

Planning Committee

Date: Wednesday, 10th April, 2024

Time: 11.00 am

Venue: Banqueting Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

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

Permanent Substitutes:- Councillors: Ruth Malloy

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Corrina Haskins

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 39 4435

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

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

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

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

3. **Recording at Meetings:-**

The 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, 10th April, 2024

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 - 10)

To confirm the minutes of the meeting held on Wednesday 13 March 2024 as a correct record for signing by the Chair.

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

There are no site visit applications for consideration.

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 11 - 210)

The following items will be considered at 11am:

1. 23/03610/FUL - 9 Van Diemen's Lane, Lansdown, Bath
2. 23/04499/FUL- 88 Whiteway Road, Whiteway, Bath
3. 23/03554/FUL - Greenways , Stoneage Lane, Tunley, Bath
4. 24/00196/LBA - 31 James Street West, City Centre, Bath

The following items will be considered at 2pm:

5. 22/02169/EOUT - Parcel 4234, Combe Hay Lane, Combe Hay, Bath

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 211 - 216)

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, 13th March, 2024, 11.00 am

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

94 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

95 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

96 DECLARATIONS OF INTEREST

There were no declarations of interest.

97 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

98 ITEMS FROM THE PUBLIC

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.

99 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 14 February 2024 be confirmed as a correct record for signing by the Chair.

100 SITE VISIT 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 the applications under the site visit applications list.

RESOLVED that in accordance with the delegated powers, the applications be

determined as set out in the site visit decisions list attached as Appendix 2 to these minutes.

(1) 22/05081/FUL – 53 Rockliffe Road, Bathwick, Bath

The Planning Case Officer introduced the report which considered an application for the erection of a three-bedroom dwelling with associated landscaping and car parking. She reported that an update report had been circulated in relation to third party comments to delete references to the site being brownfield land and clarifying that officers had not attached substantial weight to the fact that part of the land could be considered brownfield. She gave a verbal update to confirm that the sentence “The dwelling itself has been re-orientated by 90 degrees in comparison to the *refused* scheme” should read “*withdrawn* scheme”.

She confirmed the officers’ recommendation that permission be granted subject to the conditions set out in the report and a Section 106 agreement to secure a financial contribution for off-site trees of £10,681.

The following public representations were received:

1. Andy Harrison objecting to the application.
2. Will Collins, agent, supporting the application.

Cllr Manda Rigby, speaking as local ward member, thanked the Committee for visiting the site and raised the following points:

1. The width of the proposed development was equal to the width of 3 nearby properties, and it was almost as high as it was built up on plinths due to its location in a flood zone.
2. The orientation was counter to all neighbouring properties.
3. The proposed development would not enhance or conserve the conservation area, it would have a detrimental impact on the residential amenity of neighbouring properties due to overlooking, it constituted over development and there would be a loss of local biodiversity.

She urged the Committee to reject the application.

In response to Members’ questions, it was confirmed:

1. It was not known how the proposed development differed in size to the applicants’ existing property but the fact that the applicants were looking to downsize was not a planning consideration.
2. The proposed development would need be built up on plinths to a certain height to comply with flood amelioration measures. This was a safety requirement for all new properties built in a flood zone.
3. The proposed roof would be flat.
4. It was the view of officers that louvres would help mitigate the impact of overlooking.
5. The fact that trees had not been replanted on site in accordance with a previous condition was not a consideration. Enforcement action had not been pursued as the development had not been completed. The current application accommodated as much tree planting on site as space allowed along with the contribution towards off site tree planting.
6. No specific site had yet been identified for the offsite contribution towards tree planting as this would be confirmed at a later stage but there was a

- preference for the trees to be located close to the site.
7. As to whether there was a conflict between good modern innovative design and responding to the local context in the case of this application, it was the view of officers that there was not a conflict, it was a contemporary design, and the height and materials also reflected the locality and therefore did respond to the local context.
 8. The application site had planning permission as a residential garden, but it was also a backland site in a built-up area of Bath and had been assessed as such.

Cllr Toby Simon opened the debate as local ward member. He apologised for not being able to attend the site visit due to another Council commitment but confirmed he was aware of the site. He stated that he was inclined to support the application.

Cllr Shaun Hughes expressed concern about the proposed development as he considered it to be an overdevelopment of the site resulting in a loss of residential amenity and also that the design was not appropriate to the context of a conservation area.

Cllr Eleanor Jackson agreed with these concerns and raised a further concern that there was insufficient green infrastructure and moved that the application be refused. This was seconded by Cllr Lucy Hodge who expressed concern that the application was not policy compliant and would have a significant impact on residential amenity.

Cllr Ian Halsall stated that the contemporary design would fit well into the context, and he did not consider the proposed development to be harmful.

Cllr Tim Warren stated that although he did not have a concern about the principle of development, he was concerned about the height of the proposed development and was unable to support the application.

