting scheme that avoids harm to bat activity and other wildlife in accordance with policy NE3 of the Local Plan Partial Update.

42 Road Condition Survey (Pre-commencement)

No development of the Spine Road shall commence until a detailed Road Condition Survey along Sulis Manor Road and Combe Hay Lane has been carried out and submitted to the Local Planning Authority in accordance with a specification that has first been approved in writing by the Local Planning Authority. Any damage to the public highway which has been identified as being attributable to the construction works for the development shall be repaired in accordance with a timetable to be submitted to and agreed with the Local Planning Authority and consultation with Local Highways Authority.

Reason: In the interests of maintaining the existing condition of the highway network, and to enable the Local Planning Authority to determine whether any damage to the public highway is attributable to the works carried out by the developer.

43 Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the 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 that part of the development affected by the contamination.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework and policy PCS5 of the Local Plan Partial Update.

44 Detailed Drainage Strategy (Pre-commencement)

No development of the Spine Road shall commence until a detailed surface water drainage strategy is to be supplied and agreed with the local planning authority. This detailed design should be in accordance with the recommendations set out in the Flood Risk Assessment and Drainage Strategy submitted as part of this application (May 2022).

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.

45 Plans List, Detailed Planning Permission (Compliance)

The development shall be carried out in accordance with the following plans:

B028955-TTE-HML-ZZ-DR-CH-0001-P05 Spine Road Geometry and Visibility
4242-LB-EX-XX-BR-E-7080 - 41 PO1 Street Lighting Strategy
NPA-11192-XX-DR-L-3002-S4-P03_SULIS ROAD LANDSCAPE GA PLAN
NPA-11192-XX-DR-L-4015-S4-P05_Detailed Landscape Sections

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

PLANS LIST:

Outline Planning Permission

L-101 Rev B Application Red Line

L-102 Rev B Location Plan

PP 001 Rev D Land Use Parameter Plan

PP 002 Rev C Access & Movement Parameter Plan

PP 003 Rev D Green Infrastructure Parameter Plan

PP 004 Rev E Building Heights Parameter Plan

PP 005 Rev D Lighting Parameter Plan

PP 006 Rev C Drainage Parameter Plan

Detailed Planning Permission

B028955-TTE-HML-ZZ-DR-CH-0001-P05 Spine Road Geometry and Visibility

4242-LB-EX-XX-BR-E-7080 - 41 PO1 Street Lighting Strategy

NPA-11192-XX-DR-L-3002-S4-P03_SULIS ROAD LANDSCAPE GA PLAN

NPA-11192-XX-DR-L-4015-S4-P05_Detailed Landscape Sections

Permit/Consent Decision Making Statement

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

Condition Categories

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

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

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

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

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

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

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

Item No: 02
Application No: 23/00660/FUL
Site Location: Systopia Consulting Limited Proximity House Pixash Business Centre
Pixash Lane Keynsham Bristol



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Hal McFie Councillor Andy Wait
Application Type: Full Application
Proposal: Construction of 2no. industrial units (Use classes B8 and E(g)) with associated parking, external yards, landscaping and services.
Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Policy CP9 Affordable Housing, Policy ED2A Primary Industrial Estates, Ecological Networks Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, Tree Preservation Order,
Applicant: Mr Chris Lyons
Expiry Date: 20th April 2023
Case Officer: Ben Burke
To view the case click on the link [here](#).

REPORT

Reasons For Reporting To Committee

Ward member, Cllr Andy Wait, has requested that the application be referred to the committee (full comments in the representations section below). The matter was referred to the Chair of the Planning Committee, Cllr Duncan Hounsell, who has stated:

"Although I note the support for the application from Keynsham Town Council, objectors and the ward councillor raise significant planning issues including highway safety, the possible effect on the amenity of Wessex House, the possible effect on the amenity of neighbouring residential properties, and the possible effect on the operational viability of nearby businesses. This application is in an area which has seen recently a number of

large-scale developments and any possible cumulative harm needs to be assessed. The report addresses many issues. However, the planning application is of wide local public interest and best determined in the public domain. The committee will wish to be satisfied that the application is policy compliant."

Details of location and proposal and Relevant History:

The application site consists of access parking and amenity land located to the east of and connected with Proximity House. The site falls within the Broadmead/Ashmead/Pixash designated Strategic Industrial Estate.

Planning permission is sought for construction of 2no. industrial units (Use classes B8 and, E(g)) with associated parking, external yards, landscaping and services.

Relevant Planning History:

DC - 96/02627/FUL - PER - 2 December 1996 - Change of use of former conference centre to warehouse/storage depot for dry packed teas and coffees as amended by letter and plans received 13th November 1996

DC - 99/02537/FUL - PER - 8 July 1999 - Additional storey extension to offices

DC - 01/01947/FUL - PERMIT - 19 October 2001 - Single storey extension.

DC - 07/02486/FUL - PERMIT - 24 April 2008 - Erection of new light industrial unit with two storey offices incorporated (Resubmission)

DC - 13/04792/TPO - CON - 17 December 2013 - G1- Poplar Trees x4- reduce by 6 meters in height

Adjacent Sites:

12/02677/FUL - PER - 22 August 2012 - Change of use of former commercial garage space to warehousing, introduction of new entrance and office space, extension of existing mezzanine level and creation of internal link between units 4 - 7 Pixash Business Centre.

16/05227/FUL - PER - 02 February 2017 - Erection of 3no business units.

21/00435/EREG03 - PER - 30 July 2021 - Redevelopment and consolidation of existing depot site and adjacent land with associated staff parking and access and landscaping works to include the provision of the following: (i) a public re-use and recycling centre (RRC); (ii) material recovery facility (MRF); (iii) waste transfer station (WTS); (iv) Trader (bulky waste); Trade Waste Transfer Station (TWTS); (v) vehicle fleet storage and maintenance; (vi) MOT centre (public); (vii) BANES Parks and Grounds maintenance storage; (viii) BANES Highways winter service and salt store; and ancillary offices.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Andy Wait:

I am getting a lot of comment about this application.

Already there are a significant number of objections and I know there will be more. The basic objection is one of overdevelopment which will lead to difficulties with access to the sites nearby. Those businesses are extremely worried as that current location is effectively an open space where HGVs can manoeuvre in safety. Without that area, the site will become unmanageable.

I would like to call this application in for the B&NES Planning Committee to discuss. This location has had huge disruption from the building of the recycling centre, extra double yellow lines and the building of the Meryton Care Home so the last thing these companies need is for more restrictions on their businesses.

Keynsham Town Council:

2nd response following re-consultation.

Resolved to object on the following grounds:

- i) Keynsham Town Council have concerns in respect of the development being of Class B2, which could have a detrimental effect on the local community if the wrong type of industry is permitted so close to residential properties, which has been the case in other areas of the town.
- ii) The Town Council are of the opinion that since the construction of the Pixash Lane Recycling Centre and the Meryton Place Care Home, highways safety and traffic movements in this vicinity have been compromised. This road has become much busier affecting both local residential properties and businesses.
- iii) Concerns are also raised in respect of how this business proposal may affect the residents of Bath Road who have rear gardens adjacent to the development site.

1st response:

Support with comment.

There are no planning reasons to object to this application: -
Keynsham Town Council consider that the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of Bath and North East Somerset adopted Placemaking Plan 2017 and Local Plan (Core Strategy) Partial Update Jan 2023.

Keynsham Town Council have concerns in respect of the development being of Class B2, which could have a detrimental effect on the local community if the wrong type of industry is permitted so close to residential properties, which has been the case in other areas of the town.

Highways Development Management: 4 comments ordered from latest

Highways Authority Comments 24th Oct 2023:

Summary:

Having reviewed the submitted scheme, subject to the recommended planning conditions, there is no highway objection to the planning application proposals.

Full Comments:

The highway authority has previously commented on the planning application, and these comments are provided in full below.

The applicant has now provided further swept path analysis, and also information relating to the legal covenant that sets out parking and access restrictions between the relevant parties. It should be noted that the detail of covenants should not normally be a material consideration as part of the planning process, although it does help to clarify the position between the third parties.

Having reviewed the submitted swept path analysis, there are no significant concerns regarding the ability for heavy goods vehicles to enter and leave the site in a forward gear. The information shows that existing parking spaces could be relocated, and that there would be an appropriate unloading area for vehicles on the main access route through the adjacent site. There may be times when a vehicle would have to wait for a short period of time to allow unloading (for example, when a forklift is accessing a parked goods vehicle), however, this is not significantly different to the existing situation and would not be a reason to recommend any refusal.

One of the swept path drawings shows that an articulated vehicle may have to overrun a pair of parking spaces when turning within the application site, however, it is considered that this manoeuvre would be unlikely and that an articulated vehicle would have reserved into the site, as shown in Drawing D-6176-P1, rather than turn within the site itself. There would be no detrimental impact on the operation of the adopted highway.

Highway Authority Comments 31st July 2023:
Comments on minor revisions to drawing:

Summary:

Having reviewed the submitted scheme, subject to the recommended planning conditions, there is no highway objection to the planning application proposals.

Full Comments:

The highway authority has previously commented twice on the planning application, and these comments are provided in full below.

Having reviewed the latest revision to the site plan, which shows a slight change in the building position, the highway authority has no further comments at this stage. The highway comments dated 23rd May 2023 remain applicable.

Highway Authority Comments 23rd May 2023:
Comments following submission of objection with transport statement

The highway authority has previously commented on the planning application, and these comments are provided below. Following the submission of an objection in the form of a transport technical note, the planning authority has reconsulted the highway authority. The

technical note focuses on the likely traffic generation and parking requirements of the proposed development, these are reviewed in turn below.

Traffic Generation - the submitted technical note reviews the method used to determine the likely traffic levels associated with the proposed floorspace. Having reviewed the possible differences in the calculation selections, it is clear that in both traffic generation scenarios the development would have an immaterial impact on the operation of the surrounding highway network.

Proposed Car Parking - As stated in the earlier highway consultation response, the recent adoption of the Transport & Development SPD includes new parking policies which determine the appropriate parking levels for new developments. This scheme has been reviewed against those policy requirements. The submitted technical note reviews the parking activity that could be associated with the development, and the calculations determine that (on average) there may be demand for 13.79 parking spaces at certain times of the day. The proposed development would be provided with 13 car parking spaces, and this clearly demonstrates that the policy compliant parking levels would be appropriate in this scenario.

Existing Car Parking - the submission makes reference to existing parking activity at the Business Park, and this includes parking at the Proximity House building. Whilst Photograph 6 does show inappropriate parking activity, Photograph 5 shows that there are several other parking spaces that are not occupied. Site observations also collaborate these findings.

Whilst there is a clear need for the site management to ensure that parking occurs in specified parking areas, the evidence indicates that there is no overwhelming car parking issue at the Proximity House building.

Heavy Goods Vehicle Turning - The Transport Statement submitted as part of the application clearly demonstrated that the proposed site layout could accommodate turning manoeuvres required for rigid heavy goods vehicles. The objection technical note reviews how a 16.5m articulated vehicle would turn (although no swept path analysis is provided) and site observations consider this in Paragraph 4.5. Although located in a different position, there will be a spur leading to the proposed development and Proximity House as part of the scheme, and it is unclear why a 16.5m articulated vehicle could not undertake a similar turning manoeuvre as witnessed. The site management would obviously seek to reposition parking spaces on the main access route following the proposed change of the Proximity House junction, and there appears to be no strong reason why this could not be achieved.

In summary, the highway authority does not consider there to be a need to alter the earlier recommendation, as provided below.

Previous Highway Authority Comments 15th March 2023
Original comments

Having reviewed the site history, it is noted that there was an earlier planning permission for the development of this land for a similar use. The current Local Plan Partial Update has been reviewed and this confirms that the site is within the area defined for Policy ED2A Industrial Estates. This policy states that the proposed type of land use being promoted for the site would be considered acceptable in principle, although the potential transport impacts are considered further below.

The submission is supported by a Transport Statement and Travel Plan Statement, and both of these documents have been reviewed.

The Transport Statement confirms that the site would be accessed from the existing industrial estate roads, and that there would be no change to the adopted highway. The formation of a revised access is a private matter between third parties. The Statement has also reviewed the potential impact of the scheme on the surrounding highway network. It is agreed that given the scale of the development would not have a significant traffic impact.

The parking requirements for the application have been reviewed. It is noted that the scheme includes re-providing the existing car parking for the Proximity House building, and there is no objection to this approach. The same number of spaces would be provided, with one additional accessible space being allocated. The new building would be divided into two units, with six and seven bays being provided. Each unit would have one of the spaces allocated as an accessible bay. The proposed car parking levels exceed the maximum standards as presented within the recently adopted Transport & Developments SPD, however, there is a need to consider the parking impacts in the context of the overarching Policy ST7 that is presented within the Local Plan Partial Update. This policy confirms that development proposals should ensure that there is no increase in on-street parking that has a potential safety or operational impact that affects the local highway. Given the existing parking activity throughout the local area, this is a risk of an overspill parking impact on the highway at this location, and providing a clear turning space within the site is a benefit of the proposal that needs to be protected. The submitted Transport Statement provides a parking accumulation calculation and this demonstrates that the parking spaces would accommodate the expected demand, with some allowance for operational requirements and the use of the accessible parking spaces. It is agreed that the proposed number of car parking spaces would be appropriate given the policy requirements.

The requirements for cycle parking provision are also presented within the Transport & Developments SPD, and the requirements are met with ten secure spaces being proposed. Swept path analysis is included within the Transport Statement and this demonstrates that rigid HGVs, including refuse collection vehicles, would be able to turn within the site. The Transport & Developments SPD reviews requirements for Travel Plans, and the submitted Statement has been considered against those requirements. The SPD threshold for requiring a Statement is actually significantly higher than the floorspace being proposed as part of this planning applications. The Travel Plan Statement has been reviewed and there is no objection to the strategy as presented within the document.

It is recommended that a Construction Management Plan would be appropriate to help mitigate possible impacts throughout that phase of the development.

In summary, the highway authority does not object to the planning application proposal, although should permission be granted, it is recommended that the following conditions are attached.'

1. Construction Management Plan (Pre-commencement) condition
2. Parking (Compliance) Condition.

Environmental Protection:

There is potential for the proposed industrial units to generate noise nuisance at the nearest residential property. The applicant has submitted a noise assessment in accordance with British Standard 4142: 2019 Methods for rating and assessing industrial and commercial sound. Appropriate plant noise criteria has been suggested and I would recommend conditions concerning the following:

- o Restriction of cumulative plant noise arising from the development to comply with the limits detailed in Table 6 of Noise Impact Assessment Reference: 10030/BL. Demonstration of compliance via submission of a report to the local planning authority upon occupancy of the unit.
- o Site specific Construction/Demolition Environmental Management Plan.

Drainage and Flooding:

The drainage strategy for this site is acceptable.

No objection subject to the drainage being installed as per the updated drainage strategy.

Ecology:

Summary:

The ecological assessment and biodiversity net gain calculations are welcomed. Conditions are recommended to secure mitigation and net gain measures as well as a sensitive external lighting scheme.

Full Comments (summary):

There is limited potential for other protected and notable species to be present and impacted, with the possible exception of foraging and commuting bats in adjacent habitat. The recommendations for avoidance and mitigation measures as well as species-specific habitat creation for bats, nesting birds and hedgehog detailed in the report are supported and will need to be secured by condition if consent is granted.

As detailed by the ecological consultants, external lighting will need to be sensitively designed to avoid significant light spill onto nearby habitats potentially suitable for use by foraging and commuting bat species including the treeline to the south. External lighting should be sensitively designed in accordance with ILP 2018 guidance and to meet Local Plan Policy D8.

The Biodiversity Net Gain Assessment (Focus Environmental Consultants, December 2022) and accompanying Defra Metric spreadsheet and Drawing 1095-01 Landscape Proposals are welcomed. The calculations demonstrate that there will be at least 10% net gain in habitat units and significant gain in hedgerow units. Although I would query whether three of the trees will meet the 'good' habitat criteria in the Defra metric and it appears that approximately 70m rather than 100m of hedgerow creation is achievable, any adjustments still result in overall net biodiversity gain. Neutral grassland (Emorsgate Mix) will need to be appropriately managed, including conservation cuts and removal of arisings 1-2 times per year with wildflowers left to seed between April and July. A detailed management plan can be secured by condition within a full and final Biodiversity Gain Plan. Species-specific measures have also been proposed. Therefore, the proposals meet Local Plan Policies NE3a and D5e.

Conditions are proposed concerning the following:

- o Wildlife Protection and Enhancement Scheme (Compliance)
- o Biodiversity Gain and Habitat Management Plans (Pre-commencement)
- o Ecological Compliance Report (Pre-occupation)
- o External Lighting (Bespoke Trigger)

Arboriculture:

The Arboriculture Report is acceptable.

Mitigation for the loss of T11 as detailed (2 trees to be planted on site and maintained to establishment).

Conditions proposed concerning the following:

- o Compliance with Arboricultural Method Statement and Tree Protection Plan
- o Replacement tree planting

Contaminated Land:

Taking account of the potentially contaminative historical use of the site as a depot and surrounding potentially contaminative historical uses including, depots, engineering works and waste transfer station and the proposed development (industrial units), we recommend that conditions be placed on the application concerning the following:

- o Desk Study and Site Walkover
- o Reporting of Unexpected Contamination

Representations Received: 26 responses (1 comment and 25 objections)

Design:

Overdevelopment of estate.

Transport:

Proposals do not make sufficient provision for HGV turning on site and result in loss of existing turning facility causing vehicles to reverse onto Pixash Lane.

Construction of recycling centre and care home within area have caused significant transport issues and disturbance to residents alongside other issues.

Pixash Lane is not suitable for further traffic generating uses.

Proposal raises highway safety issues.

Insufficient parking.

Access to recycling centre from A4 is unsafe.

Proposal adds to congestion.

Proposal will reduce access to the estate for large 45ft articulated lorries resulting in vehicles having to reverse out on to Pixash Lane to the detriment of highway safety.

The development would remove the existing loading bay and prevent units 1&2 from operating.

Pixash Business Park is at capacity.

Removal of parking to allow for new access roads would be detrimental to existing businesses.

Harmful to pedestrian movement within the site.

We object to amended drawings which do not address the access issues for lorries.

There is a covenant requiring the turning area (splay to existing access) to be retained.

[Covenants are a separate legal matter and not a material planning consideration.]

The new access will result in the loss of parking spaces within the business centre access.

Disagree with Highways Development Management comments that proposal will not detrimentally impact parking and traffic.

Amenity:

Harm to amenity of surrounding residential properties.

Noise and disturbance to residents from proposed use.

Noise report was carried out in Dec 2022 when noisy construction works were occurring so the survey carried out may not be accurate representation of current situation.

[Environmental Protection has advised that the noise assessment stated levels at the time of monitoring were primarily affected by road traffic noise. There was no mention in the noise report of noise from building works which would have been reported if it had been an issue. The proposed noise levels detailed in the noise report are reasonable and EP comments do not require review].

Block light to neighbouring residents.

Noise and dust from construction harmful to local residents.

Loss of green space.

Loss of views. [This is not a planning consideration.]

Detrimental to privacy of adjacent resident.

Siting, mass and height of building will result in loss of daylight and harm to amenity of office occupiers of Wessex House.

Trees:

Potential harm to TPO Poplar trees between the access lane and Pixash Business Centre. [The arboriculture team has advised that such trees are safeguarded.]

We have an arboriculturist report stating that if the roots of the Lombardy Poplar trees (covered by a TPO) are disturbed in any way the dwellings adjacent to the site will be at risk of suffering heave. [An acceptable Tree Protection Plan and Method Statement has been provided ensuring trees concerned will not be detrimentally affected.]

Other:

New access could cause damage to main drain. [There is no evidence this is the case and this is a detailed construction matter and not a planning consideration for this application]. Application is invalid as the redline site boundary does not connect to public highway. [The redline boundary has been updated to connect with Pixash Lane and a full public re-consultation was carried out alongside notice being served on the affected landowner by the applicant. As such, due process has been followed.]

We should have the opportunity to comment on revised drawings submitted. [The revisions made to the drawing were relatively minor and improved the scheme; therefore, there was no requirement for public re-consultation. However, all comments received to present have been logged and considered.]

We request application to go to committee.

The building has not been moved as far away from the boundary as suggested by the case officer. [This concerns uploaded correspondence between the applicant and agent. Despite these comments, following review of the revised plans it has been determined that the revisions are policy compliant.]

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

CP5: Flood Risk Management

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

D1: General urban design principles

D2: Local character and distinctiveness

D5: Building design

D6: Amenity

PCS1: Pollution and nuisance

PCS2: Noise and vibration

SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy

D8: Lighting

ED2A: Strategic and other primary industrial estates

NE1: Development and green infrastructure

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

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)

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

BACKGROUND:

It was resolved at the 20/09/23 committee meeting that a decision be deferred on the application for the following reasons:

- a) To allow the developer to provide a swept path analysis for 16m vehicles.
- b) To allow further information to be provided to demonstrate that there would be no negative impact on the viability of existing businesses.