On being put to the vote the motion was CARRIED (6 in favour, 4 against)

RESOLVED that the application be refused for the following reasons:

1. The proposed development due to its height, scale, massing and footprint would have an adverse impact on the character of the locality and cause some harm to the conservation area.
2. The proposed development would result in unacceptable levels of overbearing and overlooking would have a detrimental impact on neighbouring properties.
3. The proposed development did not maximise opportunities for the provision of green infrastructure within the site.

(2) 23/00537/FUL – 14 Woodland Grove, Claverton Down, Bath

The Planning Case Officer introduced the report which considered an application for the erection of a first-floor extension over an existing single-storey accommodation with ground floor entrance lobby. She confirmed the officer's recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Ralph Nunn objecting to the application.
2. Tom Rocke, co-applicant supporting the application.

Cllr Manda Rigby addressed the Committee as local ward member. She thanked the Committee for visiting the site and reiterated her concerns expressed at the previous meeting that the application was overbearing in terms of design and materials and would have a detrimental impact on the amenity of neighbouring properties.

In response to Members' questions, the case officer clarified the orientation of the development in terms of the light and confirmed that although the proposed extension was large it was subservient to the main dwelling and officers considered the size to be acceptable.

Cllr Toby Simon opened the debate as local ward member. He apologised for not being able to attend the site visit due to another Council commitment and stated that he had considered the application to be a straightforward application but would listen to the views expressed by members following the site visit before making a decision.

Cllr Shaun Hughes expressed concern about the design and materials of the proposed application and stated that it was out of keeping with the character and appearance of the area. He moved that the application be refused. This was seconded by Cllr Ian Halsall who stated that the height of the proposed development would have a detrimental impact on neighbouring properties in The Avenue in terms of being overbearing and resulting in a loss of light.

On being put to the vote the motion was CARRIED (9 in favour, 0 against and 1 abstention)

RESOLVED that the application be refused for the following reasons:

1. The proposed development by reason of its scale and design was out of keeping with the character and appearance of the area.
2. The proposed development would have a detrimental impact on neighbouring properties in The Avenue in terms of being overbearing and resulting in a loss of light.

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

There were no main plans list applications for consideration.

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

In relation to a question about the refusal for a dropped kerb at 23/00714/FUL124 Old Fosse Road, Members were advised that this did not set a precedent in terms of these types of application as there were highway grounds for refusal that were specific to this application.

The Team Manager (Development Management) undertook to give an update on enforcement action in relation to the Roman City Guest House, 18 Raby Place, Bathwick as requested at the previous meeting.

RESOLVED that the report be noted.

The meeting ended at 12.57 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	10th April 2024
RESPONSIBLE OFFICER:	Gary Collins – 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.

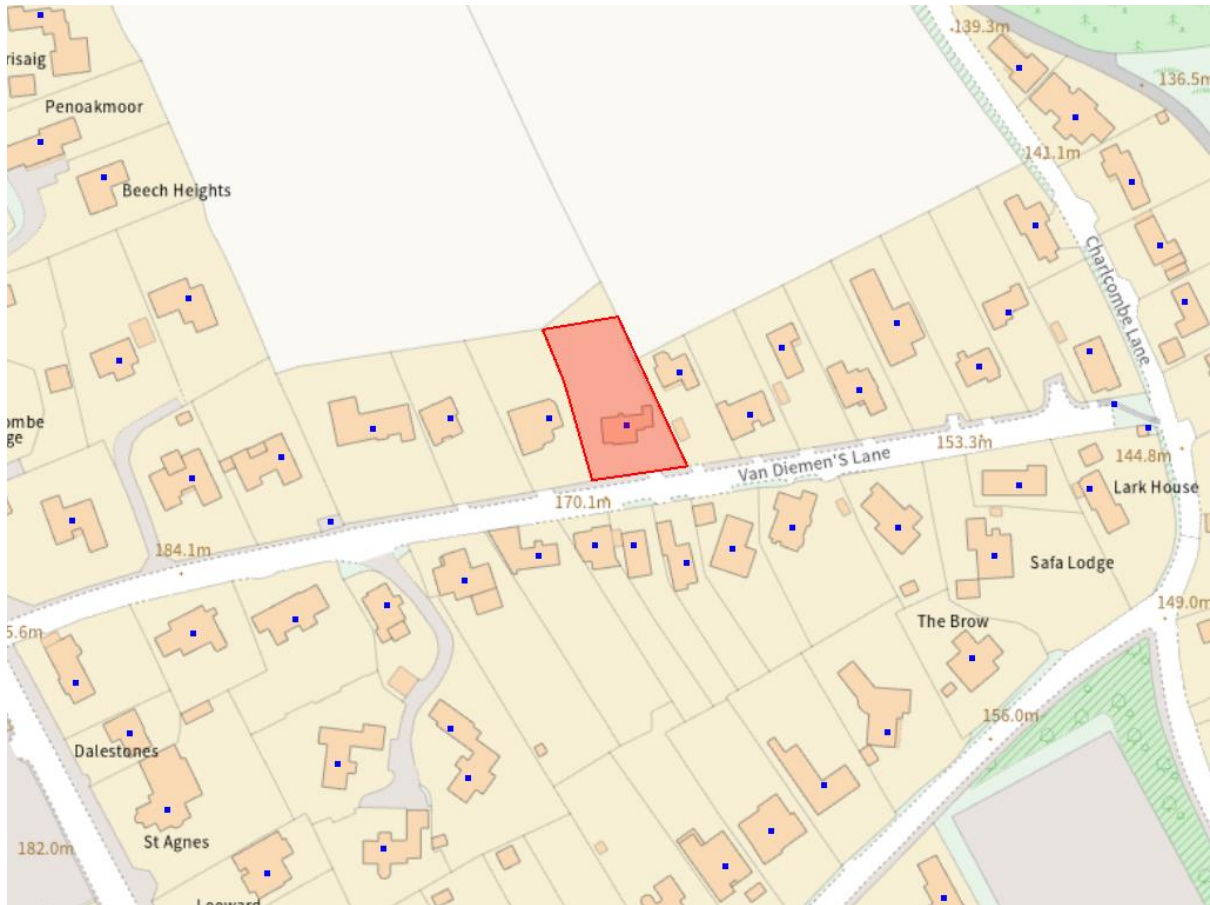
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	23/03610/FUL 21 November 2023	R Hayes 9 Van Diemen's Lane, Lansdown, Bath, Bath And North East Somerset, BA1 5TW Revised gabion walls to the East boundary and revised levels to the lawns in this position.	Lansdown	Sam Grant	REFUSE
02	23/04499/FUL 12 April 2024	Marptree Design & Build LTD 88 Whiteway Road, Whiteway, Bath, Bath And North East Somerset, BA2 2RH Demolition of exiting dwelling and erection of 2 no. semi-detached, 3 no. bedroom dwellings (use class C3).	Southdown	David MacFadyen	PERMIT
03	23/03554/FUL 8 January 2024	Mr Manning Greenways , Stoneage Lane, Tunley, Bath, Bath And North East Somerset Erection of 1no. 2 storey dwelling to replace existing bungalow.	Bathavon South	Angus Harris	REFUSE
04	24/00196/LBA 12 April 2024	Bath & NES Liberal Democrats 31 James Street West, City Centre, Bath, Bath And North East Somerset, BA1 2BT Replacement lead gutter, roofing felt and battens. Re-use existing slate and ridge tiles (with any shortfall made up to match)	Kingsmead	Helen Ellison	CONSENT