- c) To give clarity on the access road in terms of ownership and use.
- d) To review the class B2 use to see if conditions could be attached in relation to the future use of the site.
- e) To allow further information to be provided on the viability of the loading and unloading of forklift trucks.

Secondly, that the Committee undertake a site visit.

The applicant has provided further supporting information to address the above, including a series of swept path analysis drawings and a solicitor's letter concerning the covenant. They have also requested B2 to be removed from the description of development. The committee undertook a site visit 09/10/23 at 10am. This report has been updated with further Transport Development Management Comments responding to the latest submitted information and the transport key issue section has similarly been updated.

PRINCIPLE OF COMMERCIAL DEVELOPMENT:

The site falls within the Broadmead/Ashmead/Pixash designated Strategic Industrial Estate within the remit of policy ED2A: Strategic and other primary industrial estates. This states that proposals for light industrial, heavy industrial, warehousing (classes E(g)(iii), B2, B8) and builders' merchants will be acceptable in principle within such areas. The proposed use is consistent with this policy.

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.

As a result of negotiation, the building has been moved away from Wessex House providing a 4m separation to the boundary and an 8m separation between the buildings. The building is also set back from the access road. There is landscaping at the boundaries and an area of planting at the southwest of the site. The elevation and walls consist of metal sheeting. The siting, in providing separation from the boundaries and landscaping, is acceptable. The building is a suitably designed commercial building appropriate for an industrial estate. Consequently, the proposal, by reason of its design, siting, scale, massing, layout and materials, is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. PCS1 concerns pollution and nuisance and

states that development will only be permitted providing there is no unacceptable risks of pollution to other existing land uses arising from the proposal. PCS2 is entitled noise and vibration and states development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life or general amenity unless this can be minimised or mitigated to an acceptable level.

Dwellings of Bath Road back onto the site separated from it by a rear access lane and relatively substantial rear gardens. There is a 27m separation distance between the rear wall of these properties and the site. Environmental Protection (EP) has advised there is potential for the proposed industrial units to generate noise nuisance at the nearest residential property. The applicant has submitted a noise assessment in accordance with British Standard 4142: 2019 Methods for rating and assessing industrial and commercial sound. Appropriate plant noise criteria have been suggested and they recommend a condition restricting plant noise arising from the development to the limits detailed in Table 6 of Noise Impact Assessment Reference 10030/BL required to be demonstrated through a report submitted to and approved by the Local Planning Authority within 4 months of occupying the unit. A Site Specific Construction/Demolition Environmental Plan is also proposed to manage environmental impacts during construction.

Subject to these conditions it is considered the proposal will not result in significant harm to the amenity of local residents and be consistent with policy D6, PCS1 and 2 above. In conclusion, given the siting of the building within a designated Primary Industrial Estate, the separation distance from neighbouring residential properties, design, scale, massing of the proposed development and proposed conditions the proposal would not cause significant harm to the amenities of any adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal therefore accords with policy D6, PCS1 and PCS2 of the Placemaking Plan and part 12 of the NPPF.

AMENITY OF SURROUNDING COMMERCIAL UNITS:

Policy D6 states that development must provide for appropriate levels of amenity and must:

a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light.

Objection comments have been received that the proposal, as a result of proximity and height, will result in a loss of light to and have an intrusive impact on Wessex House. As a result of negotiation, the building has been moved away from Wessex House, providing a 4m separation to the boundary and an 8m separation between the buildings. The building also has a relatively low ridge height in comparison to Wessex House of 7.3m. Wessex House is a commercial building (office use) with a relatively significant floor plate depth that likely has significant reliance on artificial lighting. There are no windows in the rear of the proposed building so there will be no privacy impacts on this property. Given this, the separation distance will ensure Wessex House maintains appropriate levels of privacy, outlook and natural light for an office building within a commercial estate consistent with policy D6.

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.

Comments have been received that loss of the existing splayed lay-by / turning area would prevent articulated lorries from turning, as well as parking and unloading without blocking the access and that parking within the main access will be displaced. As confirmed in HDM comments the proposal is acceptable in respect of access, parking and traffic generation. In addition, adequate turning space for rigid HGVs is maintained. It is advised in the HDM comments that: 'The formation of a revised access is a private matter between third parties.' Furthermore, the scheme relocates the access to west of the site providing a suitable alternative turning facility for articulated vehicles, and parking displaced by the development and access will be able to be relocated within the main access, which is a private matter to be worked out between landowners, as confirmed in HDMs comments. Objections have also been received that there are covenants requiring the existing turning area to be retained. Covenants are a separate legal matter, operating separate to planning control and do not constitute a material planning consideration.

As outlined, it was resolved at the 20/09/23 committee meeting that a decision be deferred on the application for a number of reasons which will be addressed, as follows:

a) To allow the developer to provide a swept path analysis for 16m vehicles.

The submitted swept path analysis drawings show that a maximum legal length 16.5m articulated vehicle can access and egress the wider site from Pixash Lane, accessing from and egressing to the north and south, and that a 16.5m articulated lorry can enter the site, passing a 16.5m articulated lorry parked opposite unit 1, Pixash Business Centre (bottle supplier), then undertake a reverse and turn in the access to the proposed units. In addition, that a 16.5m articulated lorry can access and turn within the application site. Transport Development Management has reviewed the drawings and confirmed this is the case.

b) To allow further information to be provided to demonstrate that there would be no negative impact on the viability of existing businesses.

Members raised concern at the 20/09/23 committee meeting that the proposal may detrimentally effect parking provision within the shared access, including a loss of spaces. The applicant has advised there are presently six marked parking bays on the south side of the access road and the drawing (6176 P1) shows how this parking provision can be accommodated as new 6.0m long parallel parking bays, whilst retaining space for the 16.5m HGV to stop in the same location as used presently, and without affecting the room needed for the 16.5m HGV to manoeuvre. This has been confirmed by TDM and demonstrates that the existing parking provision within the access can be retained at the same number and will not be detrimentally affected by the proposal.

c) To give clarity on the access road in terms of ownership and use.

The Certificate B submitted confirms the access road is owned by Ridgemill Properties Ltd. The access road is currently used for accessing and egressing Pixash Business Centre. As illustrated in the swept path drawings articulated lorries in connection with unit 1 reverse into the site from Pixash Lane then park opposite this premises at the south side of the access adjacent to Proximity House's existing access. Goods are loaded/unloaded to and from the lorries by forklift trucks. The access road is also used for parking. Above response to point b demonstrates that the existing use of the access road would not be detrimentally affected by the proposal.

d) To review the class B2 use to see if conditions could be attached in relation to the future use of the site.

The applicant has removed use class B2 from the proposal and it has been deleted from the description of development.

e) To allow further information to be provided on the viability of the loading and unloading of forklift trucks.

The applicant has advised that a swept path for a forklift truck operating in the estate road has not been provided as there is not a standardised vehicle to check. This drawing also shows that there would be no material changes to the existing position of the vehicle to be offloaded and as a result there would be no impact to assess. It is agreed that this is the case and that the swept path analysis drawings demonstrate there would be no impact on the loading and unloading of lorries using forklift trucks in connection with unit 1. Furthermore, the swept path drawings demonstrate that a 16.5m articulated lorry will still be able to access and egress the site whilst a truck is parked for loading/unloading in connection with unit 1.

The above is considered to fully addresses the points raised by committee. With regard to the above, 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.

With regard to the above, 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.

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.

The Drainage and Flooding Team has advised that the revised drainage strategy for this site is acceptable and they have no objection subject to the drainage being installed as per the updated drainage strategy, which will be secured by condition. Therefore, the

proposed development complies with policy CP5 of the Core strategy with regards to flooding and drainage matters, as well as part 14 of the NPPF.

CONTAMINATED LAND:

Local Plan Partial update policy PCS5 concerns Contamination. It requires that development does not cause significant harm to health or the environment or cause pollution of any water, remediation measures are put in place and any identified potential harm can be suitably mitigated.

The Contaminated Land Officer has advised (in summary) that taking account of the potentially contaminative historical use of the site as a depot and surrounding potentially contaminative historical uses including, depots, engineering works and waste transfer station and the proposed development (industrial units) standard contaminated land conditions will be required. Subject to these conditions the proposal is considered to comply with policy PCS5 of the Local Plan Partial Update.

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).

The Arboriculture Team has advised that the Arboriculture Report is acceptable and that the Arboricultural Method Statement contained therein can be secured by condition. They require mitigation for the loss of T11 with 2 trees planted on site, which can be condition. The proposal is therefore considered to comply with policy NE6 of the Local Plan Partial Update.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered. In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

The Ecology Team has advised the submitted calculation demonstrates that there will be at least 10% net gain in habitat units and significant gain in hedgerow units. Furthermore, that a detailed management plan can be secured by condition within a full and final Biodiversity Gain Plan. Species-specific measures have also been proposed. Therefore, the proposals meet Local Plan policies NE3, NE3a and D5e. Given this, the scheme is acceptable on ecology grounds subject to recommended conditions.

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 grant 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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. It is considered that the points raised by committee at the 20/09/23 committee meeting have been fully addressed in the transport key issue above. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan as a whole consistent with the above legislation.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Construction Management Plan (Pre-commencement)

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

1. Deliveries (including storage arrangements and timings);

2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
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.

3 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference 2764 - P101G 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 Replacement tree planting (Bespoke Trigger)

Within two months of the commencement of works a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of two replacement trees (as mitigation for loss of T11).

Reason: To secure replacement tree planting on site in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

5 Arboriculture - Replacement Trees (Compliance)

All replacement tree planting works shall be carried out in accordance with the details approved in connection with condition 4. The works shall be carried out during the next available planting season following completion.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

6 Plant noise (Bespoke Trigger)

Cumulative plant noise arising from the development shall comply with the limits detailed in Table 6 of Noise Impact Assessment Reference: 10030/BL. Compliance shall be demonstrated through submission and approval of a Noise Assessment Report within 4 months of occupation of the development, hereby approved.

Reason: To protect neighbouring residents from exposure to environmental noise in accordance with policies PCS1 and PCS2 of the Bath and North East Somerset Placemaking Plan.

7 Construction/Demolition Environmental Management Plan (pre-commencement)

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

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

Reason: To protect neighbouring residents from potential nuisance associated with construction.

8 Wildlife Protection and Enhancement Scheme (Compliance)

The development hereby approved shall be carried out only in accordance with the avoidance, mitigation and enhancement measures described in Section 1 of the approved Preliminary Ecological Appraisal with Preliminary Roost Assessment report (Focus Environmental Consultants, December 2022) or any subsequent update report approved

in writing through the formal approval of condition details process by the Local Planning Authority.

Reason: to avoid harm to wildlife including nesting birds and hedgehog and to provide ecological enhancement measures in accordance with the Wildlife and Countryside Act 1981 (as amended) and policies NE3 and D5e of the Bath and North East Somerset Local Plan

9 Biodiversity Gain and Habitat Management Plans (Pre-commencement)

No development shall take place until full details of a Biodiversity Gain Plan for on-site delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver at least at 0.68 habitat units, which amounts to a 10% or 0.06 habitat units uplift on the existing situation.

The Plans shall be in accordance with (but not limited to) the approved Biodiversity Net Gain Assessment and with current best practice guidelines and shall include (but not be limited to) the following:

- A) An up-to-date BNG habitat map for on-site proposed habitats.
- B) Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
- C) Long term aims and objectives for habitats (extents, quality) and species.
- D) Detailed management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods; specialist expertise (if required).
- E) Details of any management requirements for species-specific habitat enhancements.
- F) Annual work schedule for at least a 30 year period.
- G) 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 (or other on-site waste disposal); inappropriate maintenance methods; storage of materials; machine or vehicle access.
- H) Detailed monitoring strategy for habitats and species, particularly trees and neutral grassland habitats, and methods of measuring progress towards and achievement of stated objectives.
- I) Details of proposed reporting to the Local Planning Authority and LA Ecologist, and proposed review and remediation mechanism.
- J) Proposed 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 Bath and North East Somerset Placemaking Plan policies NE3, NE3a and D5e.

10 Ecological Compliance Report (Pre-Occupation)

Before first use of the development hereby approved, a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures as detailed in the approved ecology report and Biodiversity Net Gain Assessment (revised and updated version approved by condition) shall be

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 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 provide biodiversity gain in accordance with NPPF and policies NE3, NE3a, and D5e of the Bath and North East Somerset Local Plan.

11 External Lighting (Bespoke Trigger)

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

1. Lamp models and manufacturer's specifications, positions, numbers and heights; and
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.

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 policies NE3 and D8 of the Bath and North East Somerset Local Plan.

12 Drainage (pre-occupation)

Drainage for the development, hereby approved, shall be installed in accordance with the Drainage Strategy by CampbellReith consulting engineers dated March 2023 prior to occupation of the premises hereby approved.

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.

13 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

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

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

(ii) an assessment of the potential risks to:

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

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

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

14 Contaminated Land - Remediation Scheme (Pre-commencement)

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

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

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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

15 Contaminated Land - Verification Report (Pre-occupation)

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

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

16 Contaminated Land - Unexpected Contamination (Compliance)

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

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

17 Removal of Permitted Development Rights - Use Class (Compliance)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for storage and distribution and light industrial use falling within use classes B8 and E(g) and for no other purpose in Class E of the schedule to that Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

18 Refuse/recycling store & Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until the bicycle stands (10 bicycles) and the refuse/recycling store detailed on approved drawing 101F (Site Plan) have been provided. The bicycle stands and refuse/recycling store shall be retained permanently thereafter.

Reason: To secure adequate refuse/recycling storage and off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy T.6 of the Bath and North East Somerset Local Plan.

19 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the submitted landscape proposals plan (1095-01A). The works shall be carried out prior to occupation of the development or in accordance with a programme of implementation that has been submitted to and agreed in writing by 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 soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

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

20 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following approved drawings:

06 Sep 2023	2764 - P100_B	LOCATION PLAN
06 Sep 2023	2764 - P101_G	SITE PLAN
06 Sep 2023	2764 - P200_F	FLOOR PLANS - LEVEL 0
06 Sep 2023	2764 - P201_A	FLOOR PLANS - LEVEL 1 AND ROOF
06 Sep 2023	2764 - P300_B	TYPICAL SECTION - A-A
06 Sep 2023	2764 - P400_B	ELEVATIONS

Permit/Consent Decision Making Statement

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

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy - 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

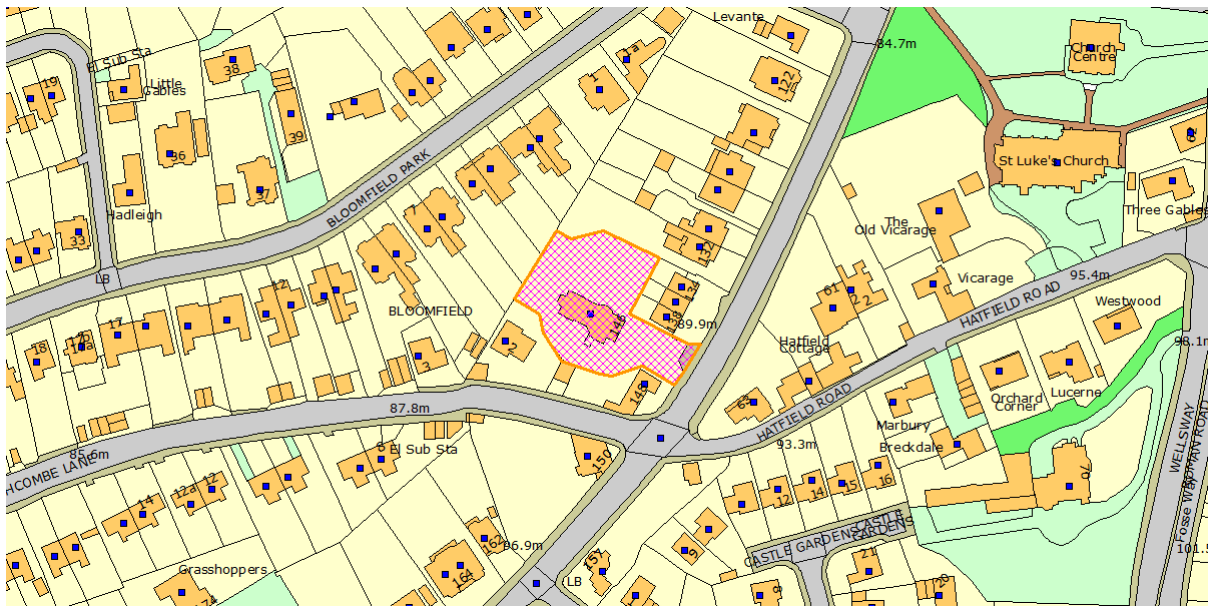
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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

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: 23/01692/LBA
Site Location: Bloomfield House 146 Bloomfield Road Bloomfield Bath Bath And North East Somerset



Ward: Widcombe And Lyncombe **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Alison Born Councillor Deborah Collins
Application Type: Listed Building Consent (Alts/exts)
Proposal: Provision of new entrance gates.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Mr And Mrs Roger And Kerry Parsons
Expiry Date: 11th July 2023
Case Officer: Ben Burke
To view the case click on the link [here](#).

REPORT

Chair's Decision:

I note the number of objections and the particular concern of Cllr David about possible impact on neighbours. Among concerns are ones about potential change of use from class C1. Although that is not a material planning consideration for these applications, it might be advisable to have these applications determined in public at committee so that members of the public can hear the officer report. The committee might also wish to consider the conditions that are proposed to be attached if a decision to permit is made.

Details of location and proposal and Relevant History:

The application site consists of a property last in use as a bed & breakfast premises (C1 Use class) within a primarily residential area. The property is a grade II listed building located within the Bath Conservation Area and World Heritage Site.

The proposal is for provision of new entrance gates.

Relevant Planning History:

DC - 21/02731/LBA - CON - 16 August 2021 - Internal alterations to change layout (including repositioning of kitchens and bathrooms)

DC - 21/05002/CONDLB - DISCHG - 30 June 2022 - Discharge of condition 3 of application 21/02731/LBA (Internal alterations to change layout (including repositioning of kitchens and bathrooms)).

DC - 21/05289/CONDLB - DISCHG - 29 July 2022 - Discharge of condition 5 of application 21/02731/LBA (Internal alterations to change layout (including repositioning of kitchens and bathrooms)).

DC - 22/01874/CONDLB - DISCHG - 19 August 2022 - Discharge of condition 5 (Damp proofing works (Bespoke Trigger)) of application 21/02731/LBA (Internal alterations to change layout (including repositioning of kitchens and bathrooms)).

DC - 23/00860/FUL - PERMIT - 12 July 2023 - Proposed hard landscaping works.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Councillor Jess David (adjoining ward councillor):

My comments refer to the proposal for a new garden room and reflect concerns raised with me by residents. The proposed location for the garden room is next to the boundary wall. I have been contacted by several households in Bloomfield Park who are concerned about the impact of the garden room on their amenity (policy D6). Given that it will serve a large B&B/house (c10 beds), with the potential for a greater number of guests, the garden room and outside kitchen could have a detrimental impact on the immediate area. There are particular concerns about increased noise and disturbance and loss of wildlife habitat.

I share concerns about the impact of the garden building on the mature trees in the garden of 146 Bloomfield Park. The arboriculture report notes that the building footprint appears to include the Hawthorn tree and is within the root protection area of a mature Beech tree and Holm Oak tree. I support the request for a redesign to ensure that the existing trees are not damaged, or in conflict with the future use of the garden.

If you are minded to approve this application I would like to request that it goes to Committee in order for these issues to be considered in public.

I understand that the current lawful use of the property is as a B&B (use Class C1), and that if the house was to be let to groups on a regular short-term let basis, this would require a change of use. This is clearly a key concern for residents.

Councillor Deborah Collins:

We understand that Bloomfield House is currently classed in planning terms for use as a B&B and that if the owners wished to let the house on a whole house basis (for groups of people) they would need to apply for a change of use class. Our comments relate to the current permitted use of the property, not to any possible change of classification as that will require a separate application for change of use, on which we would comment at that time.

We have some concerns relating to the garden room. In particular, we note that no Tree Constraints Plan was submitted, and that there is a risk of conflict between existing trees and the future use of the garden room. We consider that the location of the room needs to take into account the existing trees.

We also note the concerns that have been raised about the risk to the boundary wall of the siting of the garden room and consider that those need to be resolved as part of determining its location.

We note that, although the house has been used commercially as a B&B in the past, the environment of the house is generally tranquil. The addition of developments in the garden, particularly if they encourage night time use, may cause an adverse effect for the neighbours. Both the design and use of the garden room should be considered so that any additional adverse noise is mitigated.

Conservation Comments:

Further to consultation comments dated 30th August 2023 it is confirmed that no objection is raised in principle to the proposed garden room building and water feature.