05	22/02169/EOUT 12 April 2024	<p>The Hignett Family Trust Parcel 4234, Combe Hay Lane, Combe Hay, Bath, Bath And North East Somerset</p> <p>(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);</p> <p>(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).</p>	Bathavon South	Chris Griggs- Trevarthen	Delegate to PERMIT
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REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 23/03610/FUL
Site Location: 9 Van Diemen's Lane Lansdown Bath Bath And North East Somerset
BA1 5TW



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge

Application Type: Full Application

Proposal: Revised gabion walls to the East boundary and revised levels to the lawns in this position.

Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, SSSI - Impact Risk Zones,

Applicant: R Hayes
Expiry Date: 21st November 2023
Case Officer: Sam Grant

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

REPORT

Reason for Committee:

In accordance with the Council's Planning Scheme of Delegation, this application was called to Planning Committee by the Head of Planning.

Details of location and proposal and Relevant History:

The application refers to 9 Van Diemen's Lane, a two storey detached property, located on a hill in the Lansdown area of Bath. The site is partially within the Green Belt and Cotswolds National Landscape/ Area of Outstanding Natural Beauty (AONB).

Planning permission is sought for engineering and landscaping works to the rear garden of the property to provide multiple levels, including the use of gabion retaining walls. The application seeks to amend an existing development (carried out without planning permission), whilst retaining some of what has been constructed. As such, the application is part retrospective.

Relevant Planning History:

DC 23/01967/FUL WITHDRAWN - Installation of gabion boundary retaining walls to the North East corner of the site and repositioning of the existing retaining wall to the West of the property and extending towards the North boundary (part retrospective). (16.08.2023)

DC 23/01968/NMA APPROVE - Non Materials Amendment to application 20/00274/FUL (Erection of two storey rear and front extensions, single storey side extension and associated alterations). (28.06.2023)

DC 23/01513/NMA REFUSE - Non-Material Amendment to application 20/00274/FUL (Erection of two storey rear and front extensions, single storey side extension and associated alterations). (22.05.2023)

DC 20/00274/FUL PERMIT - Erection of two storey rear and front extensions, single storey side extension and associated alterations (07.01.2021)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

The application was publicised through the posting of neighbour notification letters and the following points were raised within two objection comments.

- Inaccuracy of application documents, specifically relating to land levels.
- Removal of boundary hedging shown on approved plan.
- Overlooking impacts looking from the garden of number 9, into the garden and house at number 10 due to elevated position of property and lack of screening.