As per previous consultation comments an objection is raised in respect of the proposed lower-level external stairway and gas meter box. However, there is scope for revision. First it is noted and welcome that the proposed lower-level external stairway is to be omitted from the proposal; this would address objection raised. As regards the proposed gas meter box, although revised drawing of the new meter box and information were submitted on 22nd and 24th August, they do not address concerns raised. Continued concerns are raised with regard to the harm and negative visual impact of the proposed meter box on the special interest and significance of the listed building; in particular its prominent position adjacent to the main entrance steps to the dwelling. In the circumstances it is advised that the applicant provide justification/reasoning behind the proposed location for the new meter box, and whether alternative locations have been considered but discounted (explaining why). It is accepted that a meter box is a necessity/required to be installed somewhere at the premises, and that the existing meter boxes are conspicuously placed but would be removed. If it can be demonstrated that the proposed location for the new meter box is the only available option (by going through the process outlined above) then the harm, which is considered in this instance to be 'less

than substantial' could be weighed in the wider planning balance, as required by paragraph 202 of the NPPF.

To address concerns regarding the design and detail of the proposed entrance gates a revised version that simplifies its appearance/adopts a low key approach could easily be achieved by use of plain vertical timber planks (left to weather naturally) instead of the proposed panelled design.

Representations:

23/01692/LBA: 1 comment

Bath Preservation Trust (BPT) - Insufficient information on age of existing lightwell staircase to be replaced. [This element has been omitted from the scheme.]

Insufficient information regarding gas meter boxes. [It has been established that the freestanding meter box is not development and therefore falls outside the remit of planning control.]

POLICIES/LEGISLATION

There is a duty placed on the Council under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area 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 the desirability of preserving or enhancing the character or appearance of that conservation area.

The Revised National Planning Policy Framework (NPPF) 2021 is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council together with the related guidance given in the Planning Practice Guidance (PPG).

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

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan Partial Update (2023)
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

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

- CP6 - Environmental quality

- B4 - The World Heritage Site (where applicable)

Placemaking Plan:

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

- HE1 Historic Environment

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

WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites. In this instance, due to the scale and nature of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

LISTED BUILDING AND CONSERVATION AREA:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, a duty is placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. Policy HE1 of the Placemaking Plan is about the historic environment. With regards to listed buildings it states that alterations, extensions or changes of use, or development in their vicinity, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. It also requires development to preserve or enhance those elements which contribute to the special character and appearance of the Conservation Area.

The Conservation Officer retains an objection to the lower-level stairway and new gates. The lower-level stairway and new balustrade has been removed from the application. The new gate has been revised to consist of solid timber vertical planks in line with the Conservation Officer's recommendation. Given this, the proposal will preserve the significance and setting of the listed building and the significance, character and appearance of this part of Bath Conservation Area. The proposal therefore meets the

legislative requirements of Sections 16 and 72 above and accords with policy HE1 of the adopted Placemaking Plan (2017).

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 grant 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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. It is considered the proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan as a whole consistent with the above legislation.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following approved drawings:

09 May 2023	22-392-01	SURVEY
09 May 2023	22-392-15	REVISED CONCEPT
16 May 2023		BLOCK PLAN
16 Oct 2023	22-392-10	GATES CONSTRUCTION
09 May 2023		SITE LOCATION PLAN

Condition Categories

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

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

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

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

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

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

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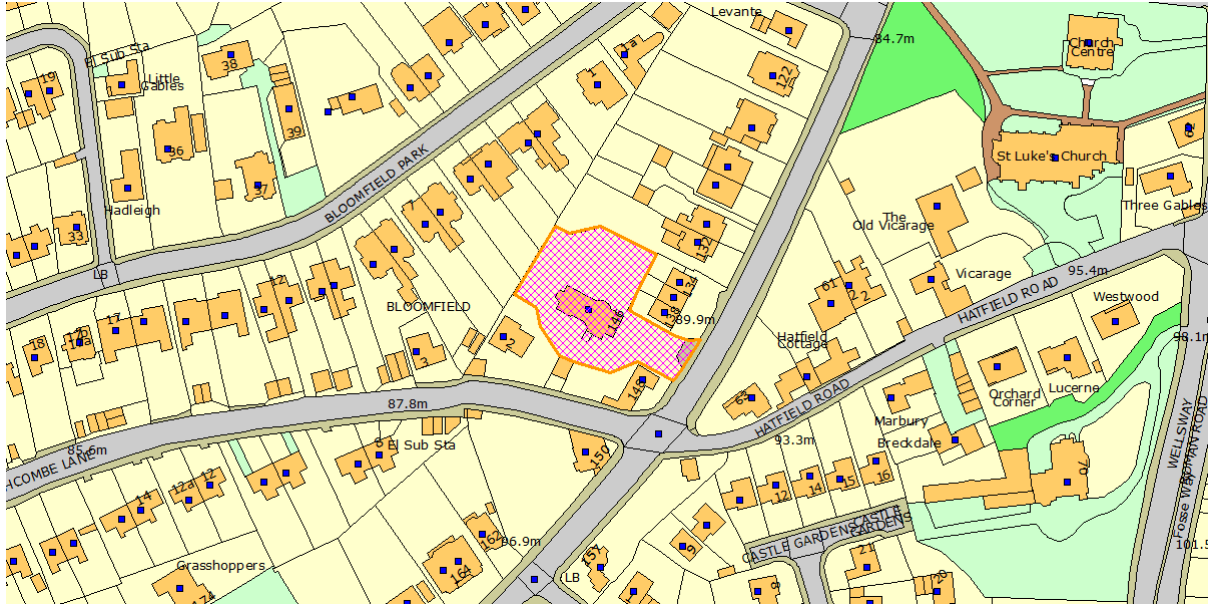
Permit/Consent Decision Making Statement

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

Responding to Climate Change (Informative):

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

Item No: 04
Application No: 23/01693/FUL
Site Location: Bloomfield House 146 Bloomfield Road Bloomfield Bath Bath And North East Somerset



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

Ward Members: Councillor Alison Born Councillor Deborah Collins

Application Type: Full Application

Proposal: Provision of garden room building and new entrance gates.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Listed Building, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones, Tree Preservation Order,

Applicant: Mr And Mrs Roger And Kerry Parsons

Expiry Date: 11th July 2023

Case Officer: Ben Burke

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

REPORT

Reason for Committee Referral:

Chair's Decision:

I note the number of objections and the particular concern of Cllr David about possible impact on neighbours. Among concerns are ones about potential change of use from

class C1. Although that is not a material planning consideration for these applications, it might be advisable to have these applications determined in public at committee so that members of the public can hear the officer report. The committee might also wish to consider the conditions that are proposed to be attached if a decision to permit is made.

Details of location and proposal and Relevant History:

The application site consists of a property last in use as a bed & breakfast premises (C1 Use class) within a primarily residential area. The property is a grade II listed building located within the Bath Conservation Area and World Heritage Site.

The proposal is for provision of a garden room building and new entrance gates.

Relevant Planning History:

DC - 21/02731/LBA - CON - 16 August 2021 - Internal alterations to change layout (including repositioning of kitchens and bathrooms)

DC - 21/05002/CONDLB - DISCHG - 30 June 2022 - Discharge of condition 3 of application 21/02731/LBA (Internal alterations to change layout (including repositioning of kitchens and bathrooms)).

DC - 21/05289/CONDLB - DISCHG - 29 July 2022 - Discharge of condition 5 of application 21/02731/LBA (Internal alterations to change layout (including repositioning of kitchens and bathrooms)).

DC - 22/01874/CONDLB - DISCHG - 19 August 2022 - Discharge of condition 5 (Damp proofing works (Bespoke Trigger)) of application 21/02731/LBA (Internal alterations to change layout (including repositioning of kitchens and bathrooms)).

DC - 23/00860/FUL - PERMIT - 12 July 2023 - Proposed hard landscaping works.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Councillor Jess David (adjoining ward councillor):

My comments refer to the proposal for a new garden room and reflect concerns raised with me by residents. The proposed location for the garden room is next to the boundary wall. I have been contacted by several households in Bloomfield Park who are concerned about the impact of the garden room on their amenity (policy D6). Given that it will serve a large B&B/house (c10 beds), with the potential for a greater number of guests, the garden room and outside kitchen could have a detrimental impact on the immediate area. There are particular concerns about increased noise and disturbance and loss of wildlife habitat.

I share concerns about the impact of the garden building on the mature trees in the garden of 146 Bloomfield Park. The arboriculture report notes that the building footprint appears to include the Hawthorn tree and is within the root protection area of a mature

Beech tree and Holm Oak tree. I support the request for a redesign to ensure that the existing trees are not damaged, or in conflict with the future use of the garden.

If you are minded to approve this application I would like to request that it goes to Committee in order for these issues to be considered in public.

I understand that the current lawful use of the property is as a B&B (use Class C1), and that if the house was to be let to groups on a regular short-term let basis, this would require a change of use. This is clearly a key concern for residents.

Councillor Deborah Collins:

We understand that Bloomfield House is currently classed in planning terms for use as a B&B and that if the owners wished to let the house on a whole house basis (for groups of people) they would need to apply for a change of use class. Our comments relate to the current permitted use of the property, not to any possible change of classification as that will require a separate application for change of use, on which we would comment at that time.

We have some concerns relating to the garden room. In particular, we note that no Tree Constraints Plan was submitted, and that there is a risk of conflict between existing trees and the future use of the garden room. We consider that the location of the room needs to take into account the existing trees.

We also note the concerns that have been raised about the risk to the boundary wall of the siting of the garden room and consider that those need to be resolved as part of determining its location.

We note that, although the house has been used commercially as a B&B in the past, the environment of the house is generally tranquil. The addition of developments in the garden, particularly if they encourage night time use, may cause an adverse effect for the neighbours. Both the design and use of the garden room should be considered so that any additional adverse noise is mitigated.

Arboriculture:

I am happy that the Arb Method Statement satisfactorily overcomes the technical issues regarding the construction of the property in its chosen location.

I retain some reservations regarding the shade cast by the Beech tree through the afternoon - and the potential nuisance caused. However I note this is a garden room and not a habitable building/room and so the use of it will likely be in reasonable/good weather and at the discretion of the user.

The location is within the conservation area and excessive pruning can be controlled via the use of a TPO is considered necessary. I remove my objection on this basis.

Conditions recommended requiring compliance with Arboricultural Method Statement and submission of signed compliance statement 28 days from completion.

Conservation:

Further to consultation comments dated 30th August 2023 it is confirmed that no objection is raised in principle to the proposed garden room building and water feature.

As per previous consultation comments an objection is raised in respect of the proposed lower-level external stairway and gas meter box. However, there is scope for revision. First it is noted and welcome that the proposed lower-level external stairway is to be omitted from the proposal; this would address objection raised. As regards the proposed gas meter box, although revised drawing of the new meter box and information were submitted on 22nd and 24th August, they do not address concerns raised. Continued concerns are raised with regard to the harm and negative visual impact of the proposed meter box on the special interest and significance of the listed building; in particular its prominent position adjacent to the main entrance steps to the dwelling. In the circumstances it is advised that the applicant provide justification/reasoning behind the proposed location for the new meter box, and whether alternative locations have been considered but discounted (explaining why). It is accepted that a meter box is a necessity/required to be installed somewhere at the premises, and that the existing meter boxes are conspicuously placed but would be removed. If it can be demonstrated that the proposed location for the new meter box is the only available option (by going through the process outlined above) then the harm, which is considered in this instance to be 'less than substantial' could be weighed in the wider planning balance, as required by paragraph 202 of the NPPF.

To address concerns regarding the design and detail of the proposed entrance gates a revised version that simplifies its appearance/adopts a low key approach could easily be achieved by use of plain vertical timber planks (left to weather naturally) instead of the proposed panelled design.

Representations:

23/01693/FUL: 33 comprising 27 objections and 6 comments.

Objections:

Object to garden room and hot tub due to noise and light pollution in quiet residential area.

Harm to wildlife from large gatherings and resultant noise.

The Arboricultural officer considers garden room is unsuitable due to potential impact on adjacent trees.

Garden room will overlook adjacent properties due to elevated position in relation to neighbouring gardens.

Concern about intended use of property for large groups of people resulting in noise disturbance harmful to residents.

Garden room, hot tub and outdoor kitchen adjoining is adjacent to boundary with other dwellings resulting in noise disturbance to residents.

Impact on stability of historic boundary wall, potentially resulting in danger to neighbouring properties.

Garden room and hot tub will result in anti-social behaviour due to large gatherings.

Negative impact on wildlife.

Concern about potential change of use to Commercial Leisure Accommodation ((CLA) sui generis) resulting in use for short term lets like Air B&B. Resultant potential for use as

party house and for large gatherings. [The lawful use of the property is as a B&B/small hotel falling within C1 use class. Change of use to a CLA use (Sui generis use) would require separate planning permission. This proposal is solely for that detailed in description of development.]

Comment:

Impressed by restoration works carried out to property.

Reservations about garden room.

Hot tub - potential for late night activity.

Potential harm to adjacent trees - is there a more suitable location.

Note proposed screw in foundation pins and soak away at rear for garden room.

Confirmation sought that structural assessment made of potential impact of works on adjacent dry stone retaining wall.

What is the drainage and water supply provision for the hot tub? [The hot tub is a chattel or possession falling outside the scope of planning control.]

Has weight impact of hot tub on retaining wall been assessed.

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

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

D5: Building design

D6: Amenity

HE1: Historic environment

PCS1: Pollution and nuisance
PCS2: Noise and vibration
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy
D8: Lighting
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in 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.'

There is also a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

BACKGROUND:

The property has been disused for some time. The applicant is in the process of restoring the site and implementing Listed Building Consent (21/02731/LBA) for internal alterations to change the layout (including repositioning of kitchens and bathrooms) and the recent planning permission granted for hard landscaping works. The existing lawful use of the building is a bed and breakfast premises (C1 Use Class). Hotels, boarding and guest houses (which would include small hotels and B&Bs not ancillary to a dwellinghouse) fall with planning use class C1. The applicant has confirmed there is currently no intention to change the use from the lawful C1 use. If a change of use was proposed this would involve a separate planning application.

The lower-level stairway and new balustrade has been removed from the application. Further information has been submitted concerning the gas meter cover confirming that it will be an unfixed movable structure. Given this, and that it will not be attached to any part of the listed building, the cover is not a building operation and therefore falls outside the scope of development and listed building control. As such, no consent is required for the cover. The hot tub, outdoor kitchen facility and dining area detailed on the drawings consist of free-standing objects/furniture which are chattels or possession which are not development and do not fall within the remit of planning control. The repairs to the loose stone retaining wall detailed are de minimis and fall outside the scope of planning and listed building control.

WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites. In this instance, due to the scale and nature of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

LISTED BUILDING AND CONSERVATION AREA:

There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' In 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. Policy HE1 of the Placemaking Plan is about the historic environment. With regards to listed buildings it states that alterations, extensions or changes of use, or development in their vicinity, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. It also requires development to preserve or enhance those elements which contribute to the special character and appearance of the Conservation Area.

The Conservation Officer has no objection to the garden room building. However, they retain an objection to the lower-level stairway gas metre box and new gates. As outlined, the lower-level stairway and new balustrade has been removed from the application. The gas meter box is an unfixed movable structure that falls outside the scope of development and listed building control. The new gate has been revised to consist of solid timber vertical planks in line with the Conservation Officer's recommendation. Given this, the Conservation Officer's comments have been fully addressed. The proposal will therefore preserve the setting of the listed building and the character and appearance of the conservation area. Consequently, it meets the legislative requirements of Section 66 and 72 above and accords with policy HE1 of the adopted Placemaking Plan (2017).

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.

The Arboricultural Officer has advised that the submitted Arboricultural Method Statement satisfactorily overcomes the technical issues regarding the construction of the property in its chosen location. They have some reservations regarding the shade cast by the Beech tree through the afternoon - and the potential nuisance caused. However, they note that this is a garden room and not a habitable building/room and so the use of it will likely be in reasonable/good weather and at the discretion of the user. Furthermore, the location is within the conservation area and excessive pruning can be controlled via the use of a TPO if considered necessary. With regard to this, the arboricultural officer has raised no objection subject to a condition requiring compliance with Arboricultural Method Statement and submission of signed compliance statement 28 days from completion. Given this, the arboricultural issues have been addressed and the proposal is consistent with policy NE6 above.

AMENITY OF NEIGHBOURS:

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.

Strong neighbour objections have been received to the proposal concerning the potential change of use of the property to a Commercial Leisure Accommodation (CLA), a sui generis use, resulting in use for large scale short term lets. It is understood that the lawful use of the building is as a bed and breakfast premises (C1 Use Class). Hotels, boarding and guest houses (which would include small hotels and B&Bs not ancillary to a dwellinghouse) fall with planning use class C1. A large-scale short term let, where the property is let out as a whole unit, would amount to a CLA use, given the size of the property, which is a sui generis use. As such, any change to this use would require planning permission. This application is solely for a garden room and new entrance gates in connection with the property's bed and breakfast use (C1 Use Class).

Objections have also been received concerning noise, disturbance and overlooking to neighbours from use of garden room, hot tub area, outdoor kitchen and outdoor dining area. The garden room is a moderate size building of domestic scale located at the northwest corner of the site between a mature Holm Oak tree and a mature Beach tree. The garden room is annotated as containing a main garden room and separate smaller areas containing a changing room and outdoor kitchen area. To the front of the garden room there is a modest sized decked area. Beyond this is a hard surface area labelled as outdoor dining area. A hot tub is annotated adjacent to the changing area. As outlined, the hot tub, outdoor kitchen facility and dining area consists of free-standing objects/furniture which are chattels or possession and do not fall within the remit of planning control. The building is located at the northwest corner of the site adjacent to a high stone boundary wall, screening the building from properties to the northwest. It is noted that properties to the northeast are located at a lower level. However, the garden room is sufficiently separated from the part of the northeast boundary adjoining 132 Bloomfield Road where boundary treatment is lower. It should also be noted that tree planting has been carried out on this boundary which over time will provide significant screening between these properties. Furthermore, this is a single storey domestic scale building and there is no evidence that its use will result in unacceptable noise and disturbance to neighbouring properties. Moreover, there are separate protections concerning noise and disturbance under environmental health legislation operated by the Environmental Protection Team. Finally, the stone boundary wall on the north-west boundary and part of the northeast boundary, as well as the adjacent trees and landscaping will restrict noise from reaching adjacent properties. Given this, the proposal will not result in significant harm to the amenity of neighbours consistent with policy D6.

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. 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.

A number of objections have been received that the garden room will have a harmful impact on trees and wildlife. As outlined, the arboricultural team has advised that the garden room will not be harmful to adjacent trees subject to conditions. Given the domestic scale of the proposal and no objection from the arboricultural team there is no

evidence the proposal will have a harmful impact on wildlife. Furthermore, a condition will be attached to control any external lighting proposed to ensure wildlife is not impacted. This is a small-scale scheme consisting of a garden room and new gates. The other parts are not development and fall outside planning control. Significant soft landscaping works are being carried out as detailed in the previous approval for hard-landscaping works which will sufficiently enhance the sites biodiversity. Given this, it is not considered reasonable or necessary to secure further BNG works through an environmental enhancement condition. With regard to the above, the proposal is acceptable on ecology grounds and consistent with policy NE3 and NE3a above.

OTHER MATTERS:

Several objections have been submitted that the garden room will harm the stability of the adjacent stone boundary wall. The garden room is proposed to be fixed to the ground with hand installed screw piles. It is considered unlikely that the relatively light weight garden room fixed with screw piles will impact on the stability of the adjacent wall. Furthermore, should there be such issues this is a separate Party Wall matter which falls under separate legislation or is a separate legal matter and not a relevant planning consideration for this application.

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 grant 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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. This is a small-scale scheme for a garden room and new entrance gates. As this is solely the remit of this application the objections concerning change of use to a short term let, falling within sui generis Commercial Leisure Accommodation use are not relevant. Should such a use be proposed separate planning permission would be required. The garden room is a small-

scale building that would not result in unacceptable noise, nuisance disturbance or overlooking of neighbours. The new timber gate has been revised to comply with Conservation Officer advice. Therefore, the proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan as a whole consistent with the above legislation.

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 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required 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 policy NE.3 of the Bath and North East Somerset Placemaking Plan.

3 Arboricultural Method Statement & Compliance Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (T Pursey Aug 2023). A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

4 External Lighting (Bespoke Trigger)

No new external lighting in connection with the garden room, hereby approved, shall be installed without full details of proposed lighting design being first submitted and approved in writing by the Local Planning Authority; details to include lamp specifications, positions, numbers and heights, details of predicted lux levels and light spill, and details of all necessary measures to limit use of lights when not required 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 policy NE.3 of the Bath and North East Somerset Placemaking Plan.

5 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following approved drawings:

09 May 2023		SITE LOCATION PLAN		
16 May 2023	22-392-16	BLOCK PLAN		
16 Oct 2023	22-392-10	GATES CONSTRUCTION		
24 Aug 2023	PSGD_267_PARSONS_GAS METER BOX_B		GAS	METER
09 May 2023	22-392-15	REVISED CONCEPT		
09 May 2023	22-392-13	LOOSE STONE WALL REPAIR		

Permit/Consent Decision Making Statement

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

Condition Categories

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

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

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

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

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

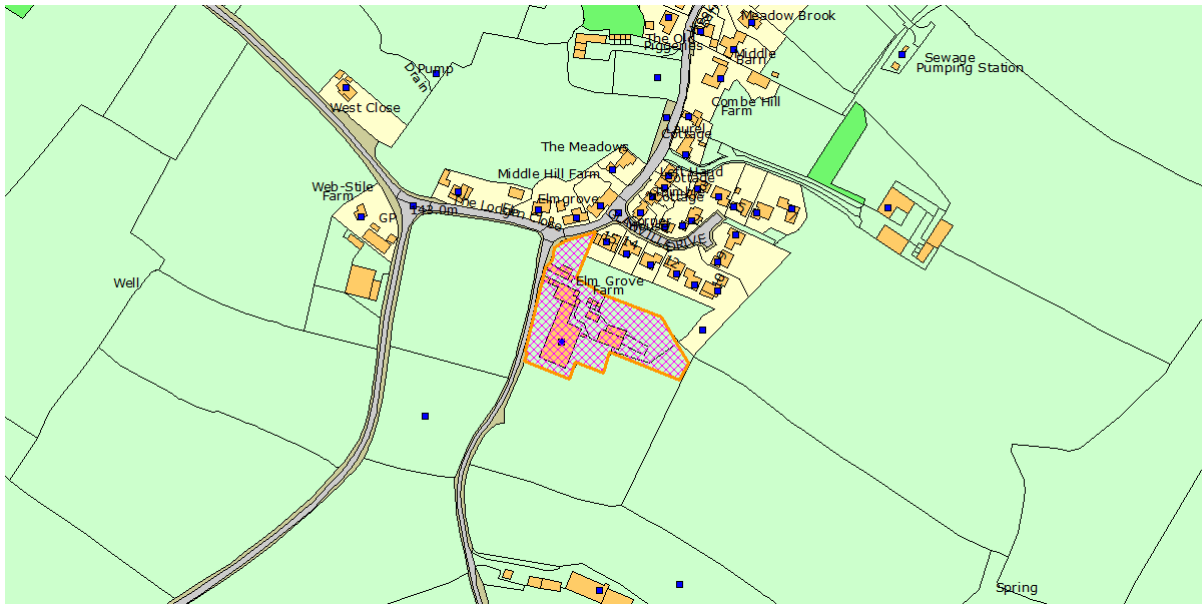
Please note all conditions should be read fully as these headings are intended as a guide only.

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

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: 05
Application No: 22/04109/FUL
Site Location: Elm Grove Farm Lower Road Hinton Blewett Bristol Bath And North East Somerset



Ward: Mendip **Parish:** Hinton Blewett **LB Grade:** N/A

Ward Members: Councillor David Wood

Application Type: Full Application

Proposal: Conversion and extension of barn to create 1no. dwelling and replacement of all remaining buildings with 4no. dwellings together with associated hard/soft landscape works; drainage and access improvements.

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP9 Affordable Housing, Housing Development Boundary, Ecological Networks Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Charlie Gamlen

Expiry Date: 12th January 2023

Case Officer: Danielle Milsom

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

REPORT

This application has been called to committee by Cllr Wood. The Parish Council have also raised an objection to the proposal. As per the Council's scheme of delegation, the application has been referred to the Chair and Vice Chair of the Planning Committee. Their comments are as follows:

Cllr Duncan Hounsell: committee

"I note the objections of the ward councillor and the Parish Council expressing concerns about the application of policies in this case. The case officer contrasts this new application with the extant planning permission.

The planning committee would wish to explore that contrast and debate relevant policy issues. The committee would also wish to consider if the ecological conditions proposed are appropriate and sufficient"

Cllr Ian Halsall: committee

"There is an extant consent on this site for the same number of residential units to that proposed so the principle of development has been established. In light of the ward councillor and Parish Council's views and those public objections, it is considered that the committee should be given the opportunity to debate the merits of this proposal over the fall back position"

The application is therefore to be decided by the planning committee.

The application refers to Elm Grove Farm, sited to the north of the village of Hinton Blewett. The site is not located within the Green Belt but does sit adjacent to the boundary of an Area of Outstanding Natural Beauty.

Planning permission is sought for the conversion and extension of barn to create 1no. dwelling and replacement of all remaining buildings with 4no. dwellings together with associated hard/soft landscape works; drainage and access improvements.

Relevant Planning History:

19/04417/ADCOU - approve - Prior approval request for change of use from Agricultural Barns to Dwellings (C3) (3 dwellinghouses) and associated operational development.

21/04654/ADCOU - approve - Prior approval for the change of use of existing barns into five self-contained dwellinghouses.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Ecology: No objection subject to condition

Arboriculture: scope for revision

Highways: no objection subject to condition

Drainage: no objection

Natural England: No objection

Contaminated Land: No objection subject to condition

Hinton Blewett Parish Council: Objection

The Parish Council OBJECTS to this planning application.

The application containing revised information is outside the housing boundary.

The application containing revised information does not meet the requirements of National Planning Policy Framework, Paragraph 80

Representations Received :

Cllr David Wood: Call to committee

I have concerns about this planning permissions granted in 2019 and 2020 were to convert/re-use agricultural buildings as dwellings in line with Policy RE6 of the Placemaking Plan

- It appears the present application intends to demolish agricultural buildings and build new houses

- This would be contrary to RE6, to the PMP, LPPU and is outside of the housing development boundary for Hinton Blewett

I would like to Object and ask that this be heard by Planning Committee if officer's recommendation is to permit

10 objections received. A summary is as follows:

- o Updated documents do not change principle of the application
- o Site clearance and re-development contrary to Placemaking plan and Chew Valley Neighbourhood Plan.
- o Site outside of housing development boundary
- o New build not allowed outside village boundary
- o This would set a precedent
- o This is not redevelopment of agricultural buildings
- o The previous permission does not apply
- o Not sites are allocated under the Placemaking plan
- o Increase in number of residents not appropriate for an RA2 village
- o Lower Road is the main road and is in a dangerous position
- o Increase in vehicle movements
- o Not in a sustainable location
- o Limited demand for houses in the village
- o Limited facilities within the village
- o Houses should be located in larger settlements
- o Roads are in poor condition
- o Sewerage is a major issue
- o Prefer small scale housing development with shop units
- o Residential amenity concerns regarding privacy impacts

The above represents a summary only. Full comments are available to view online.

POLICIES/LEGISLATION

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

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

- o Made Neighbourhood Plans

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting
SV3: Radstock Town Centre Strategic Policy
RA5: Land at Whitchurch Strategic Site Allocation

CP5: Flood Risk Management
CP6: Environmental Quality
CP8: Green Belt
CP8a: Minerals
CP9: Affordable Housing
CP10: Housing Mix
CP11: Gypsies, Travellers and Travelling Show People
CP13: Infrastructure provision

RA3: Community Facilities
RA4: Rural exception sites

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

RA1: Development in the villages meeting the listed criteria
RA2: Development in villages outside of the Green Belt not meeting Policy RA1 criteria
RE6: Re-use of rural buildings
SU1: Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE:

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

Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

H7: Housing accessibility

NE1: Development and green infrastructure

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NE5: Ecological networks

NE6: Trees and woodland conservation

SCR6: Sustainable Construction Policy for New Build Residential Development

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

NATIONAL POLICY:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

This application proposes the conversion of one existing barn to residential, and the demolition of all other barns on site to allow for the construction of 4 new dwellings. The site is location to the south of Hinton Blewett, adjoining the village but outside of the housing development boundary. The site is not within the Green Belt but is adjacent to an Area of Outstanding Natural Beauty.

This application follows a previous prior approval consent for the conversion of the existing barns to 5 dwellings (ref: 21/04654/ADCOU). This application also proposes to

create 5 dwellings, through conversion of one barn, and demolition and construction of 4 dwellings.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

Plot 1 comprises a conversion of the existing stone barn to a residential dwelling. Policy RE6 is therefore relevant in this instance which sets out criteria for the conversion of rural buildings. The conversion of a building to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will only be permitted provided:

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

The existing barn is considered to be of a substantial construction and is capable of being converted, this was established via the prior approval consent. The converted barn would retain its rural character, retaining the use of stone and integrating timber cladding which would compliment the current agricultural use of the site. Some extensions are proposed to increase the first floor space and single storey rear projection, however this is not considered as a major extension and the conversion is not reliant upon this extension.

The site is located on the edge of Hinton Blewett and is therefore not isolated. By nature of the development, a residential use would not prejudice village vitality. The agricultural use would cease on site, however this was established by the prior approval consent. The criteria of policy RE6 are considered to be complied with for this part of the proposed development. The site is not located within the Green Belt, and the proposal is not adjacent or within any designated heritage assets. The conversion of barn A to create plot 1 is therefore considered acceptable, subject to other material considerations discussed below as part of the wider site proposal.

The proposal for the wider site involves demolition of all existing barns and structures and construction of 4 new dwellings. The site is located outside of the housing development

boundary. The proposed new building residential development is therefore contrary to policy RA1 and RA2 of the Placemaking Plan. Paragraph 2 of the NPPF states that planning law required that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

It therefore turns to determine whether there are other material considerations which would justify a departure from the development plan.

As mentioned above, the site was granted prior approval consent under class Q of the Town and Country Planning Act for the conversion of the existing barns to 5 residential dwellings. This consent was granted in February 2022 and remains extant. For there to be a real prospect that the prior approval scheme would be implemented, it has to be possible to do so. As the prior approval is extant and would remain so for another 2 years (approx), there is a real prospect of this scheme being implemented. As a result, the site could reasonably be developed to a residential site through the conversion of the existing barns. A residential use of the site has as such already been established.

The extant prior approval consent could therefore represent a legitimate fall-back position. Consideration is therefore given to determine what weight to give this fall-back position. The fallback development should be compared to the current proposal. When considering the weight to give to a fallback position, it should be assessed to determine whether the current proposal is better or similar to what the prior approval would achieve. If the proposed application is considered to be more harmful than the prior approval scheme, limited weight should be afforded to the fallback position.

The prior approval consent and the proposed development are therefore compared to assess any benefits which may arise from the proposed development and to assess the impacts arising from both schemes.

With regards to the scale of development, both schemes would deliver 5 dwellings. The prior approval would in total create 16 bedrooms, and the proposed development would create 18 bedrooms. This increase is marginal and given that it would be split across 5 dwellings for both schemes, it is unlikely that the additional bedrooms would result in more vehicle trips or any associated paraphernalia. The dwellings would likely be within a family use where comings and goings would be as a household. The scale of development with regards to number of dwellings and total of bedrooms is therefore comparable.

The residential footprint of the prior approval scheme amounts to approximately 737m². This relates to ground floor, built form of residential use. The proposed floor space has been reduced as part of the application and would now amount to 718m² which is less than the prior approval. The tallest roof height of the proposed dwelling would be approximately 1 meter taller than the tallest part of the largest barn on site. Whilst there may be an increase in height of the proposed scheme, there is a reduction in floor space. In addition, the proposed scheme breaks up the massing of the development, as opposed to a large central mass of the barn conversions as part of the prior approval. It is therefore considered that the proposed scheme visually would appear as a lesser amount of development on site due to breaking up of built form, creating more open spaces. This is considered as a benefit to the site and wider landscape setting.

The layout of the proposed development is comparable with the layout of the existing barn arrangement with built form being focused to the middle of the site, with a courtyard arrangement in the centre with development spreading to the east. The prior approval scheme involved the removal of barns to the east and this was to be left open. Whilst the proposed would involve development to the east of the site, this has been revised to bring the dwelling further west to increase the amount of open space. The dwelling is shown to be in a similar location to the existing barn. As discussed above, there would be benefit to splitting the massing of built form up on the site to create a more open appearance.

Turning to design, the prior approval scheme would retain the barns central to the site, in addition to plot 1 to the north west corner. Retaining the barns would not largely alter the appearance of the site, but there would be some benefits to restoring the barns as opposed to allowing them to fall into disrepair. The proposed development offers a different approach to the residential development, creating 5 detached properties, one being a converted barn. The proposed design has been amended to lessen the scale and height and materials changed to more heavily rely on natural stone and timber cladding. It is considered that this approach would great more of a characterful area, complimenting the village of Hinton Blewett whilst also though the use of materials and design features referencing the agricultural use. The proposed development would create an attractive residential area with dwellings comprising of more typical homes. It is considered that the proposed development would be a positive addition to the edge of Hinton Blewett and would as such have a more positive appearance as opposed to the prior approval scheme.

There are also additional benefits which arise from this development coming forward in this way as a redevelopment of the site. A full application requires compliance with policy SCR6, sustainable construction. The new dwellings are required to comply with the energy standards set out in this policy, with on-site renewables matching energy demand. This is not a requirement of the prior approval application. There is therefore a clear benefit here with regards to the sustainability of the site and use of on site renewables.

In addition, this application is required to provide a net gain of biodiversity. This application would provide a 15% gain of habitats and 14% of hedgerow units. The prior approval consent does not require this level of gain. This is also regarded as a benefit of the proposal.

With regards to traffic and highway impact, it is unlikely that there would be a difference in vehicle movement arising from the proposed development.

It is therefore considered that the proposed scheme would result in benefits which the prior approval consent does not carry. The proposed development is considered to be a better alternative and would provide a residential development which is preferred by officers with respect to the design benefits, and benefit to the landscape and AONB. The proposal would not result in an increase in traffic or other highways impacts due to both schemes comprising of 5 dwellings. Additional benefits with regards to BNG and sustainable construction are also regarded highly in this balance.

There is a legitimate likelihood that the prior approval scheme could be built out should this application not be granted permission. The fallback position in this instance is given considerable weight as it is considered that the proposed scheme would result in an

enhanced, improve scheme which is of a better quality and standard. The fallback position as such represents a material consideration which is given significant weight which would out weight the proposed development being contrary to the development plan. There is therefore reason to depart from the placemaking plan.

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.

Through the process of this application, the design of the dwellings has been amended. Plot one comprises the barn conversion, including a first floor extension. Access to this dwelling would be off of Lower Road, but the dwelling would have a frontage on to the access into the proposed development. The barn conversion would retain the road facing gable and materials would consist of rubble stone. A rear single storey projection is also proposed which would involve elements of timber cladding. It is considered that the barn conversion retains the agricultural and rural character of the site, and this is positive given that plot 1 is located at the site entrance and is visible from the road. A stone built gable end property is also characteristic of dwellings within this area of Hinton Blewett. Its design is as such considered acceptable.

Plot 2 is sited opposite plot 1 with a frontage onto the access road. Amendments to this design of plot 2 have involved a change to materials so that all elevations are rubble stone. This better reflects the proposed barn conversion which aligns with the sites rural character and also reflects other dwelling styles in Hinton Blewett. Plot 2 therefore responds well to the sites context and also provides a similar appearance to the barn conversion.

Plots 3 and 4 centre around a formalised courtyard. Courtyards similar to the proposed are a common element of farmyard layouts and would respect the existing layout of the agricultural buildings. This layout is considered to be acceptable and enables the development to retain the agricultural character.

Plot 3 is set to the east within the site. Its frontage faces on to the central courtyard and would be visible from the site entrance. The scale of plot 3 has been reduced to create a frontage which appears as single storey with roof dormers. This is considered to be effective in that the dwelling appears to be subservient on the approach, and from the visible points from the road. The use of cladding to the dormers and parts of the front elevation is considered to be effective in this location as it draws from the sites history, being agricultural. To the rear, the dwelling involves a two-storey gable end projections as well as a one and half-storey part. The two-storey is to be clad with timber. Whilst two storey, the use of timber and a gable end is similar to that of the appearance of the existing barns on site. Gable ends are also a common characteristic of Hinton Blewett. Plot 3 therefore is considered to be successful and combining both the agricultural and rural character of the area.

Plot 4 is a two storey construction and can be more so compared with a traditional barn construction with regards to its simple design. A central focus is created by floor to eaves windows. Elevations visible from the courtyard consist of rubble stone. Timber cladding is also to be used which is acceptable.

Plot 5 is located in the south-western corner of the site and benefits from its own access. The front elevation, visible from the road is to be rubble stone. The garage and rear projections are to be clad with timber which correspond to the use of timber at other proposed dwellings. Plot 5 is also effective at achieving a design which reflects agricultural styles which also referencing and creating a residential appearance.

All proposed door and window frames are proposed to be a green/grey colour. This approach is considered acceptable as it would allow for a softer transition from the stone or timber. There would not be a stark contrast between the external materials to the fenestration and this is considered acceptable.

Proposed garages also face onto the courtyard for plots 3 and 4. This adds to the creation of the courtyard and the garages themselves are subservient in their height. The design also reflects other design styles used on site which is considered 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, 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 site adjoins an Area of Outstanding Natural Beauty, but is not sited within the AONB boundary. It is however necessary to assess any potential impact the development would have upon the adjoining AONB and wider landscape. As discussed above, the existing site is formed of large barns which cover a larger footprint. This creates a large mass to the middle of the site. The proposed development would break up this mass and would result in a floor space which is less than the agricultural barns. This allows the site to create a more open appearance which is considered be a positive effect upon the landscape.

The development would be visible from adjoining fields, however due to the above, and through the use of materials creating a soft transition and also reflecting materials and

design elements current present on the agricultural site, the visibility of the development is considered not to be harmful to the landscape. In addition, a significant amount of soft landscaping is proposed to all boundaries around the site which further contributes to softening the transition between built form and the wider rural landscape.

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.

All dwellings would be located at a distance from the existing dwellings on Glanville Drive so that these neighbours' privacy would not be impacted. Glanville Drive residents would also not be impacted by way of loss of light due to this separation. There remains an area of open green space between the site and the rear boundary of Glanville Drive and the boundary is lined with a tree line which is to also remain.

All dwellings proposed would benefit from a generous amount of outdoor space. The orientation of the dwellings, and the arrangement of fenestration would allow all occupiers to benefit from a sufficient level of privacy and natural light.

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 has submitted a number of revised documents that have been reviewed by the highways team. The highways team have not raised an objection to the development, provided that the prior approval does represent a fallback position. Whilst there is a difference from the earlier permission, the additional two bedrooms within the scheme are unlikely to result in a noticeable traffic impact on the local highway network.

Suitable visibility can be achieved provided the appropriate vegetation cut back and maintenance is provided as detailed on drawing '2307/01'. There should also be no features such as hedges that fall within a visibility splay for an access point that are above 0.6m high to ensure adequate visibility by a driver on exiting. The provision of the visibility splay should be secured by condition.

There are no concerns regarding the two proposed vehicular access points from Hook Lane. This is consistent with the access strategy proposed within the earlier planning application, and the principle of the access points was considered at that time. The highway authority has no significant concerns regarding the use of these access points.

The proposal includes three separate vehicular access points. Two of those accesses were considered as part of earlier applications, however, the current scheme now includes the use of the existing field access onto Lower Road. The proposed Plot 1 access onto Lower Road currently provides a route to the existing stone barn and a small field. It is acknowledged that this could be used for a small-scale agricultural use, and some vehicle movements could be associated with that activity. The provided information shows that an appropriate turning area has been provided for Plot 1 enabling vehicles to access and egress in a forward gear which is welcomed. No further details have been provided on the proposed surfacing provision and as secured for the earlier permission, there would be a need to ensure that loose gravel from the proposed driveways could not be spilt onto the local highway network. This should be secured by condition.

The proposed car parking numbers accord with the requirements presented in the Transport SPD.

Cycle parking would be possible within most of the dwellings, with secure garages provided. However, Plot 1 would not have a garage, and there is a need to ensure that parking could be provided as necessary. This could be secured by planning condition if necessary

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.

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.

The submitted drainage strategy is considered acceptable. 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.

Alterations to the plans have been made to move dwellings further from the existing trees to ensure there is a likelihood of future retention. This has involved plot 3 being moved further south away from G9, garages and hard surfacing moving further south away from G9 as well as alterations to the layout of plot 5 including the reduction of hard standing and movement north away from G14. Drainage plans also show that root protection areas are respected.

Some concern remains with regards to the future retention of T15. However, whilst this tree may cause some shading, the dwelling would still benefit from a considerable amount of natural daylight. Refusal of the application on the grounds that this tree may cause future nuisance is considered to not be reasonable in this instance. In any case, the planting of 7 additional trees has been proposed to account for any potential future loss. This is shown on the proposed site plan and will be controlled by condition, with replanting secured should any of the trees die within the first 5 years.

All other dwellings are considered to be located at a suitable proximity to existing trees on and off site. All dwellings would receive a sufficient amount of day light to as to minimise impact of future occupants wanting to remove the trees.