- Overlooking opportunities from higher land level to the North Eastern part of the garden.
- General loss of privacy.
- Detrimental impacts of the development on the scenic beauty and character of the immediate and wider area.
- Ecological impacts and lack of mitigation relating to BNG.
- Unacceptable impact on AONB and World Heritage Site.
- Unacceptable loss of wildlife habitats.
- Visual impact of retaining walls but some alleviation by proposed planting.

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
 CP8: Green Belt

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
 D6: Amenity
 GB1: Visual amenities of the Green Belt
 NE2A: Landscape setting of settlements

LOCAL PLAN PARTIAL UPDATE:

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

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

DW1: District Wide Spatial Strategy

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE5: Ecological networks

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) 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:

The site is within the built-up area of Bath where the principle of development is acceptable subject to other material planning considerations discussed below.

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.

Van Diemen's Lane is characterised by a range of properties, many of which have been extended and altered (including the host dwelling) and are of a modern style, relative to many properties within the World Heritage Site. The proposed garden works lie solely in the existing residential garden of the property and will not have an adverse impact on the World Heritage Site.

In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the 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.

It is recognised that the proposed changes to the ground levels within the garden of 9 Van Diemen's Lane would result in some overlooking, which would impact on the neighbouring dwelling (number 10). However, due to the topography of the land, there is a significant difference in land levels between the dwellings at numbers 9 and 10 and their gardens, which has remained unchanged through the redevelopment that has been undertaken to number 9.

Whilst the creation of new levels will provide more useable areas within the garden, and therefore will likely increase the possibility of overlooking somewhat, officers do not consider this to be adversely harmful, given the original land levels, which would have historically provided some overlooking potential when looking to the East.

The proposal is a revised scheme to modify the existing garden design, which is currently unauthorised. Alterations are proposed to the existing gabion wall to the east, lowering the height and thus lowering the area of the lawn closest to the gabion wall and number 10. In addition, the proposed planting closest to the neighbouring property would reduce the likelihood of people using this area of the garden for sitting/other activities and would therefore move activity away from the boundary. This would reduce the possible overlooking from this area, which officers consider to be the most harmful are within the garden, with the current, unauthorised arrangement.

Furthermore, the existing planting along the boundary between numbers 9 and 10 is proposed to be retained and is well established. This provides a level of screening, which will further reduce the overlooking impacts and perception of overlooking from this area of the garden.

The area furthest away from the dwellings is proposed to remain at a higher level than the lawn in the South-eastern corner of the garden, with a graded area of lawn in between. This higher level of lawn is approximately 18m from the edge of the garden of number 10 and does not have any features such as a patio or deck, which would facilitate regular prolonged use. Whilst this doesn't mean that the occupants of number 9 could never utilise this area as amenity space, given the distance from the neighbouring dwelling, any overlooking impacts from this area would not be significant or unacceptable.

The creation of the upper, middle and lower lawns would reduce the perception of overlooking and the lowering of the lawn level closest to number 10 would mitigate against any existing overbearing impacts.

Notwithstanding the proposed landscaping works and creation of different land levels, there would not be any adverse impact in terms of loss of light, resulting from the proposed development.

Whilst it is noted there is existing planting along the boundary between numbers 9 and 10 and this is not proposed to be removed, this planting is located on land outside of the ownership of the applicant. As such, the retention of this planting could not be controlled by this planning application. The Council considers the retention of this planting not to be necessary to consider the proposal acceptable, however, additional planting along the boundary could be secured by condition, but any planting would have to carefully designed not to cause a greater landscape impact.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, or other disturbance. The proposal accords with policy D6 of the Placemaking Plan and part 12 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 application site is not within a flood zone. The applicant has specified that the gabion baskets will aid in the control of surface water run off, which will be beneficial to the agricultural land. No evidence has been provided to demonstrate this and therefore this can be given little weight in the assessment of the planning application. Notwithstanding this, due to the topography of the land beyond the application site boundary and as there is no evidence to suggest that the development will have any additional impact in terms of surface water drainage, it is considered acceptable in this regard.

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.

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). This application is for a householder development and BNG is not required by policy NE3A.

It is noted that the boundary hedge which was previously located along the eastern boundary of the site, was annotated as to be retained, in a previous planning application. A 12m section of the hedge has since been removed beyond the rear of the garden of

number 10. Whilst this should have been retained as part of the scheme for the redevelopment of the property, it is not considered that the removal of this relatively small section of the hedge is unacceptable and it is unlikely to have had an adverse impact on biodiversity in the area.

Whilst gabions do not have specific ecological value, they have been known to provide suitable habitats for some species and it is likely that over time, plants will grow up these (such growth has already occurred in some areas). The applicant has noted the potential of the gabions to provide a habitat for wildlife in their application, though this has not been quantified.

The hedge in question forms part of a residential boundary and as such is not protected under the hedgerow regulations. Therefore, whilst it is recognised that the gabion baskets do not have an equal ecological value to a hedgerow, the removal of the hedgerow doesn't require consent in isolation and therefore is considered acceptable in this instance.

GREEN BELT

The northern portion of the application site (the last 11 Metres of the rear garden) is located within the Green Belt and The Cotswolds National Landscape (Cotswolds Area of Outstanding Natural Beauty (AONB)). Whilst it is unusual for a residential garden to span the boundary of such land designations, the protections offered to land within them is no different in this circumstance. Green Belt policy CP8 reflects the policy contained within the NPPF, while policy GB1 seeks to preserve and enhance the visual amenities of the Green Belt.

Paragraphs 152 and 153 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 154 and 155 by setting out the forms of development that are not considered inappropriate in the Green Belt, one of these being engineering operations. These forms of development can be considered appropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.

In this instance, the existing character of this site is that it is open, and forms the boundary between the 'built-up' city of Bath and the surrounding Countryside. The siting of any built form will have an impact upon the openness of the Green Belt, both spatially and visually.

The proposed engineering operations and the resulting gabion basket wall, by virtue of its scale and design, does not meet any of the exceptions listed at paragraphs 154 and 155. It is therefore harmful by definition as a result of constituting inappropriate development within the Green Belt. The scheme represents further encroachment of built form into the Green Belt and subsequent erosion of openness.

The site can be viewed from a number of public vantage points including, but not limited to, Charcombe lane. Prior to the engineering operations taking place, a view existed of open meadow towards Lansdown and the urban fringes of Bath. Having viewed the site, such views now include a stark 1.8m high gabion basket wall that significantly diminished the sense of openness of this area of the Green Belt. Given its height and siting, the engineering operation and resulting gabion Basket wall is considered to adversely impact the visual amenities and openness of the Green Belt.

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 in Paragraph 153 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.

CHARACTER, APPEARANCE AND LANDSCAPE:

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

The proposed alterations to the garden, use a number of proposed materials, including gabion baskets to form the two lower level retaining walls. It is not unusual for a range of materials to be used in residential gardens, such as Timber, Stone and Concrete and these materials often do not match those of the host dwelling. In this case, the host dwelling is currently a mix of "Re-Con/cast" Ashlar and render (approved material of 20/00274/FUL) and although the proposal would result in the introduction a new material (the gabion baskets) into the rear garden, given the mix of materials already on site and the residential setting, it is considered the use of gabion baskets would be acceptable within the context of a residential garden. It is noted that the submitted plans do not detail the proposed materials of the retaining wall to the west of the site, however, these details could be secured by condition.

However, as portion of the site is contained within the Cotswolds National Landscape (Area of Outstanding natural Beauty), further considerations need to be assessed.

Paragraph 182 of the NPPF makes clear that great weight should be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB). BANES Local Plan Partial Update policy NE2 and BANES Placemaking Plan Policy NE2A infer that development that will not conserve and/or enhance local landscape character, features, distinctiveness and views and that does not avoid or adequately mitigate any adverse landscape impact on landscape will not be permitted.

This area of the AONB can be characterised by meadowland on a steep sided valley, that borders form the urban fringes of Bath up to the Lansdown plateau to the North west and rolling hills to the East. Whilst not openly visible, there are number of vantage points the site can be viewed from. As detailed above, this open meadowland, on the western slope of the valley, now includes a 1.8 metre high gabion basket wall that is considered to create a stark and defined landscape boundary between the City of Bath and its surrounding open countryside.

It therefore follows that the proposed development would result substantial harm to the landscape setting of the Cotswolds National Landscape , and the introduction of substantial built form is inconsistent with the character and distinctiveness of the surrounding landscape of open meadowland and low-level hedging. As such, the proposed development would be contrary to policies NE2 of the Local Plan Partial Update, Policy NE2A and D2 of the BANES Placemaking Plan and the NPPF.

OTHER MATTERS

The objection received from neighbours specifically states that certain conditions of planning permission granted under application 20/00274/FUL cannot now be discharged, due to the existing unauthorised development. Condition 3 of the application relates to external lighting, of which none is proposed through the current scheme. Condition 4 is a pre occupation condition relating to wildlife mitigation and enhancement, which cannot now be discharged as the development has been occupied. This does not however preclude the ability of the Council to assess and determine the current application and any further matters with regard to other conditions of the previously approved development will be dealt with accordingly.

Furthermore, it is noted that the 'existing' drawings show the land levels and arrangement of retaining walls as is currently on site. Whilst this development is unauthorised, it represents the current situation, which officers are satisfied the current proposal can be assessed against. Photographs have been provided to officers of the land prior to the unauthorised work being undertaken, which have been considered in addition to the drawings of the existing situation when assessing the proposed development.

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 153 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 Green Belt and its openness by virtue of the engineering operations (and resulting gabion basket wall) constituting inappropriate development which is harmful by definition and its impact on the openness of the green belt by virtue of its siting, height and massing.

Substantial harm to the landscape setting of the Cotswolds National Landscape, by the creation of a stark and incongruous defined boundary between the city of Bath and the open countryside that surrounds it, and the introduction of substantial built form which is inconsistent with the surrounding landscape character of open meadowland.