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

ECOLOGY:

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

The Bat Assessment V1.4 produced by Noctua Ecology dated 16th April 2023 confirms that nine trees will be felled as part of the scheme, and these have now all been subject to a Preliminary Roost Assessment as requested. Given that the line of alder trees will be retained and protected in the development, as demonstrated by Section 2.1 of the Arboricultural Impact Assessment Rev.B (Hillside Tree Ltd, April 2023), then it is acknowledged that no further surveys of these trees are required.

The revised Proposed Site Plan (Dwg no. 2698 P012 E) demonstrates that the retained hedgerows are now located outside of garden curtilages which is welcomed. They will be protected using post-and-rail fencing, the scheme could be improved through the use of close-board fencing. In addition, the Ecological Appraisal & Biodiversity Net Gain (BNG) Assessment states that "the deeds of the new residential dwellings will specify that the landowners must retain and manage appropriately hedgerows H1-H5". This is supported. Table 3 of the ecology report provides a justification for the hedgerow loss, this is accepted.

Plot 3 and the garage have been moved further south (away from G9) and plot 5 further north (away from G14) which is welcomed.

Bats:

The revised Bat Assessment Rev 1.4 produced by Noctua Ecology dated 16th April 2023 provides a justification for why bat roost features can no longer be retained within the fabric of Barn A. In addition, the report provides a justification for the conclusion that Barn A is not being used by lesser horseshoe for hibernation purposes. These are accepted.

The report identifies that Barn A, Building V and Building Y support a total of eight bat roosts, comprising low numbers of common pipistrelle, soprano pipistrelle, brown long-eared, and lesser horseshoe. This includes a brown long-eared hibernation roost in Barn A. The roosts in all these buildings will be destroyed and alternative roosting provision is proposed. The Proposed Site Plan (Dwg no. 2698 P012 E) shows where the bat house will be located and the Garages & Bat House- Plans & Elevations (Dwg no. 2698 P026 C) provides detail of bat mitigation.

The proposal will require a European Protected Species Mitigation (EPSM) licence and the LPA must be confident, prior to issuing any consent, that the "three tests" of the Habitats Regulations will be met i.e. that the conservation status of the affected species will not be harmed; that there is no satisfactory alternative solution; and that there are "imperative reasons of over-riding public interest". The outline mitigation strategy for bats including that works proceed under a bat licence, is accepted. The proposed mitigation would be considered to meet the first of the "three tests" of the Habitats Regulations.

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

The proposed for 5 new dwellings would preserve public health and safety due to its intended use which does not lend itself to unsafe activity. The provision of 5 dwellings is also considered to be within the public interest, providing social and economic benefits to the village and wider district. The site offers a net gain of biodiversity which would also result in environmental benefits.

Test 2 - There is no satisfactory alternative.

An alternative to delivering residential accommodation on this site would be through the delivery of the approved barn conversions. However, as discussed in this report, there are several benefits arising from the proposed development which the barn conversions scheme would not deliver, such as biodiversity net gain and sustainable construction. There is therefore considered to be no other alternative which would deliver this standard of development.

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

The report includes details of a bat mitigation and compensation scheme and proposes works should proceed under a bat mitigation licence. This approach and the proposed

mitigation and compensation measures are acceptable. Based on the proposed mitigation the Council's Ecologist would consider that the proposal will not harm the conservation status of the affected species and that this test of the Habitats Regulations will be met.

A bat mitigation scheme would be secured by condition.

The proposed lighting scheme is considered acceptable.

HRA:

A Habitats Regulations Assessment for has been completed for the site. The HRA concludes that there is no risk of significant negative impacts on the North Somerset and Mendips Bats Special Area of Conservation, providing mitigation commitments are met. Natural England were consulted and agree with the findings of the HRA.

BNG

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 spreadsheet demonstrates that the scheme can deliver 0.27 habitat units (15.75%), along with 0.60 hedgerow units (14.63%), which would comply with Policy NE3a. As requested, the Site Location Plan (Dwg no. 2698 P010 A) has been modified and now incorporates the off-set area. A full and final Biodiversity Gain Plan will need to be secured by condition.

HOUSING ACCESSIBILITY:

Local Plan Partial Update policy H7 requires 5.6% of dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing). 5.6% of the 5 dwellings equates to 0.2. Therefore, 0 of the 5 proposed dwellings must meet enhanced accessibility standards.

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

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

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

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

The submitted sustainable construction checklist and energy tool shows that plots 2-5 would achieve the standards set out in policy SCR6. The energy tool details the figures for all 5 dwellings separately. The development would involve features such as solar panels, air source heat pump, energy efficient appliances and passive designs.

Plot 1 does not comply however this dwelling is the result of the conversion of an existing barn. Policy SCR6 does not require changes of use application which result in one dwelling to comply with the above standards. However, it is noted that measures are proposed which improves the overall efficiency of the property and this is welcomed.

Plots 2-5 all comply with the standards set out within SCR6, achieving space heating demand less than 30kWh/m2/annum, total energy use less than 40 kWh/m2/annum with on site renewables matching the total energy use. The proposal therefore complies with policy SCR6.

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

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

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.).

PUBLIC SECTOR EQUALITY DUTY:

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

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

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—

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

Protected characteristics include disability.

The assessment of this application has had regard to the above. The provision of the dwellings would provide additional homes for the public with 2 of the homes achieving relevant accessibility standards. The proposal would likely benefit the local community and wider due to the provision of additional homes.

CONCLUSION:

In conclusion, the principle of residential development is contrary to policies RA1 and RA2 of the Placemaking Plan. The extant prior approval scheme for the conversion of the existing barns to residential use does represent a legitimate fallback position which is afforded significant weight for the reasons stated within this report. The proposed scheme is considered to result in a better quality, higher standard development for reasons regarding design, layout, sustainable construction, and biodiversity net gain. There is therefore reason to justify a departure from the development plan in this instance. The application is therefore recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Bat and Wildlife Mitigation, Compensation and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Bat and Wildlife Mitigation, Compensation and

Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with the recommendations in Section 7 of the Ecological Appraisal and Biodiversity Net Gain report Rev 1.5 dated 25th April 2023 & in Section 6 of the Bat Assessment Rev 1.4 dated 16th April 2023 both produced by Noctua Ecology and drawings 2698 P012 E and 2698 P026 C including:

1. Final details of the bat mitigation and compensation scheme (which can if desired take the form

of a Natural England licence modification application), OR a copy of the Natural England bat mitigation licence that has been granted. All works within the scheme shall be carried out in

accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development;

2. 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 boundary hedgerows,

bats, nesting birds, common amphibians, badger, brown hare, and hedgehog, and proposed

reporting of findings to the LPA prior to commencement of works; and

3. Details of proposed measures to compensate and enhance the value of the site for wildlife to

include 9 x bird boxes (comprising 2 x tawny owl boxes as well as provision for spotted flycatcher and blackbird), bespoke provision for barn swallow, bee bricks, insect boxes and hedgehog connectivity measures, with proposed specifications and locations to be shown on a plan.

Reason: To prevent ecological harm to roosting bats and other wildlife in accordance with Policy NE3 of the Bath and North East Somerset Local Plan and to provide biodiversity gain in accordance with NPPF and Policies NE3 and D5e.

3 Biodiversity Gain and Habitat Management Plans (Pre-commencement)

No development shall take place until, final details of a Biodiversity Gain Plan for on-site delivery of Biodiversity Net Gain, and a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver at least 0.27 habitat units and 0.60 hedgerow units. The Plans shall be in accordance with (but not limited to) the approved Biodiversity Net Gain Assessment, Figure 4 and drawing 2698 P010 A with current best practice guidelines and shall include (but not be limited to) the following:

A) An up-to-date BNG habitat map for on-site proposed habitats.

B) Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.

C) Detailed planting and management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods etc.

D) Details of any management requirements for species-specific habitat enhancements to include hedgehog connectivity measures, 9 x bird boxes, bespoke provision for barn swallow, bee bricks and insect boxes.

E) Annual work schedule for at least a 30 year period.

F) Proposed 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 Bath and North East Somerset Placemaking Plan policies NE3, NE3a and D5e.

4 Landscape Design Proposals (Bespoke Trigger)

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

1. Proposed finished levels or contours

2. Means of enclosure

3. Car parking layouts

4. Other vehicle and pedestrian access and circulation areas

5. Hard surfacing materials
6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and 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.

5 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.

6 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development or use hereby permitted shall commence until an absolute minimum of the first 6 metres of the vehicular access beyond the back edge of the adopted public highway has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

7 Junction Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number '2307/01 Visibility splays onto Lower Road' 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 sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

8 Ecological 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 mitigation measures as detailed in the approved ecology report and Biodiversity Net Gain Assessment (revised and updated version approved by condition) has been submitted to and approved in writing by The Local Planning Authority. These details shall include:

1. Confirmation of the implementation of the Bat and Wildlife Mitigation, Compensation and Enhancement Scheme referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
2. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE3a and D5e of the Bath and North East Somerset Placemaking Plan and Local Plan Partial Update.

9 Rainwater Harvesting (Pre-occupation)

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

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

10 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)

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

11 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference 2698-P012 Rev F 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.

12 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.

13 Housing Accessibility (Compliance)

The following dwellings hereby approved, in respect of plots 2-5, shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M: 2

Reason: To ensure that the optional technical standards for accessibility for market housing in accordance with policy H7 of the Bath and North East Somerset Council Local Plan Partial Update.

14 Arboriculture - Replacement Trees (Compliance)

All replacement tree planting works shall be carried out in accordance with the approved details contained within the submitted arboricultural documents and as indicated on drawing 2698 P012_F . The works shall be carried out during the next available planting season following completion.

Any trees or plants indicated on the approved scheme which, within a period of ten years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or

plants of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

15 Drainage (compliance)

The development hereby approved shall be carried out in complete accordance with drainage strategy which 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.

16 External & Internal Lighting (Bespoke Trigger)

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

1. Proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan;
2. Details of predicted lux levels and light spill; and
3. Details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; 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

17 Reporting of Unexpected Contamination (bespoke trigger)

In the event that unexpected contamination is found at any time when carrying out the approved

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework

18 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Drawings submitted 26 Sept 2023:

P021 C

P022 C

P023 C

P024 C

P025 C

Drawings submitted 24 July 2023:

P010 A

P012 F

Drawings submitted 28 April 2023:

P013 A

P026 C

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.

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy - 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

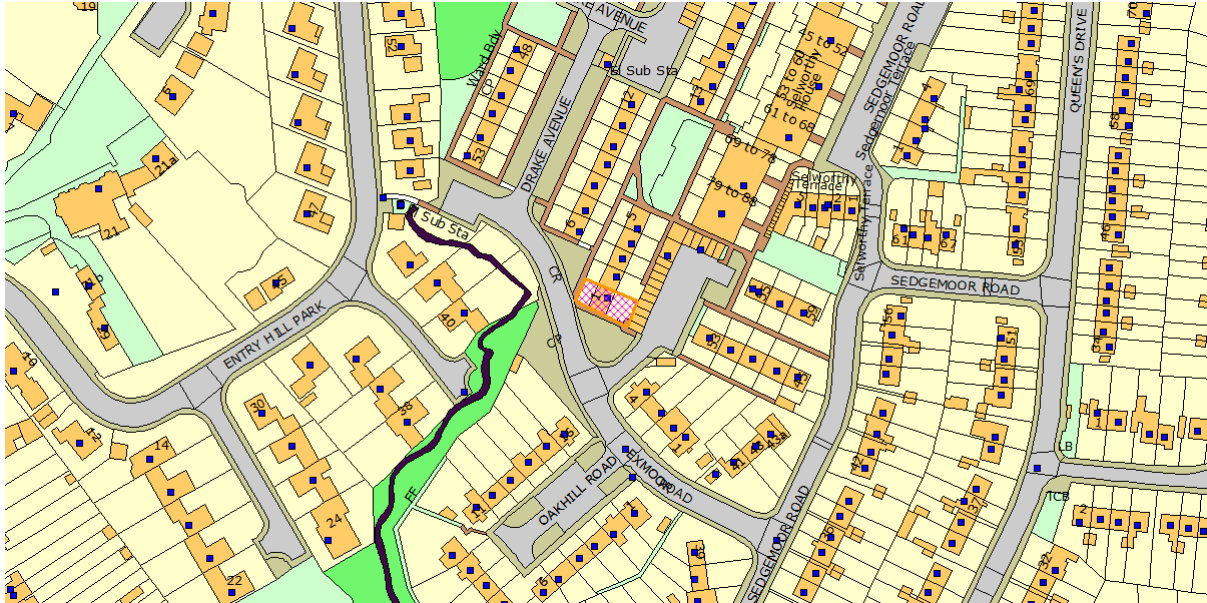
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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

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: 06
Application No: 23/02731/FUL
Site Location: 1 Drake Avenue Combe Down Bath Bath And North East Somerset
BA2 5NX



Ward: Combe Down

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Bharat Pankhania Councillor Onkar Saini

Application Type: Full Application

Proposal: Change of use from a 5 bedroom dwelling (Use Class C3) to a 5 bedroom House in Multiple Occupation (HMO) for 3-6 people (Use Class C4) (Retrospective).

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 NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Woodland Strategic Network Policy NE5, SSSI - Impact Risk Zones,

Applicant: Vertex Investments Ltd

Expiry Date: 17th November 2023

Case Officer: Christopher Masters

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

REPORT

Reasons For Reporting To Committee

The application has been reported to Committee as the application was called in by Cllr. Onkar Saini. In line with the Council's Scheme of Delegation the application was referred to the Chair of the Planning Committee, who stated:

"The Avon and Somerset Constabulary has indicated a significantly high number of crimes and anti-social behaviour in the vicinity of the dwelling.

The committee will wish to know to what extent, if any, these are directly related to the premises in the application and examine the statements from Environmental Protection and Housing Services that there have been no direct complaints regarding this property. Concerns about an increase in crime and ASB have also been raised by some objectors to this application.

Safety and security are essential to sustainable communities. Crime prevention can be a material planning consideration.

The committee will also want to consider if the planning conditions proposed are sufficient and appropriate for this application.

I consider that it is in the public interest that this application is determined in public at committee."

In addition, the Vice Chair commented:

"There have been a significant number of objections to this application. Whilst this does not automatically warrant referral to planning committee in light of the concerns raised by Avon and Somerset police yet no record of complaints by the Council's own Environmental Protection and Housing Services teams in respect of amenity issues, it is considered that this retrospective application should be considered by the committee to fully understand the concerns raised by third parties and to consider the adequacy of the conditions proposed should the committee be minded to support the officer's recommendation."

The application refers to 1 Drake Avenue, a two-storey end of terrace property located within the City of Bath World Heritage Sites and HMO Article 4 Area.

Planning permission is sought retrospectively for the change of use from a 5 bedroom dwelling (Use Class C3) to a 5 bedroom House in Multiple Occupation (HMO) for 3-6 people (Use Class C4).

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Avon and Somerset Constabulary - Not acceptable in current form. Over the past 12 months within a 300m radius of the site address there have been 111 crimes and 174 instances of Anti Social Behaviour (ASB). The premises do not appear to meet secure by design standards. Properties let in a shared capacity present different security risks from standard homes. With an HMO, not only must you provide security of an adequate nature for the overall property, you must also provide a safe method for tenants to be able to access common areas such as hallways, landings and kitchens, without threat of unauthorised entry by unwanted visitors. Details of the security measures to be incorporated into the development could be secured by condition. The covering letter indicates complaints in relation to ASB would be dealt with under "environmental protection legislation". This requires clarification as ASB is dealt with by Avon and

Somerset Constabulary the Local Authority and the Police under the Anti-social Behaviour, Crime and Policing Act 2014. Other similar housing sectors deal with this issue by having a Management Plan for the property and where necessary including an ASB section within the tenancy agreements.

Cllr. Onkar Saini - I respectfully urge the referral of the planning application (23/02731/FUL) to the committee, should officers be minded to approve it. Concerns regarding amenity loss, building size, historical anti-social issues (refuse waste, noise), neighbourhood vulnerability, and potential parking impact highlight the need for comprehensive evaluation.

Environmental Protection - Environmental Protection have not received any complaints at present at cannot comment on concerns raised by residents. However, as the property is a HMO it is best to consult Housing team who regulates HMO licenses for their opinion regarding the application.

Housing Services - Housing Services also hasn't received any direct complaints regarding anti-social behaviour regarding this property and has no comments to make on this application.

The property is already operating a 5 bedroom HMO and the HMO licence was issued for this property on 8 April 2021. A HMO Licence application was submitted on 09 September 2020.

Representations Received :

97 Objections and two representations have been received. The comments made can be summarised as follows:

- o If permitted the upgrade from EPC D to C should be secured by condition.
- o The property has been a HMO since 2021.
- o Other properties in the vicinity are in the same use.
- o There has been an increase in crime and antisocial behaviour.
- o The use of the property as a HMO prejudices the safety and security of the community and the perception thereof.
- o The number of bedspaces has been increased without permission.
- o The proposal harms the housing mix of the area.
- o The development would create an increase in on street parking.
- o The application has been inadequately publicised.
- o The appearance of the area has declined.
- o The use devalues nearby properties.

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
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

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:

D5: Building design
H2: Houses in multiple occupation
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)

The Houses in Multiple Occupation in Bath Supplementary Planning Document (January 2022)

NATIONAL POLICY:

The updated National Planning Policy Framework (NPPF) was published in September 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT:

Policy H2 of the Local Plan Partial Update sets out that Proposals for:

Change of use from residential (C3) to small HMO (C4) in Bath;
Change of use from residential (C3) to large HMO (Sui Generis) district wide;
Provision of new build HMO district-wide;
Change of use from other uses to HMO district-wide; and
Intensification of small HMO (C4) to large HMO (Sui Generis) district Wide

will be refused if:

The site is within an area with a high concentration of existing HMOs (having regard to the Houses in Multiple Occupation Supplementary Planning Document, or successor document), as they will be contrary to supporting a balanced community;
The HMO is incompatible with the character and amenity of established adjacent uses;
The HMO significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;
The HMO creates a severe transport impact;
The HMO does not provide a good standard of accommodation for occupiers;
The HMO property does not achieve an Energy Performance Certificate "C" rating unless one or more of the following exemptions applies:

The cost of making the cheapest recommended improvement would exceed £10,000 (including VAT).

Where all relevant energy efficiency improvements for the property have been made (or there are none that can be made) and the property remains below EPC C.

Where the proposed energy efficiency measures are not appropriate for the property due to potential negative impact on fabric or structure.

Where the minimum energy performance requirements would unacceptably harm the heritage significance of a heritage asset.

The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;

The development prejudices the continued commercial use of ground/lower floors.

Where a new build HMO is proposed, development should be consistent with other relevant Local Plan policies and guidance relating to new build residential accommodation.

A condition restricting the number of occupants may be attached to permissions where deemed necessary to ensure that no further harmful intensification will occur.

In this instance permission is sought retrospectively for the Change of use from residential (C3) to small HMO (C4) in Bath. It is understood that the property is currently occupied as supported housing in a manner consistent with that of a HMO.

The Houses in Multiple Occupation SPD (February 2023) states that applications for the change of use from C3 dwellings to C4 or sui generis (HMOs) will not be permitted where:

Criterion 1: It would result in any residential property (C3 use) being 'sandwiched' between 2 HMOs or

Criterion 2: HMO properties represent 10% or more of households within a 100 metre radius of the application property, or the application property tips the concentration to 10% or more.

It has been confirmed through a GIS search that the development would not 'sandwich' any residential property between other HMO certified properties and so the proposal is considered to accord with Criterion 1.

With regards to Criterion 2, the schemes' contribution to the concentration of HMOs within the surrounding area has been calculated as set out in section 4.3 of the SPD. In this instance it has been calculated that within a 100m radius of the site there would be 5 HMOs (including 1 Drake Avenue and a total of 137 Residential properties. Accordingly, the proposal would result in a HMO concentration of 3.65%. The scheme therefore accords with Criterion 2.

On this basis the scheme is not considered to be located within an area with a high concentration of existing HMOs and would contribute to supporting a balanced community. It would not result in the unacceptable loss of accommodation in a locality, in terms of mix, size and type nor given the solely residential use of the premises would the development prejudice the continued commercial use of ground/lower floors.

The remaining criteria shall be dealt with in the following Character and appearance, residential amenity and highway sections.

CHARACTER AND APPEARANCE:

Policies D1, D2, D3 and D4 of the Placemaking Plan and Policy D5 of the Local Plan Partial Update have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials,

siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposed scheme does not include any external alterations. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3 and D4 of the Placemaking Plan, Policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

RESIDENTIAL AMENITY:

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.

In this instance the application is retrospective, and it is acknowledged that the Council's Environmental Protection and Housing Teams have not received any complaints regarding the property. There are however a significant number of comments from members of the public alleging that with the benefit of hindsight the use of the property has diminished the safety and security of the surrounding area (or perception thereof) which has resulted in harm to the amenity of nearby residents.