Whilst the applicant has not put forward any specific 'very special circumstances', it is acknowledged that the engineering operations to the garden have created a more usable space, as apposed to the steeper slope present prior to the development taking place. However these benefits are limited, private and can be addressed in other ways with less harm to the openness of the green belt. These matters attract limited weight accordingly.

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 NE2 of the Local Plan Partial Update, Policy NE2A and D2 of the BANES Placemaking Plan and part 13 of the NPPF.

CONCLUSION:

It is therefore considered that the proposal is contrary policy CP8 of the Core Strategy, policies GB1 and NE2 of the Local Plan Partial Update, Policy NE2A and D2 of the BANES Placemaking Plan and part 13 of the NPPF. The application is recommended for refusal accordingly.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed development constitutes inappropriate development in, and reduces the openness of, the Green Belt. There are not considered to be any material considerations weighing in favour of the development, nor have any considerations put forward, which are considered to clearly outweigh the harm to the green belt coupled with the other harms identified, so as to amount to the very special circumstances necessary to justify granting permission. Consequently, the proposed development is contrary to policy CP8 of the Core Strategy and Policies GB1, D2 and NE2A of the Placemaking Plan, NE2 of the Local Plan Partial Update, and part 13 of the NPPF.

2 Due to the scale, siting and design, the proposal would harm the local landscape character, features, distinctiveness and views of this part of the Cotswolds National Landscape (AONB). The proposal does not contribute or respond to the local context and does not maintain the character and appearance of the surrounding area. As such it is contrary to policies NE2 of the Local Plan Partial Update, Policy D2 and NE2A of the BANES Placemaking Plan and the NPPF.

PLANS LIST:

1 This Decision relates to the following plans:

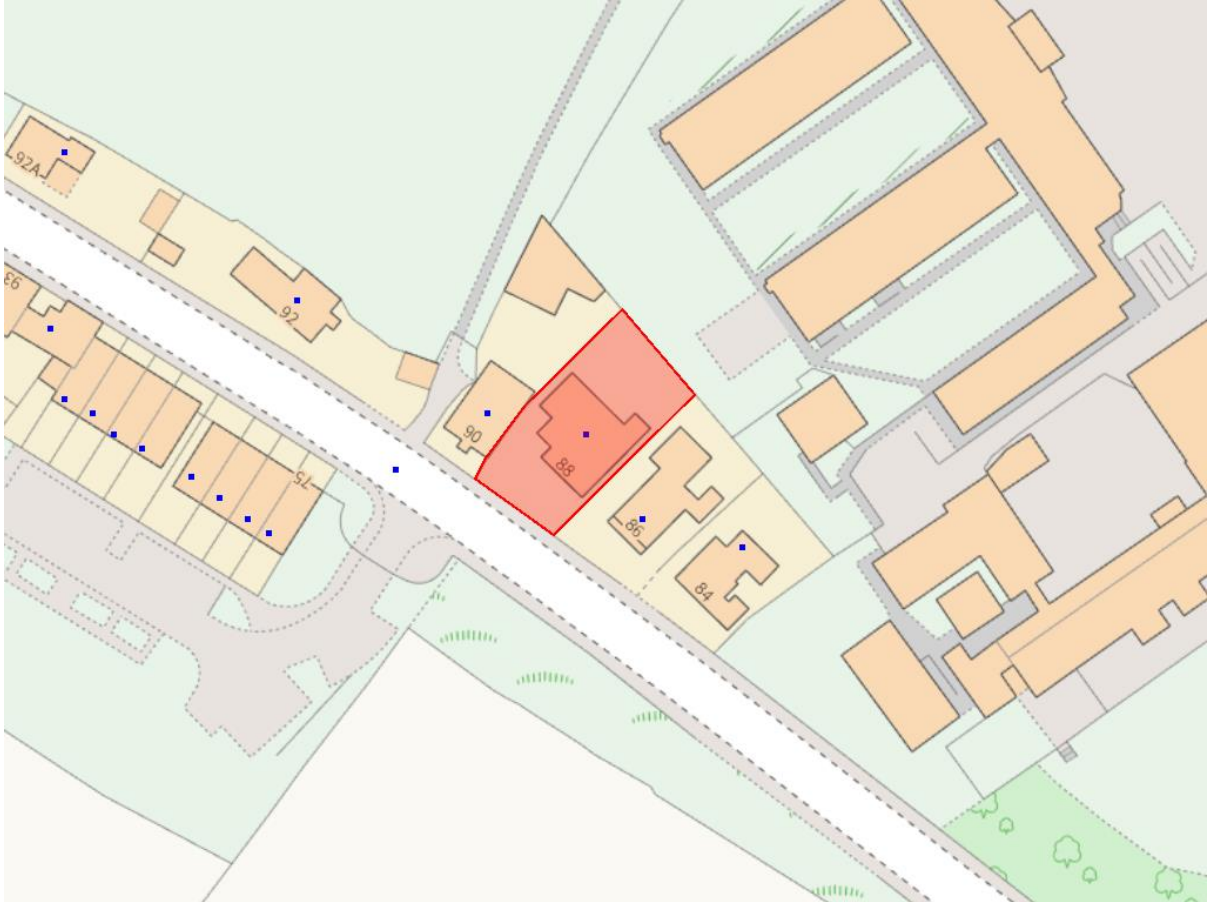
Drawing	26 Sep 2023		SOUTH WEST SURVEYS - LAND OR
THE NORTH OF VAN DIEMENS LANE			
Drawing	26 Sep 2023	002	EXISTING SITE PLAN
Drawing	26 Sep 2023	003	PROPOSED SITE PLAN
Drawing	26 Sep 2023	004	ELEVATION LOCATION PLAN
Drawing	26 Sep 2023	005	EXISTING ELEVATIONS A AND B
Drawing	26 Sep 2023	006	EXISTING ELEVATIONS C AND D
Drawing	26 Sep 2023	007	PROPOSED ELEVATIONS A AND B
Drawing	26 Sep 2023	008	PROPOSED ELEVATIONS C AND D
Drawing	26 Sep 2023	4046 - 11A	WEST RETAINING WALL
OS Extract	26 Sep 2023		LOCATION PLAN

2 Community Infrastructure Levy

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

3 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. 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: 02
Application No: 23/04499/FUL
Site Location: 88 Whiteway Road Whiteway Bath Bath And North East Somerset
BA2 2RH



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero
Application Type: Full Application
Proposal: Demolition of exiting dwelling and erection of 2 no. semi-detached, 3 no. bedroom dwellings (use class C3).
Constraints: Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,
Applicant: Marptree Design & Build LTD
Expiry Date: 12th April 2024
Case Officer: David MacFadyen
To view the case click on the link [here](#).

REPORT

Background

In accordance with the Council's Planning Scheme of Delegation, Southdown ward Councillor Paul Crossley has requested that this application is decided by Planning Committee. The request for Planning Committee decision is based on concerns relating to the impact of development to neighbouring amenity, parking requirements and the level of detail forming part of the application. The request was subject to officers recommending that the application be permitted. The report beneath sets out the Officer's conclusion that the development accords with the Development Plan and recommendation that the application is permitted. Following review by Chair and Vice Chair of the Committee, it has been confirmed that the application shall be decided by the Council's Planning Committee. This report sets out the application background, relevant information, the Officer's recommendation and reasons for this conclusion.

Site Description

The application relates to no. 88 Whiteway Road in Southdown ward, Bath. This is a residential dwelling (planning use class C3) with garden located on a busy main road and circulatory route at the southern edge of the city. The dwelling is a bungalow dating from the 1970s. It is constructed with reconstituted stone walls and a pitched roof clad with concrete tiles. The site has vehicular access from the northern side of Whiteway Road to a driveway. There is a dense Cypress hedge lining the front boundary wall. Neighbouring sites to the east and west (nos. 86 and 90 Whiteway Road) are both two storey dwellings. Roundhill Primary School is located to the rear (north) of the site. Mount Road open space/Twerton Roundhill is located to the north west of the site.

The site is in the 'City of Bath' and 'Great Spa Towns of Europe' World Heritage Sites. Land opposite the site on the southern side of Whiteway Road is Green Belt designated under Policy CP8.

Application

The application seeks full planning permission for demolition of the existing bungalow and redevelopment of the site with a pair of two storey, semi-detached, 3 no. bedroom dwellings (use class C3) and associated works.

The semi-detached pair would be located closer to Whiteway Road than the existing bungalow. The building would be 12m in width by 13.5m in depth. The houses would be staggered, with the west house positioned 1m ahead of the east house. The roofs would be pitched with gables at the east and west sides. The eaves would be 5.7m in height from ground level and ridge would be 8.4m in height from ground level.

The front wall would be constructed with Bath stone including a combination of rubble stone at ground level and ashlar blocks at first floor. At the rear, a single storey kitchen/dining room is proposed at ground level. A pair of flat roofed box dormers are proposed to each house in the rear roof face, serving a proposed roof level master bedroom. The kitchen/dining room and rear dormers would be clad with timber, with side and rear walls finished with render.

Each house would have a single car parking space located at the front of the site. A walled front garden would be located adjacent including bin storage. Cycle parking would be in sheds in the rear gardens to the north of the site. Rear access would be via the passage to the outer side of each house.

The existing Cypress hedge would be removed and landscaping planting including a total of 6 no. native trees, native hedgerow planting and mixed seed lawn is proposed in the front and rear gardens.

Each house would include solar panels on the front roof face and a ground source heat pump system providing renewable electricity and heating, delivering over 100% of predicted energy demand for the homes.

Planning History

There is no recent prior history of planning applications relating to land at the site.

The Local Planning Authority provided pre-application planning advice to the current Applicant in 2022 on an earlier proposal to develop 4 no. flats at the site. The response in relation to the proposals for 4 no. flats was negative due to unacceptable impacts associated with this development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Internal Consultation

Transportation and Highways, Bath & North East Somerset Council:

Transport Development Management (TDM) offer No Objection to the planning application, subject to conditions as outlined below. The applicant will be required to contact the Highway Maintenance Team in relation to securing a Section 184 licence for the alteration of existing and / or provision of a new vehicular access to the development site.