According to the data held by the Council, the proposal would not result in a residential property becoming sandwiched between two HMOs. Criterion 1 aims to prevent the potential for negative impacts upon an existing dwelling resulting from the sandwiching effect of an HMO use to both sides of a C3 dwelling. It is appreciated that C3 dwellinghouses are occupied by single households which typically have co-ordinated routines, lifestyles, visitors and patterns of movement. Conversely, HMOs are occupied by unrelated individuals, each possibly acting as a separate household, with their own friends, lifestyles, and patterns and times of movements. The comings and goings of the occupiers of an HMO are likely to be less regimented and may occur at earlier and later times in the day than a C3 family home. Such a change of use can therefore result in increased comings and goings, noise and other disturbance compared to a C3 use. Notwithstanding this, it is generally held that individually HMOs do not result in demonstrable harm to residential amenity as it is only a concentration of HMOs that creates significant effect. As set out above, it is not considered that such a concentration exists in this location.

The submitted information demonstrates that an acceptable standard of HMO accommodation is proposed. The five bedrooms are considered to be of an adequate size exceeding the standard of 6.51m² (GIA) as set out within the updated HMO SPD.

Each bedroom benefits from good levels of natural light and outlook through large windows (it is noted that the floor plan depicts bedroom 3 without a window however this is incorrect as a window is presently in situ). The communal amenity space at ground floor is of acceptable proportions measuring 18.3m² which is sufficient for up to five occupants. As the maximum number of occupants would be mandated by the HMO licence against the same criteria it is not considered necessary for this function to be duplicated by attaching a planning condition.

Whilst the EPC rating of the property is currently D, the applicant has indicated that they intend to undertake works which shall result in the EPC level increasing to C. Officers are

satisfied that there is a realistic prospect of the requisite EPC rating being achieved and a condition can therefore be attached to ensure the requisite EPC rating is obtained.

It follows that subject to a satisfactory EPC rating being achieved the property provides an acceptable level of amenity for occupants.

As established by Philip Farrington Properties Ltd v SSE & Lewes DC [1982] it is generally held that planning controls are concerned with the use of land rather than with the identity of the user, and therefore the question of who is to occupy premises will normally be irrelevant. This is because a change in identity of the person carrying out activities does not result in a Material Change of Use. What is however of relevance is the character of the use as demonstrated by the case of West Midland Probation Committee v SOS & Another [1997]. This latter case set out that the general characteristics of the occupants of premises can have land use or environmental implications to be taken account of in decision making.

In this case given the vividness and significant number of comments from members of the public it is considered that there is a degree of genuine fear and concern felt amongst occupants of nearby properties which emanates from the use of the land. However, the absence of this being reported to the Council's Planning, Environmental Protection and Housing Teams since the use commenced is relevant. Comments from the organisation responsible for the management of the property also suggest that they had not been aware of the issues raised in the comments relating to the property prior to their receipt by the Council and that they are not indicative of what they had previously experienced from local residents.

It is noted that some of the public comments allude to separate recent events at a similar property in close proximity causing anxiety within the local area and that the behaviour of those residing at 1 Drake Avenue does vary from individual to individual.

In this instance it is therefore considered that should the property be managed appropriately and be fitted with the security measures outlined in the response from Avon and Somerset Constabulary there is no overriding reason why responsible occupation of the property could not occur in a way which affords occupiers with an adequate level of amenity and maintains the levels of residential amenity formerly enjoyed by nearby residents. A Management Plan has been received since the application was Referred to the Chair and Vice Chair of the Committee and is considered acceptable by Officers. A condition is proposed to ensure compliance with the submitted details. Security details for the property should be secured by condition to ensure the residential amenity of the area is maintained.

WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider

World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

HIGHWAYS:

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 recently adopted Transport and Development SPD contains revised parking standards. The maximum standard for C3 and C4 uses for the outer Bath area is 1.5 car parking spaces for a 3-bed property or greater.

As it is understood the existing dwelling does not benefit from any off street car parking, and the adopted parking standards do not require a minimum number of car parking spaces to be provided, officers are satisfied that the development is acceptable in terms of its car parking provision.

The parking standards also set out that four bicycle parking spaces should be provided in C4 HMO's with four or more bedspaces. The submitted details state that the existing property benefits from a rear outbuilding within which cycles can be stored and it is understood that this shall be retained.

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.

OTHER MATTERS:

It is understood that internal alteration has been undertaken which has increased the number of bedrooms. Such works do not in themselves require planning permission as they only affect the inside of the property and therefore do not constitute development.

It has been raised by contributors that insufficient publication of the application has occurred. The Local Authority is satisfied that the application has been publicised in line with its statutory duty and statement of community involvement.

The impact of development on the value of nearby properties is not a material planning consideration.

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—

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

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

Whilst the characteristics of individuals in the host property and wider community are unknown it is inherent that there will be individuals in the locality who share a relevant protected characteristic. Elderly, young and otherwise vulnerable residents in the local area may be particularly vulnerable to crime or Anti-Social Behaviour and the fear thereof. In this instance given occupation of the property shall be undertaken in accordance with the submitted management plan secured by condition, it is considered the levels of residential amenity of nearby residents shall be maintained. Accordingly, the proposal is considered to have a neutral impact on equality.

CONCLUSION:

It is therefore considered that subject to the submission of further security and EPC details by condition the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 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.

2 Secure Design (Bespoke Trigger)

Within three months of the granting of this permission details of the security measures to be incorporated into the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the development is served by adequate security measures in the interests of the safety, crime prevention and amenity of future occupiers of the development, and Policy D6 of the Placemaking Plan.

3 EPC Certificate (Bespoke Trigger)

Within six months of the granting of this permission an Energy Performance Certificate showing that the property has an EPC rating of C, B or A shall be submitted to the local planning authority and approved in writing.

Reason: To ensure the property has a EPC Rating of C, B or A in accordance with the Bath and North East Somerset Houses in Multiple Occupation Supplementary Planning Document, and Policies H2 and CP1 of the Local Plan Partial Update.

4 Management Plan (Compliance)

The development hereby approved shall be occupied only in accordance with the Property Management Plan received 19th October 2023.

Reason: In the interests of residential amenity, to reduce potential noise and disturbance and to ensure the good management of the building in accordance with policy D6 of the Placemaking Plan.

PLANS LIST:

This decision relates to the following plans:

Received 6th October 2023

BLOCK PLAN
SM01 FLOOR PLANS

Received 24th July 2023

LOCATION PLAN

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy - 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

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.

HMO Advice Note

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Permit/Consent Decision Making Statement

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

Item No: 07
Application No: 23/03159/FUL
Site Location: Rockside Mead Lane Saltford Bristol Bath And North East Somerset



Ward: Saltford **Parish:** Saltford **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Alison Streatfeild-James

Application Type: Full Application

Proposal: Erection of front balcony, two storey side extension, garage and associated alterations following removal of conservatory and existing garage.

Constraints: Colerne Airfield Buffer, Saltford Airfield 3km buffer, Agricultural Land Classification, British Waterways Major and EIA, British Waterways Minor and Householders, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Woodland Strategic Network Policy NE5, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones,

Applicant: Ian and Virginia Campbell

Expiry Date: 22nd November 2023

Case Officer: Christopher Masters

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

REPORT Reasons For Reporting To Committee

The application has been reported to Committee as the application was called in by Cllr. Hounsell and the Officer's recommendation is contrary to comments provided by Saltford Parish Council. In line with the Council's Scheme of Delegation the application was referred to the Chair of the Planning Committee, who stated:

"I note the support for the application from Saltford Parish Council. The committee may wish to consider whether the purposes of green belt apply to this location and whether significant weight should be given to the fact that adjacent properties have been rebuilt, modernised, and extended. The committee may wish to consider if it is Rockside that no longer fits with the street scene."

In addition, the Vice Chair commented:

"The officer's justification for recommending refusal of this application relates to the scale of the development and its considered impact on the Greenbelt and a concern over the impact on neighbour amenity. In light of the Parish Council's support and fact that the proposal will resemble in scale, massing and overall design the contemporary style of each adjacent neighbour, it is felt that the committee should give consideration to whether there are any "special circumstances that would outweigh the perceived harm to the Greenbelt."

The application refers to Rockside, a two storey, detached dwelling located within the Bristol and Bath Green Belt and outside of the Saltford Housing Development Boundary. The site is partially within the River Avon SNCI and flood zones 2 and 3.

Planning permission is sought for the erection of front balcony, two storey side extension, garage and associated alterations following removal of conservatory and existing garage.

It should be noted that the description of development has been amended following referral of the application to the Chair and Vice Chair of the Planning Committee in order to clarify the scope of the works. Relevant third parties have been notified of this and been given the opportunity to comment accordingly.

Relevant Planning History:

22/00928/FUL - REFUSED - 22 March 2023 - Erection of double storey front extension and replacement garage.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Saltford Parish Council - SUPPORT with COMMENT: Saltford Parish Council supports this planning application. The proposals represent a reduction in size of the dwelling compared to the previous application, 22/00928/FUL, therefore the Parish Council remains of the opinion that this would not have a negative impact on the openness of the Green Belt or cause substantial harm to the openness of the Green Belt at this location compared to the existing dwelling and therefore meet the requirements of paragraph 149 (g) of NPPF (2021) concerning limited infilling of previously developed land in the Green Belt. The overall changes compared to the existing dwelling would provide a dwelling in

keeping with the modern appearance of neighbouring properties that have similarly been updated and/or extended since original construction.

If the case officer has remaining concerns over the impact of these revised proposals of the same nature that were raised by B&NES Council for the previous application, 22/00928/FUL, the Parish Council urges the case officer to seek to negotiate an agreement with the applicant on any further revisions required by B&NES Council for the proposals that would overcome those concerns, and thereby avoid the need for another full application.

We repeat the request in our response to 22/00928/FUL that the new enlarged front garden driveway should take account of the requirements of current building regulations regarding surface water drainage, particularly as Mead Lane is a combined highway for vehicles and a pedestrian footpath where significant surface water pooling after heavy rainfall can be problematic for pedestrians.

Cllr. Hounsell - I wish this planning application to be determined by the planning committee should the officer be minded to recommend refusal of this application.

"Rockside" is a property in the middle of a row of properties fronted by the narrow Mead Lane, the narrow river-bank, and the river itself. The properties face at the rear a steep rock-face. These properties are outside Saltford's housing development boundary and also lie in Green Belt. This is an odd situation in that people in Saltford think this Lane is an integral part of the village and most, if not all, of the purposes of Green Belt are not served in this location. The Green Belt designation triggers the volume calculations considered for extensions.

Many of the neighbouring properties to Rockside have been rebuilt or extensively modernised and refurbished with balconies, large windows, and modern garages and carports sitting in front. There is no longer any uniformity of appearance. The properties on the Lane are an eclectic mix of mainly large properties that one might find in any sought after river setting. Paradoxically, it is Rockside which no longer fits with the street scene.

The planning application also seeks to improve the parking and vehicular movement within the property with turning becoming possible within the frontage. I believe this would improve the safety of vehicular access/egress onto the narrow Mead Lane which has no pavements or street lights. This should be afforded significant planning weight. Mead Lane is the only access road to the Wessex Water scientific laboratories and sewage works. The road also leads to the Jolly Sailor pub and some other local businesses.

This is an unusual case and I think it would be best to hear all the planning arguments debated in the public domain should the case officer be minded to recommend refusal.

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
- CP8: Green Belt
- SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

- D1: General urban design principles
- D2: Local character and distinctiveness
- D3: Urban fabric
- D4: Streets and spaces
- D6: Amenity
- GB1: Visual amenities of the Green Belt

LOCAL PLAN PARTIAL UPDATE:

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

- DW1: District Wide Spatial Strategy
- D5: Building design
- GB3: Extensions and alterations to buildings in the Green Belt
- NE3: Sites, species, and habitats
- ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in September 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

BACKGROUND:

The proposal is a resubmission of application 22/00928/FUL which after dialogue with the planning agent was refused under delegated authority. The reasons for the refusal of that application were firstly that it caused harm to the green belt and secondly that it would harm the residential amenity of neighbouring occupiers. This present application differs from the previous proposal in that the depth of the proposed balcony has been reduced by 1.5m, the proposed width of the enlarged dwelling has been scaled back by 1m and the roof of the secondary part of the dwelling has been kept below the ridge of the main part of the dwelling (although still raised by 0.5m in comparison to the existing situation). Officers have discussed the present scheme with the planning agent who has declined to amend the scheme as submitted.

PRINCIPLE OF DEVELOPMENT WITHIN THE GREEN BELT:

The proposal is an extension to an existing dwelling where the principle of development is acceptable subject to other material planning considerations discussed below.

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

Paragraphs 147 and 148 of the National Planning Policy Framework 2023 (NPPF) set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF continues at paragraphs 149 and 150 by setting out the forms of development that are not considered inappropriate in the Green Belt.

One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Additions will be found proportionate where there is a volume increase of about a third over that of the original building, as highlighted in the 'Existing Dwellings in the Green Belt

SPD' and Policy GB3 of the Local Plan Partial Update. Accordingly, previous modifications to the original dwelling contribute to this calculation.

It is noted from the information submitted that the existing dwelling and garage have a combined volume of approximately 746m³. This represents a volume increase of approximately 106% above that of the original building (363m³). For the purposes of this assessment 'original' is taken as how the building stood on the 1st July 1948.

Given the substantial volume increase of the previous alterations, it follows that the proposed alteration of the buildings would inherently result in a building which is disproportionate in size over that of the original building.

The development proposed would increase the volume of built form on site by a further 180m³, equivalent to a 155% increase over the original. The proposal would increase the existing ridge height both above the existing two storey side addition and single storey conservatory. The proposal would also reduce the spacing between the host and neighbouring dwelling at first floor level by approximately 2.5m. The effect of this is that the proposal shall significantly increase the height, width and massing of the dwelling to the detriment of the openness of the green belt particularly given its visibility from public vantage points. Whilst the bay windows with a depth of 0.4m would be removed, the proposed balcony would have a depth of 1.5m and project further forward from the front elevation.

The garage located at the front of the property would be enlarged such that its width increases by 1.8m. Whilst its overall height would remain broadly the same, it would appear more substantial when viewed from the public realm as a result of its flat roof form replacing the existing hipped roof and lean to arrangement.

It follows that the scheme constitutes inappropriate development within the green belt which is by definition harmful and should not be approved except in very special circumstances. As set out by Paragraph 148 of the NPPF substantial weight must be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. An assessment of this will be made in the Planning Balance section of this report.

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.

CHARACTER AND APPEARANCE:

Policies D1, D2, D3 and D5 of the Development Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider area. Development proposals will be supported, if amongst other

things they contribute positively to and do not harm local character and distinctiveness. Development will 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.

Mead Lane lies adjacent to the River Avon and is characterised by detached dwellings of varying forms and styles, some of which are contemporary. The dwellings tend to relate well with the river in terms of their massing, orientation and siting.

The proposed development would substantially alter the character of the dwelling, such that it takes on a contemporary appearance consistent with its closest neighbours.

The design of the proposal is considered 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 (2014), policies D1, D2, D3, D4 of the Placemaking Plan (2017), Policy D5 of the Local Plan Partial Update (2023) and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The proposal would result in the provision of a 1.5m deep balcony on the front elevation of the dwelling. It would be located at first floor level approximately 8m from the windows of the adjacent dwelling. There is concern that users of this feature would have clear lines of sight back into the adjacent dwelling at the expense of their occupier's privacy.

Whilst there are a number of properties within the street which benefit from balconies, the specific circumstances of each dwelling differ based on the design and relationship of the relevant properties. It is noted that in the other instances the balconies have been sited and designed so as to avoid causing harm to the residential amenity of neighbouring properties, which is not the case here.

Given the design and siting of the proposed balcony, significant harm would be caused to the amenities of adjacent occupiers through increased overlooking and loss of privacy. The proposal fails to accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) 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.

Officers note that the proposed altered layout of the existing driveway will allow vehicles to manoeuvre within the property's curtilage, so they can exit onto the adopted public

highway in a forward gear. This is welcomed but attracts limited weight in the planning balance of the scheme as a whole given the benefit is not dependent on permission being granted for the other elements of the scheme.

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.

PLANNING BALANCE:

As indicated in the report above, the proposal is inappropriate development in the Green Belt and in accordance with the NPPF should only be approved if very special circumstances exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' The NPPF says at paragraph 148 that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.' The harms identified by the proposal are as follows:

Substantial harm to the openness of the Green Belt by virtue of the building's enlargement by 155% over its original volume.

Significant harm to the residential amenity of adjoining occupiers by virtue of increased overlooking and loss of privacy emanating from the proposed balcony.

OTHER CONSIDERATIONS:

Enhancement of the buildings' appearance is considered to attract limited weight as this could be achieved without enlarging the volume of the building and thus causing harm to the green belt.

Altering the layout of the existing driveway to allow vehicles to manoeuvre within the property's curtilage, so they can exit onto the adopted public highway in a forward gear, attracts limited weight as this could be achieved without enlarging the volume of the building and thus causing harm to the green belt.

Other dwellings within the vicinity have been enlarged. It is however noted by officers that none of these appear to have been permitted under 'very special circumstances'. Each scheme that has been permitted has been assessed on its own merits and found to be acceptable. The host dwelling is already of considerable size and does not appear out of place in terms of its size within the street scene. The fact that other properties are generally of a large scale and may be larger than the host dwelling despite once being similar in size carries no more than moderate weight in justifying the proposed enlargement.

Overall, given the limited weight which can be afforded to the other considerations, it is found that in this instance the other considerations do not clearly outweigh the identified harm to the Green Belt, which is given substantial weight, coupled with the other harms of the development. Consequently, very special circumstances necessary to justify the

development do not exist. As such, the proposal is contrary to policy CP8 of the Core Strategy, policies GB1 and GB3 of the Local Plan Partial Update and part 13 of the NPPF.

CONCLUSION:

It is therefore considered that the proposal is contrary to policy CP8 of the Core Strategy, Policy D6 of the Placemaking Plan, Policies GB1 and GB3 of the Local Plan Partial Update and part 13 of the NPPF. The application is recommended for refusal accordingly.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development by virtue of its scale constitutes a disproportionate addition to the original building. It is therefore, by definition, inappropriate development which is harmful to the Green Belt. The purported Very Special Circumstances put forward are not considered to outweigh this harm coupled with the other harms of the development. Consequently, the proposed development is contrary to policy CP8 of the Core Strategy, Policy GB1 of the Placemaking Plan, Policy GB3 of the Local Plan Partial Update and part 13 of the NPPF.

2 Given the design and siting of the proposed balcony, significant harm would be caused to the amenities of adjacent occupiers through increased overlooking and loss of privacy. The proposal is contrary to policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

PLANS LIST:

This decision relates to the following plans:

All received 24th August 2023

MEARO/21/001 EXISTING SITE PLAN
MEARO/21/002 REV A PROPOSED SITE PLAN
MEARO/21/01 REV A EXISTING GROUND FLOOR PLAN
MEARO/21/02 REV A EXISTING FIRST FLOOR PLAN
MEARO/21/03 EXISTING ELEVATIONS SHEET 1 OF 2
MEARO/21/04 EXISTING ELEVATIONS SHEET 2 OF 2
MEARO/21/05 REV B PROPOSED GROUND FLOOR PLAN
MEARO/21/06 REV B PROPOSED FIRST FLOOR PLAN
MEARO/21/07 REV B PROPOSED ELEVATIONS SHEET 1 OF 2
MEARO/21/08 REV B PROPOSED ELEVATIONS SHEET 2 OF 2
MEARO/21/09 REV A GARAGE DETAILS

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all

relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Item No: 08
Application No: 22/04565/FUL
Site Location: The Old Post Office Tucking Mill Lane Midford Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** South Stoke **LB Grade:** N/A
Ward Members: Councillor Matt McCabe Councillor Fiona Gourley
Application Type: Full Application
Proposal: Erection of new single storey rear extension to dwelling and relocated pedestrian gate access
Constraints: Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones,
Applicant: Mr Mike Coupe
Expiry Date: 26th October 2023
Case Officer: Christopher Masters
To view the case click on the link [here](#).

REPORT
Reasons For Reporting To Committee

The application has been reported to Committee as the Officer's recommendation is contrary to comments provided by South Stoke Parish Council. In line with the Council's Scheme of Delegation the application was referred to the Chair of the Planning Committee, who stated:

"I note the detailed planning concerns of South Stoke PC and the concerns of the conservation officer regarding effects on a non-designated heritage asset. The planning

committee may wish to consider if these concerns are addressed satisfactorily or outweighed by the perceived benefits of the scheme."

The application refers to The Old Post Office, a two-storey dwelling, located at the junction with two roads, Old Midford Road and Tucking Mill Lane. The site is over washed by the Bristol - Bath Green Belt and Cotswolds AONB.

Planning permission is sought for the erection of a single storey rear extension and relocated pedestrian gate access.

Relevant Planning History:

08/03141/FUL - PERMIT - 28 October 2008 - Erection of a two storey and single storey rear extension

12/03819/FUL - PERMIT - 8 November 2012 - Erection of a single storey rear extension

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Conservation -

-13th January 2023 - It is recommended that both the Old Post Office is treated as Locally Listed Heritage Asset / non-designated heritage asset. As such any proposals should be assessed against paragraph 203 of the NPPF and HE1 of the PMP. The current scheme would result in demolition of a bay window that adds interest to this heritage asset and will result in the formation of an overly large extension that is out of proportion with the original building and would overly dominate the elevation that may once have been the cottage main facade. It is recommended that the applicants seek an alternative solution for extending this property.

Highways -

-13th December 2022 - Having reviewed the submission, Officers believe that the proposals are unlikely to have a negative impact on Highway safety. The applicant should be reminded that if any works take place, or affect the public highway, the appropriate highway licence must be entered into before works commence.

South Stoke Parish Council -

-19th April 2023 - We re-affirm our Objection to these proposals.

Although the change to the use of stone facades is welcomed, the proposal remains an overly large and imposing extension to this historic cottage and does not address the recommendations of the conservation report.

- 7th December 2022 - OBJECTS on the following grounds:-

1. This cottage is one of a cluster of charming and pretty old Bath stone cottages around a crossroads. It is in the AONB and the Green Belt.

2. Although the residents use a door onto the lane as the 'front', the cottage was built with the front

of the house facing south which is where the extension is proposed. This attractive facade is highly visible and clearly viewed by all using the lane alongside, from neighbouring properties and from far reaching viewpoints. The proposed extension will have a major

impact on the character and appearance of the existing building and of the surrounding area.

Section 7 of the NPPF states that good design is required. The simple, wooden, oblong structure proposed is not good design and the unsympathetic materials are inappropriate for the cottage and for its setting.

4. A previous extension does not appear to have been included in the calculations of the original footprint of the building and the proposed single storey extension almost doubles the original footprint and is therefore inappropriate.

5. The Construction Method Statement over simplifies access arrangements. The building is on a crossroads with poor visibility and which is used as a rat run by commuters each morning. The erection of scaffolding or heras fencing at the pinch point will prevent access by large vehicles and those endeavouring to do so will mount and damage the bank opposite. There is no mention of parking for contractor vehicles or arrangement for waste disposal.

Representations Received :

One letter of support and one letter of objection have been received in relation to the latest iteration of the scheme.

The support comment is summarised as follows:

In our view the revised application addresses the issues previously raised in respect of size and external finishes of the extension and should be approved.

We also wish to record that we would most definitely not have supported an application based on an L shaped extension with a corridor leading to a new building constructed further down the garden, as suggested within BANES Conservation response.

If the applicant had adopted this suggestion it would have significantly reduced the open aspect of the site by extending the building line when viewed from Old Midford Road and further enclosed the adjacent garden of Fieldgate Cottage, so we are pleased that he rightly chose not to do so.

The objection comment is summarised as follows:

Still don't like the garden facing wooden cladding. It will look cheap and out of character with the immediate village architecture. Bath stone would look so much better.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

CP6: Environmental Quality

CP8: Green Belt

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

GB1: Visual amenities of the Green Belt

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

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

DW1: District Wide Spatial Strategy

D5: Building design

GB3: Extensions and alterations to buildings in the Green Belt

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

NATIONAL POLICY:

The updated National Planning Policy Framework (NPPF) was published in September 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Green Belt
- Character and appearance
- Heritage
- Residential Amenity
- Highway Safety

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

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

Paragraph 147 of the National Planning Policy Framework 2023 (NPPF) set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF continues at paragraph 149 by indicating that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The extension of a building provided that it does not result in disproportionate additions over and above the size of the original building, is listed as one of the exceptions.

Policy GB3 of the Placemaking Plan for Bath and North East Somerset mirrors the above, stating that proposals to extend or alter a building in the Green Belt will only be permissioned provided they do not represent a disproportionate addition over and above the size of the original building. Policy CP8 of the Bath and North East Somerset Core Strategy also provides that the Green Belt will be protected from inappropriate development.

Further guidance is set out in the Existing Dwellings in the Green Belt - Supplementary Planning Document (the SPD). Amongst other guidance, this sets out that in many circumstances a well-designed extension resulting in a volume increase of about a third of the original dwelling would be more likely to be acceptable.

In this instance the proposed extension represents a volume increase of approximately 72m³ equivalent to an increase of 22.4% over and above the original building volume of 324.5m³. The proposed development therefore constitutes a proportionate addition to the host building and is not inappropriate development in the Green Belt. By virtue of its

nature and scale the addition is not considered to be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the Core Strategy, policy GB1 of the Placemaking Plan, policy GB3 of the Local Plan Partial Update and part 13 of the NPPF.

DESIGN, CHARACTER AND APPEARANCE:

Policies D1, D2 and D3 of the Placemaking Plan and Policy D5 of the Local Plan Partial Update 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. Additionally, 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.

The application refers to The Old Post Office, a two-storey dwelling, located at the junction with two roads, Old Midford Road and Tucking Mill Lane. The dwelling has a modest appearance being of traditional Bath stone construction beneath a gabled roof. The dwelling and its curtilage makes a positive contribution to the character and appearance of the street scene within which it is a prominent feature.

Permission is sought for a single storey lean to extension which would project from the rear elevation of the host dwelling by 4m. It would have a maximum height of 2.9m and eaves of 2.7m. It would be formed of Rubble Bath stone, Ashlar Bath Stone and timber cladding beneath a Zinc seamed roof. Whilst the addition would be visible from the public realm, officers consider that the addition's scale, form and materials are appropriate and that the addition responds appropriately to the character and appearance of the host building and wider context.

Additionally, amendments are sought to the pedestrian access arrangements from The Old Midford Road as well as the installation of a timber sash window at ground floor level in the Southwest elevation.

Given its design, siting, scale, massing, layout and materials the proposed development is considered appropriate. The development shall make a positive contribution to the local context to which it responds appropriately. The development maintains the character and appearance of the surrounding area. The proposal shall not adversely affect the natural beauty of the landscape of the designated AONB and accords with policy CP6 of the Core Strategy (2014), policies D1, D2, D3, D4 and NE2A of the Placemaking Plan (2017), Policies NE2 and D5 of the Local Plan Partial Update (2023) and parts 12 and 15 of the NPPF.

HERITAGE:

During the course of the application, it has become apparent that the Old Post Office makes a positive contribution towards the character of the locality and is worthy of recognition as a locally listed heritage asset (LLHA). Its historical significance is largely derived from its contribution to the historic evolution of the village and its function as a Post Office, together with its architectural value as a traditionally built Bath stone house of modest proportions within this semi-rural location. It is acknowledged that a significant amount of historic fabric remains both externally and internally. Its current communal value is less well understood but the site is known to be of value to the local community being in such a conspicuous location on the crossroad.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. It sets out that great weight will be given to the conservation of the district's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified and that proposals affecting such assets should ensure they are conserved having regard to their significance.

Paragraph 203 of the NPPF (2023) set out 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.

During the course of the application a number of amendments have been made to the scheme to overcome the concerns raised by officers and third parties.

Following amendment, it is considered that the proposed development is of an appropriate scale, form and design. The addition would project from the rear elevation of the host dwelling by 4m and be of lean to design with elevations formed of Rubble Bath stone, Ashlar Bath Stone and timber cladding beneath a Zinc seamed roof.

The use of timber for the southeast elevation is considered appropriate given the overall composition of the elevation, ratio of timber to glazing, subsidiary single storey nature of the addition and context of the development. Use of such a material on the southeast elevation in conjunction with the Bath Stone on the other elevations shall visually differentiate the addition from the main dwelling ensuring it appears subservient yet contemporary.

Concerns raised by the Conservation Officer regarding the loss of the bay window feature and the width of the addition would not be addressed. However, given the design and scale of the development it is not considered that the proposal would dominate the host building or result in the loss of its legibility as a historic asset. Counter wise, it is considered that the vernacular character of the property as a modest cottage shall endure and that the loss of the latter bay window addition would be outweighed by the benefits of the scheme which include improving the standard of accommodation afforded by the dwelling for its occupants and the creation of jobs during construction of the extension.

Accordingly, it is considered that the limited harm to the significance of the non-designated heritage asset is justified and as such the proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

RESIDENTIAL AMENITY:

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

Following amendment, the proposal comprises the erection of a single storey lean to with a maximum height of 2.9m and an eaves height of 2.7m. The addition has a depth of 4m.

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

HIGHWAYS SAFETY AND PARKING:

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

The proposed development would result in alterations to the existing pedestrian access arrangement from the Old Midford Lane which can be considered as a benefit of the scheme. The existing steep steps which protrude onto the highway would be replaced with an improved arrangement which is less steep and further from the junction.

Whilst it is noted that the Parish Council consider the proposal may disrupt the safe operation of the highway whilst works are undertaken, Highway Officers state that the proposals are unlikely to have a negative impact on Highway safety and highlight that the applicant shall need to secure an appropriate highway licence for any works which may affect the highway prior to the commencement of development.

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

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Sample Panel - Walling (Bespoke Trigger)

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

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

PLANS LIST:

This decision relates to the following plans:

Received 21st September 2023

006 E PROPOSED ELEVATIONS
005 E PROPOSED PLANS
007 C PROPOSED SECTION

Received 10th November 2022

003 A EXISTING ELEVATIONS
002 A EXISTING FLOORS PLAN AND ATTIC PLAN
183 PLAN-001 A LOCATION AND SITE PLAN

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy - 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

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.

Civil or legal consents

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

Permit/Consent Decision Making Statement

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

Item No: 09
Application No: 23/02958/VAR
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: Application for Variation of Condition

Proposal: Variation of conditions 5 (Bicycle Storage (Pre-occupation)), 7 (Implementation of Landscaping Scheme (Bespoke Trigger)) and 15 (Plans List (Compliance)) of application 23/00895/FUL (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, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs J & S Flavell

Expiry Date: 4th October 2023

Case Officer: Samantha Mason

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

REPORT

Reason for going to committee:

Both local ward members have requested that the application be brought to committee should the officer be minded to permit. The officer is minded to permit. As per the Scheme of Delegation the application was therefore recommended to the chair and vice chair for a decision. The Chair recommended it be heard at committee and the vice chair concurred.

Details of location and proposal and Relevant History:

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 variation of conditions 5 (Bicycle Storage (Pre-occupation)), 7 (Implementation of Landscaping Scheme (Bespoke Trigger)) and 15 (Plans List (Compliance)) of application 23/00895/FUL (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 - PAPNRQ - 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

DC - 23/00895/FUL - PERMIT - 27 July 2023 - Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

HIGHWAYS:

26th Sept: No objection

ECOLOGY:

4th Sept: Evidence of implementation of ecological mitigation and enhancement measures before occupation is required to comply with Condition 8 and to demonstrate compliance with the law and local best practice. It is potentially acceptable on ecological grounds for

some elements of landscaping to demonstrated at a later stage, but this would need to be within a short period of time following completion (1-2 years). Demonstration of compliance with essential ecological mitigation measures for common toad, reptiles and nesting birds, features which require integration into buildings e.g. green roofs and bat roost features and features required to maintain habitat for reptiles and amphibians e.g. tussocky/neutral grassland and habitat piles will be required before occupation. The proposed variation to condition 9 is therefore not acceptable.

Representations Received :

CLLR JOANNA WRIGHT - Please can I request as Ward Cllr for Lambridge that 23/02958/VAR is called into the Planning Committee should you be mindful to give consent.

Please can you add my objection to this planning request on the Planning Portal. I am objecting for the following reasons: Planning consent has previously been given for this development and was based upon the changes made to make the impact smaller and therefore the effect on the site to be less impactful. This new variation proposal puts a 4 bed house on a site that was agreed to be 3 bed which the applicant previously agreed would be reduced because it reduced the impact of the development. This significant change is therefore not in keeping with the planning consent previously agreed and is seen as overdevelopment on a site that sits on the gateway to an Area of Outstanding Natural Beauty. The applicant is also asking for the landscaping and ecology reporting to be loosened with regard to "planting seasons". The impact of this development is already a significant threat to the toad and frog migration and any further changes would impact on the local ecology.

CLLR SASKIA HEIJLTJES - Please can I request as Ward Cllr for Lambridge that 23/02958/VAR is called into the Planning Committee should you be mindful to give consent.

Please can you add my objection to this planning request on the Planning Portal. I am objecting for the following reasons: Planning consent has previously been given for this development and was based upon the changes made to make the impact smaller and therefore the effect on the site to be less impactful. This new variation proposal puts a 4 bed house on a site that was agreed to be 3 bed which the applicant previously agreed would be reduced because it reduced the impact of the development. This significant change is therefore not in keeping with the planning consent previously agreed and is seen as overdevelopment on a site that sits on the gateway to an Area of Outstanding Natural Beauty. The applicant is also asking for the landscaping and ecology reporting to be loosened with regard to "planting seasons". The impact of this development is already a significant threat to the toad and frog migration and any further changes would impact on the local ecology.

BATH PRESERVATION TRUST:

While recognising that the principle of the residential development of the site was secured under previous application 23/00895/FUL, we highlight the following strong concerns with subsequent proposed amendments to the scheme.

The proposed footprint of Plot 2 would be increased by 750mm to the south and 800mm to the east to accommodate a fourth bedroom, and would match the previously proposed floor plan of Plot 3 under application 20/04067/FUL, which was refused and subsequently dismissed at appeal. In the appeal decision notice, the Inspector described Plot 3 as "represent[ing] 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."

Plot 2 was subsequently reduced in scale to a 3-bed dwelling as part of application 23/00895/FUL, which is directly recognised in the Committee Report as submitted: "Plot 2 is now reduced in scale in comparison to the Plot 3 appeal dwelling. [...] It is considered that Plot 2 remains discreet and now addresses the previous concerns of the inspector when considering development levels and plot size." It is noted that direct reference is made to the reduction of Plot 2's built footprint and overall scale, albeit the different context of application 23/00895/FUL in which the overall number of dwellings on the size had been reduced with a more generous plot size per dwelling.

We therefore question whether it is appropriate to increase the scale of Plot 2 back to the original plan form of Plot 3 in application 20/04067/FUL without having gone forwards to Planning Committee in order to come to a fully-informed decision about the appropriateness of the scheme in relation to the scale, form, massing, and layout of the proposed development in relation to its sensitive landscape setting. The progressive alteration of the scale and residential capacity of development through variation of condition would incrementally increase the build-up of the site and undermine the established parameters of development set out in the planning permission as already granted.

We further question proposals to relax Conditions 7 & 9, requiring all hard and soft landscaping works to be completed, and the creation of a post-construction report to ensure the development is compliant with the recommendations and measures of the Ecological Mitigation and Enhancement Scheme, prior to the development's occupation.

The site retains a strong visual connection with its wider landscape setting, and as existing contributes to the semi-rural qualities and appearance of the local streetscape. At appeal, the Inspector summarised the site as being "a gentle transition between urban Bath and neighbouring open countryside designated for its outstanding natural beauty." The success of the proposed development is therefore highly dependent on the delivery and care appropriate soft landscaping works to ensure these thrive and help to embed the development within its distinctive and sensitive landscape context. The attached conditions are essential in ensuring the delivery of appropriate landscaping and ecological enhancement measures, and we emphasise that these conditions and the associated planning controls should not be loosened in order to appropriately mitigate risk of visual and ecological harm, and ensure compliance with Policies NE2, NE2a, NE3, and NE3a of the Core Strategy and Placemaking Plan.

CPRE:

It is the view of CPRE that the original conditions put on the recently permitted planning application are entirely reasonable and this request for a variation should be firmly rejected. It is also disappointing that this application should include proposals for an even

larger building on a site where size and topography make this undesirable and might have been rejected if part of the previous application.

THIRD PARTY COMMENTS:

23 objections have been received, the following is a summary of the points raised:

- Loss of cottage will have negative impact
- Heritage concerns
- Modern dwelling design unacceptable
- Increase in plot 2 unacceptable
- Garden- plot size ratios unacceptable
- Congestion and traffic concerns
- Highways safety concerns
- Visually harmful
- Ecological harm
- No benefits to community
- Profiteering
- Landscape harm
- Overdevelopment
- Harm to residential amenity
- Safeguarding issues
- Relevant appeal history

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 with 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)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

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 applicants are looking to vary conditions 5 (Bicycle Storage (Pre-occupation)), 7 (Implementation of Landscaping Scheme (Bespoke Trigger)), and 15 (Plans List (Compliance)) of application 23/00895/FUL (Erection of two detached dwellings with associated means of access, car parking and associated infrastructure following demolition of existing dwelling and outbuilding (Resubmission)).

Initially amendments to condition 9 (Ecology Follow-up Report (Pre-occupation)) were proposed, however the applicant has now chosen to withdraw this element from the scheme and is no longer proposing any amendments to condition 9. As such the description of development has also been updated accordingly.

Section 73 of the Town & Country Planning Act (1990) states that: 'on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted'.

Therefore, a re-assessment of the scheme, as a whole, is unnecessary and beyond the scope of this application. The only matters that may be considered in respect of the current application are therefore those planning issues raised by the amendments. The planning issues to be considered are therefore:

- Character and appearance
- Residential amenity
- Highways
- Ecology
- Landscaping

CONDITION 5:

The applicants are proposing to vary condition 5 which relates to bicycle storage. Condition 5 of the permitted application states:

'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.'

Cycle storage has been shown on the approved floorplans and as such the applicants consider the condition should be reworded so that further details are not required to be submitted but instead the cycle storage must be in situ prior to occupation. The proposed condition is as follows:

'No occupation of the development shall commence until the secure, covered bicycle storage has been provided in accordance with the details shown on the approved plans. The bicycle storage shall be retained permanently thereafter.'

It is noted also that the proposal plans included with this variation include amendments to bedroom numbers.

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. The proposed development requires the provision of secure, covered cycle parking the following spaces per dwelling are required 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

Plot 1 will continue to be a four-bed dwelling and Plot 2 is proposed to be amended to a four-bed dwelling. This means that four cycle spaces are required per dwelling now. The amended plans show 4 cycle spaces are achieved on Plot 2 within the existing driveway adjacent to the bin store. It is noted that the proposed garages are of a sufficient size to accommodate additional bicycle parking.

Additionally, the highways team have been consulted and raised no objection.

The amendments to condition 5 accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document, and part 9 of the NPPF.

CONDITION 7:

The submission proposes the variation of condition 7 which has regard to hard and soft landscaping. The current condition 7 wording is as follows:

'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.'

The condition was included 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, and in part was recommended by the Council's ecologist.

The submission considers the following reasons as to why the condition should be amended: 'The normal requirement is for an approved scheme of landscaping to be carried out not later than the first planting season following the substantial completion of the development. This may not coincide with the dwellings being ready for first occupation, and it would be neither reasonable nor necessary for first occupations to be precluded pending implementation of the landscaping works. The submission of a programme for implementation is also unnecessary since the trigger is the first planting season. The maintenance periods are also too long and onerous. The normal requirement for maintenance of a landscaping scheme is five years. Moreover, to require all hard and soft landscape works to be retained for the lifetime of the development is onerous since that time period may exceed the reasonable life expectancy of the plant species and/or materials concerned.'

The applicants therefore propose the following condition wording:

'All hard and soft landscape works shall be carried out in accordance with the approved details, including the requirements for ecology and habitat provision, no later than the first planting season following the substantial completion of the development.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the 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.'

Officers considers that amending the condition to be carried out prior to the first planting season actually reduces the scope and flexibility of the condition. and that the current wording includes either prior to occupation or in accordance with a programme of implementation, therefore at a later date the applicants could submit a programme of implementation through a discharge of condition that was in line with the first planting season. This is the Council's standard condition wording and significant justification has not be given to deviate from it.

Additionally, the Council's standard wording also refers to any trees that have died, are removed, damaged or diseased to be replaced within the first 10 years of development. This time frame is considered appropriate to allow the trees time to bed in and succeed. Five years is not consider sufficient as the immature trees could still fail beyond that time frame.

The Council however do concur that to require all hard and soft landscape works to be retained for the lifetime of the development is onerous and that the justification that the

time period may exceed the reasonable life expectancy of the plant species and/or materials concerned is reasonable. The Council would therefore accept amending the decision to remove that element alone. The updated condition 7 will therefore read:

'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.'

CONDITION 15:

Condition 15 is the plans list. The proposal seeks a number of amendments to the design of the proposal as follows:

- Increase in footprint of plot two by 750mm to the south and 800 mm to the east
- Resulting in internal amendments that create a further bedroom
- Minor changes to doors on east elevation

Character and Appearance:

In 2020 an application (20/04067/FUL) was refused at the site by committee and appealed by the applicant. The inspector upheld the committee decision and dismissed the appeal. In their decision the inspector found that the dwelling located in the location of the current plot 2 was of a large overall footprint upon an individual plot of somewhat restricted size.

In the assessment and report of the subsequently permitted application 23/00895/FUL, the officer stated the following: '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.' The officer was satisfied that the inspectors previous concerns had been addressed.

The variation seeks to increase the footprint of Plot 2 so that it will reflect the size of the dwelling in this location at appeal stage. The increase in footprint is 750mm to the south and 800mm to the east.

Officers consider this amendment can be supported as the increase in footprint is not significant at less than a metre in only two directions, and the overall plot size of plot 2 is larger than the plot at appeal stage.

The internal alterations are not considered to impact on the character and appearance of the dwelling and are acceptable.

There appears to be shown some minor changes to the design detail of the door openings in the east elevation however the doors are still retained in the same location and similar size.

The proposal changes to condition 15 by reason of its design, siting, scale, massing, layout and materials are acceptable 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.

Residential Amenity:

The amendments result in the footprint of plot 2 extending by 750mm to the south and 800mm to the east, as set out above. The east elevation is the elevation closest to neighbours located at Combe House. As such the proposal will be sited 750mm closer to the neighbours. This elevation does not encompass any windows. A gap is still maintained between the dwelling and the plot boundary, and the dwelling is located adjacent to the lower end of Combe Houses garden. The initial proposal was not considered to result in overbearing impact, overshadowing or overlooking, the amendments are not considered to significantly alter the situation in a way that would lead to any of these impacts either.

Extending the footprint to the south and the minor design amendments to the doors are also not considered to have result in any additional impact to neighbours that would warrant refusal.

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 and Parking:

The highways team have been consulted and have not raised any comments on this part of the scheme.

As stated above the proposed amendments result in plot 2 increasing from a 3-bed dwelling to a four-bed dwelling. Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. 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

The Transport and Developments SPD standards states that garages will not be counted as parking spaces for the purpose of the standards.

As such the maximum number of parking spaces required for plot 2 is now three spaces. The parking arrangements are not proposed to be altered. There remains the ability for two cars to be parked on the driveway and one garage space. Garage spaces are not

counted within the parking standards as set out with the Transport and Development SPD. Therefore, two spaces remain to be provided for the purposes of the standards, as the standards are maximums and not minimums this is acceptable.

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.

Conclusion on amending condition 15:

As such the proposed amendments to condition 15 via the changes to the plans list are considered acceptable.

CONCLUSION:

Condition 5 will be amended as requested, condition 7 will be amended in part, and condition 15 plans list will be amended. The application is therefore 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 plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with policy 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 the secure, covered bicycle storage has been provided in accordance with the details shown on the approved plans. 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.

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:

This decision relates to the following plans:

Plans Received 7th March 2023:

07 Mar 2023 P00 Existing - Site Location Plan

Plans received 15th March 2023:

15 Mar 2023 P05 Plot 1 Basement Floor Plan

15 Mar 2023 P06 Plot 1 Proposed Lower Ground Floor Plan

15 Mar 2023 P11 Proposed Plot 1 East Elevation [4]

15 Mar 2023 P19 Proposed Lighting Strategy

15 Mar 2023 P20 Proposed Street Elevation
15 Mar 2023 P21 Proposed Section Cc
15 Mar 2023 S01 Existing- Topographical Site Plan And Se
15 Mar 2023 S02 Existing Elevations
15 Mar 2023 S03 A Demolition Site Plan
15 Mar 2023 S04 Existing - Floor Plans

Plans received 1st May 2023:

01 May 2023 P07 A Plot 1 Proposed Upper Ground Floor Plan

Plans received 11th May 2023:

11 May 2023 P04 A Proposed Site Sections
11 May 2023 P08 A Plot 1 South Facing Elevation (1)
11 May 2023 P09 A Plot 1 West Facing Elevation (2)
11 May 2023 P10 A Plot 1 North Facing Elevation (3)
11 May 2023 P11 A Plot 1 East Facing Elevation (4)
11 May 2023 Sk05 Rev B Swept Path Analysis For Large Car Turning
11 May 2023 Sk12 Swept Path Analysis For Ambulance Turning

Plans received 9th August 2023:

09 Aug 2023 P02b Proposed Site Block Plan Plot 2
09 Aug 2023 P03b Proposed Setting Out Site Plan Plot 1 And 2
09 Aug 2023 P12a Proposed Floors Plan Plot 2
09 Aug 2023 P13b Proposed Elevations Plot 2
09 Aug 2023 P14b Proposed Elevations Plot 2
09 Aug 2023 P15a Proposed Section Plot 2

Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy - 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

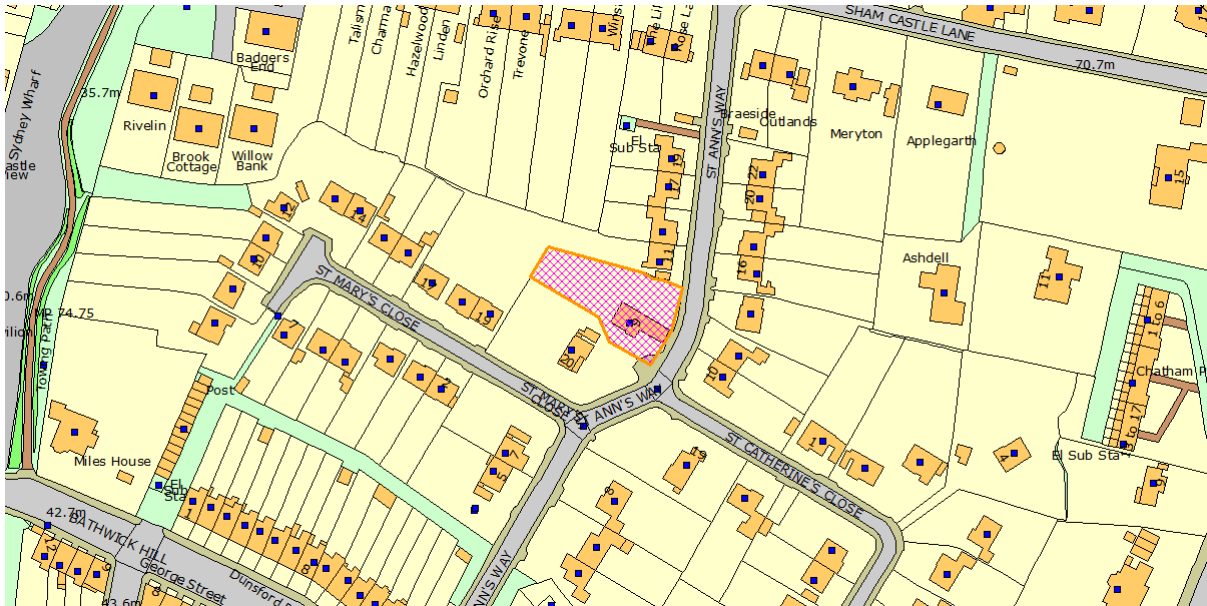
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply 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

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: 10
Application No: 23/02496/FUL
Site Location: 9 St Ann's Way Bathwick Bath Bath And North East Somerset BA2 6BT



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Manda Rigby Councillor Toby Simon
Application Type: Full Application
Proposal: Erection of single storey rear extension, two storey and single storey side extension (replacing existing), internal re-organisation and extended loft conversion (including new dormers).
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, MOD Safeguarded Areas, Ecological Networks Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Truman
Expiry Date: 20th October 2023
Case Officer: Christine Moorfield
To view the case click on the link [here](#).

REPORT

This application is presented to committee in accordance with the scheme of delegation as the applicant is an employee of BANES.

This application is for the erection of single storey rear extension, two storey and single storey side extension (replacing existing), internal re-organisation and extended loft conversion (including new dormers).

HISTORY

DC - 04/02351/FUL - PERMIT - 25 November 2004 - Erection of single storey garage and study following demolition of existing garage and partial demolition of boundary wall to create vehicle access.

DC - 05/00943/PDQ - QNR - 21 March 2005 - Dropping kerb to improve access over pavement to garage.

DC - 09/00147/TCA - NOOBJ - 27 February 2009 - Pruning of 2 Leylandii trees, and 1 Eucalyptus

DC - 17/01004/FUL - PERMIT - 26 April 2017 - Erection of single storey side extension and first floor extension above existing study and garage.

DC - 23/00475/TCA - NOOBJ - 9 March 2023 - Bay - dismantle to near ground level, leaving young shoots to allow re-growth.

DC - 23/02496/FUL - PCO - - Erection of single storey rear extension, two storey and single storey side extension (replacing existing), internal re-organisation and extended loft conversion (including new dormers).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No third party comments have been received.

DRAINAGE

No objection on flood risk grounds.

HIGHWAYS

No objection

Vehicle Parking

The site currently has off-street vehicle parking in the form of a garage accessed via a footway crossover from St Ann's Way. The dimensions of the garage are 4.1m x 4.8m which is considered suitable for the storage of one vehicle. There are no changes proposed to the existing parking arrangements under the current application and as such one space is retained under the scheme proposals.

The proposals result in a decrease in the number of bedrooms listed at the dwelling, from five bedrooms to four bedrooms. As such, TDM accepts that there is unlikely to be any material increase in the demand for parking as a result of the proposed development and retention of the existing parking arrangements is therefore acceptable.

Adopted vehicle parking standards, as outlined in the B&NES Transport & Developments (T&D) Supplementary Planning Document (SPD) requires a dwelling of three or more bedrooms in Zone B to provide no more than 1.5 parking spaces. The provision of one parking space on-site is therefore in accordance with adopted standards.

Paragraph 4.6.4 of the T&D SPD states that garages will no longer be permitted as part of parking supply for residential development (except where a dwelling is 400m within a Controlled Parking Zone, which is not the case at this location). However, given that the

only parking associated with the site is a garage, and that this is an existing arrangement, the continued use of a garage for parking is accepted in this instance.

TDM acknowledges that many of the rooms in the existing and proposed dwelling could be brought into use as bedrooms in future, however given the that the number of listed bedrooms is high, if these rooms were to be brought into use as bedrooms this would be unlikely to result in a material increase the demand for parking associated with the site. If there was to be an increase in on-street parking, this would be unlikely to contribute towards haphazard, informal or inconsiderate parking behaviours and their associated effects in accordance with Policy ST7 of the LPPU.

The applicant is advised that the B&NES ULEV charging standards for a 'single dwelling' are in accordance with Approved Document S of The Building Regulations 2010. The applicant will therefore be required to provide ULEV charging to achieve Building Regulations approval and as such TDM is satisfied that the provision of ULEV charging does not need to be secured by way of a planning condition.

Bicycle Parking

Bicycle parking should be provided in accordance with adopted parking standards, as outlined in the T&D SPD, which requires the proposed development provide storage for at least four bicycles. The garage which will be retained under the proposals is considered to have sufficient dimensions to accommodate both a vehicle and bicycle storage in accordance with this standard and as such the bicycle parking arrangements are accepted.

TREES

Initial comments made

No tree information has been provided, trees are a material consideration to development as per the Town and Country Planning Act with there being a duty to retain good quality trees as described in BS5837 (Trees in relation to design, demolition and construction - Recommendations) and as per B&NES policy NE6.

The location is within the Conservation Area of Bath. There are mature trees in close proximity with the house. Without consideration (and practical protection) these trees are at risk of harm as the works to the property will require access and working space, likely require the use of mechanised plant and require storage. Due to the lack of information I would like an BS5837 tree survey carried out in order to inform/create a Tree Protection Plan and possibly the design. Should any works require use of the Root Protection Area an Arb Method Statement will be required and can be a pre commencement condition.

ECOLOGY

No objection subject to conditions.

The proposed development site is in a well-vegetated residential area surrounded by housing with mature trees and gardens. There are designated Sites of Nature Conservation Interest to the east and west including the Kennet and Avon Canal 250m to

the west and "Cleveland Walk and North Road Grasslands" SNCI 300m to the east. There are records of bat roosts in other similar residential buildings in the locality including one within 150m from the development site. The overall site provides suitable conditions for and is likely to be used by bats which will pass through and forage within the area. The nature of the building with tiled roofs, vegetated conditions around the site and nearby habitats of high suitability for bats, indicate a reasonable risk of use of the site and potentially the building by bats.

A bat mitigation strategy has been submitted in response to previous comments and is considered appropriate. In the event of a roost being present it is considered that adherence to the strategy and implementation of the proposed mitigation and compensation measures would ensure that that conservation status of any affected species would not be harmed, therefore this test of the habitats regulations would be met. I have no reason to believe the other two tests of the habitats regulations would not also be met ("imperative reasons of over-riding public interest", and "no satisfactory alternative solution") and an EPS licence obtained.

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

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

D5: Building design

D6: Amenity

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

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

Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

SUPPLEMENTARY PLANNING DOCUMENTS:

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

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

NATIONAL POLICY:

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

CONSERVATION AREAS:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Character and Appearance

This application is for the erection of single storey rear extension, two storey and single storey side extension (replacing existing), internal re-organisation and extended loft conversion (including new dormers).

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

Residential Amenity

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

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.

World Heritage Site

The proposed development is within two World Heritage Sites; therefore, consideration must be given to the effect the proposal might have on the outstanding universal values of the World Heritage Sites and their setting. In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values or the setting of the World Heritage Sites. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan part 16 of the NPPF.

Conservation Area

The necessary site notice has been erected on site.

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

Trees

An assessment of the site has not been made by a suitably qualified person in respect of the possible impact on trees and this needs to be done. The trees need to be inspected and their condition assessed to give them a retention categories, following this the detrimental effects of trees need to be considered/designed into the property (gutter covers etc) Here trees are likely to be considered a nuisance by residents (and resented) if issues of shade, algae on surfaces & leaves/detritus nuisances go on to compromise living standards. An Arb Implications Assessment/Arb Method Statement is needed to assess such issues.

Information in respect of the need to have a Root Protection Area so the RPA is protected from construction damage is also needed. Construction within the RPA will need foundations that don't sever all the radiating roots on one side (pile and beam as opposed to strip). The technicalities could be overcome with an Arborists assistance. A Pre-commencement condition in respect of the submission of an arboricultural method

statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained will be necessary.

The applicant has agreed to such a condition.

Ecology

Following comments from the Councils Ecologist further information was submitted. The "Preliminary Bat Roost Assessment" submitted categorises the building as supporting "low" roost potential which would require further bat survey. The further survey required would not be able to take place until the next bat-active season (next summer).

The report therefore recommends instead consideration to using an ecological clerk of works (licenced bat worker) to be present at and to supervise works, and that if any signs of bat roosts are found during works, works would then cease until an EPS licence is obtained.

The suggestion that works are overseen by a qualified person is not accepted by the LPA as it stands as there remains a reasonable risk of use of the building by bats for roosting, and if a roost is present the LPA must be confident, prior to issuing any consent, that for bats or their roosts that may be impacted by a scheme, the "three tests" of the Habitats Regulations would be met and a European Protected Species licence would be obtained. At present due to surveys being incomplete there is insufficient information available to have confidence in bats /roosts being absent.

Therefore, it must be assumed that a bat roost may be present and may potentially be impacted by the works, and that an EPS licence would then also be required. In that case it is also then necessary for the LPA to ensure (prior to issuing any consent) that the "three tests" of Habitats Regulations can be met - ie. that the conservation status of any affected species will not be harmed; that there is no satisfactory alternative solution, and that there are "imperative reasons of over-riding public interest".

Prior to the submission of the latest Bat Mitigation Strategy, the ecologist considered that there was insufficient information to demonstrate that in the event of a bat roost or roosts being present, that the conservation status of the affected species would not be harmed, and the LPA could not be confident that an EPS licenced would be obtained nor that bats and their roosts would not be harmed.

The Councils Ecologist suggested that either:

1. A report of completed further bat emergence / dawn survey during the bat-active season in accordance with the current best practice guidelines, together with details of proposals for any necessary mitigation and compensation measures be carried out;

Or:

2. More information to inform consideration to a precautionary approach, to include details of proposed bat mitigation and compensation scheme.

A bat mitigation strategy has now been submitted and reviewed by the Council's Ecologist. Subject to conditions ensuring the strategy is implemented the proposals the ecologist is satisfied that the conservation status of the species will not be harmed and that this test is passed. In respect of the other two tests, it is considered that there is no satisfactory alternative as there would be no reasonable way to deliver the required development without harming the bat roost and it cannot be kept in-situ. Furthermore, it is considered that there are overriding reasons in the public interest arising from the improvements to the living conditions in this property which justify the loss of this roost.

In light of the above, there is no objection to the proposal on ecological grounds.

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

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). This application is for a householder development and BNG is not required by policy NE3a.

Public Sector Equalities 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 grant 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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed extension complies with the development plan as a whole for the reasons outlined in the report, and there are no material considerations indicating that a decision contrary to the development plan ought to be taken, therefore the proposal is recommended for approval.

RECOMMENDATION- PERMIT

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Arboricultural Method Statement (Pre-commencement)

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should").

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

4 Bat Mitigation Strategy (compliance condition)

The development hereby approved shall be carried out only fully in accordance with the approved Bat Mitigation Strategy by AllEcology dated October 2023 and as shown in the drawings of "Plan 2" of Section 3 of the Bat Mitigation Strategy, and in accordance with Sections 5.8, 5.9 and 5.4 of the approved Preliminary Bat Roost Assessment report dated September 2023 by AllEcology. All measures shall be fully adhered to, and retained and maintained thereafter for the purpose of wildlife conservation. Should any part of the Bat Mitigation Strategy fail to be adhered to or correctly implemented, ecological remediation measures shall be implemented in accordance with a remediation plan produced by a

suitably experienced professional ecologist (licenced bat worker) that will have first been submitted to and agreed in writing by the LPA. Should works for the development hereby approved be delayed and not commence before Spring 2024 further bat surveys as recommended in Table 5 of the approved Preliminary Bat Roost Assessment shall be carried out prior to commencement of works and the findings reported to the LPA.

Reason: to avoid harm to ecology including protected species and to avoid net loss of biodiversity

5 External Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)

No new external lighting associated with the development hereby approved shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; 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.

6 Ecological Compliance Statement (Pre-occupation)

Within six months of occupation of the development hereby approved a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to and completion of the Bat Mitigation Strategy in accordance with approved details, shall be submitted to and approved in writing by the Local Planning Authority. Any part of the Bat Mitigation Strategy found to have not been adhered to or correctly implemented will require ecological remediation measures to be implemented in accordance with a remediation plan produced by a suitably experienced professional ecologist (licenced bat worker) which shall have first been submitted to and agreed in writing by the LPA.

Reason: To demonstrate compliance with the Bat Mitigation Strategy, 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, and to provide enforceability and remediation if applicable.

PLANS LIST:

A17 22 41- S04 and S05

A17 16- P01rev C, P02 rev E, P03 rev F, P04 rev F, P05 rev D, S01, S02, S03 all dated 5th July 2023.

All drainage works to comply with Building Regulations Approved Document Parth H.

Public sewer record indicates that there is a 150mm foul sewer running alongside the property which will be impacted by the proposed extension. Applicant is to contact Wessex Water to discuss their requirements regarding protection of their asset. Work should not commence until formal approval has been granted by Wessex Water, this is in addition to planning permission.

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy - 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

Responding to Climate Change (Informative):

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

Permit/Consent Decision Making Statement

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

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	15th November 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	

AGENDA ITEM NUMBER

APPEALS LODGED

Case Ref: 21/00003/HHEDGE
Location: 23 Rockcliffe Avenue Bathwick
Nature: Hedge is restricting sunlight.
Appeal Lodged: 11 October 2023

App. Ref: 23/00582/FUL
Location: 49 Marksbury Bottom Marksbury Bath Bath And North East Somerset BA2 9HR
Proposal: Construction of new timber framed car port over existing car parking hard standing.
Decision: REFUSE
Decision Date: 15 June 2023
Decision Level: Delegated
Appeal Lodged: 13 October 2023

Case Ref: 20/00001/HHEDGE
Location: Church Farm Cottage Penn Hill Lane Queen Charlton
Nature: Approx 45ft high and very wide trees blocking light, tv signal and electricity cables.
Appeal Lodged: 20 October 2023

App. Ref: 23/00714/FUL
Location: 124 Old Fosse Road Odd Down Bath Bath And North East Somerset BA2 2ST
Proposal: Install dropped kerb and convert the vegetation space to a pavement surface. It is proposed to add a new Electric Vehicle Parking Space at the front of the Property.
Decision: REFUSE
Decision Date: 24 April 2023
Decision Level: Delegated
Appeal Lodged: 25 October 2023

App. Ref: 23/00996/LBA
Location: 14 Sydney Buildings Bathwick Bath Bath And North East Somerset BA2 6BZ
Proposal: Internal alterations to include the adjustment and reposition of bathrooms and kitchen.
Decision: REFUSE
Decision Date: 31 July 2023
Decision Level: Delegated
Appeal Lodged: 30 October 2023

APPEALS DECIDED

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
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 5 October 2023