The proposed development is located in Zone B of the Parking Standards Zones, which requires a development of two three-bedroom dwellings to provide no more than 1.5 parking spaces per dwelling. The proposals are for 1 parking space per dwelling, within the maximum permissible level of the parking standards.

TDM is satisfied that there is sufficient room within the curtilage of each dwelling to accommodate the storage of three bicycles in accordance with adopted standards, and requests that the provision of bicycle storage be secured by way of planning condition.

The submitted DAS confirms that each dwelling will have a dedicated external storage area for refuse and recycling containers, which is welcomed. Whilst the submission does not confirm, it is assumed that collection of refuse will be from the kerbside on Whiteway Road. This is considered an acceptable arrangement on the basis of the existing use of the site and neighbouring residential land uses available on Whiteway Road.

Arboriculture, Bath & North East Somerset Council:

No arboricultural objection.

Soft landscape condition apply to secure details of tree planting and implementation of works.

The proposal will require the removal of the cypress hedge to the front of the site and all vegetation present in the rear garden.

No arboricultural objection to the loss of the trees because they have limited arboricultural significance but they do offer screening and soften the appearance of the site.

The Biodiversity Map shows a native tree within a confined planting area with no details of tree species proposed or what soil volume will support its' growth so currently appears unrealistic.

Landscape conditions apply to secure further details for other tree planting on site including nursery size proposed.

Drainage & Flood Risk, Bath & North East Somerset Council (LLFA):

No objection. Proposal will have minimal impact on drainage and flood risk.

Drains will need to be constructed to prevent flow of surface water onto the public highway, or an appropriate permeable surface will need to be used.

Surface water to be managed using soakaways, these to be designed and constructed as per Building Regulations Part H.

Public Consultation

The initial public consultation process included neighbour notification letters being sent to 2 neighbouring addresses and the application was advertised at the planning section of the Council website.

3 responses were received including 2 objections and 1 general comment.

Following revisions by the Applicant to the proposed development, further public consultation was undertaken including notification letters being sent to 4 neighbouring addresses.

A further 4 responses were received, 2 objections and 2 in support of the application.

In total 3 parties have objected to the application, 2 parties have offered support and 1 party has provided general comments.

Public consultation responses are summarised as follows:

- o SAP results are required to confirm SCR6 compliance;
- o The development is oversized and out of proportion and would have an adverse impact on the area's appearance;

- o The development access could cause safety problems on an extremely busy fast moving road and having to cross a well-used footpath;
- o Object to the height of the building in relation to the other properties on this section of Whiteway Road;
- o Proposed height exceeds the roof height of neighbours and this further supports the argument that the development is overbearing and out of character to the surrounding buildings;
- o Overdevelopment of the site;
- o Loss of privacy at neighbouring properties;
- o Loss of light to neighbouring properties;
- o Overbearing impact to neighbouring properties;
- o Disclaimer on plans causes concerns for accuracy;
- o Damage to neighbouring properties during construction;
- o Concerns proposed tree roots will damage neighbouring properties;
- o Concerns landscaping will be removed by owners following completion;
- o Overspill parking on Whiteway Road will cause congestion and highway safety issues;
- o Concerns regarding permeability of driveway creating drainage and flooding issues;
- o Proposal would bring a derelict site back into positive use, which we can only see as beneficial to our local area;
- o Removing the existing building this will greatly improve the current appearance of the site; and
- o Build would drastically improve the area

POLICIES/LEGISLATION

National Legislation:

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

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

National Policy:

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

Local Plan:

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

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

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

DW1 District-wide Spatial Strategy

SD1 Presumption in favour of Sustainable development

SCR2 Roof Mounted/Building Integrated Scale Solar PV

SCR5 Water Efficiency
SCR9 Electric Vehicles Charging Infrastructure
CP5 Flood Risk Management
SU1 Sustainable Drainage
CP6 Environmental Quality
D1 General Urban Design Principles
D2 Local Character & Distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public Realm
HE1 Historic Environment
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE2A Landscaping Setting of Settlements
NE3 Sites, Habitats and Species
NE3a Biodiversity Net Gain
NE5 Ecological Networks and Nature Recovery
NE6 Trees and Woodland Conservation
CP7 Green Infrastructure
NE1 Development and Green Infrastructure
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
PCS5 Contamination
ST1 Sustainable Transport
ST7 Transport Requirements for Managing Development and Parking Standards
B1 Bath Spatial Strategy
B4 The World Heritage Site and its Setting
BD1 Bath Design Policy

Supplementary Planning Documents and relevant planning guidance:

Planning Obligations SPD (2023)
Transport & Development SPD (2023)
Sustainable Construction Checklist SPD (2023)
The Setting of the City of Bath World Heritage Site SPD (2013)
Bath City-wide Character Appraisal SPD (2005)
Bathscape Landscape Character Assessment (2017)

Low Carbon and Sustainability Credentials

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Assessment

Principle of Development

The application seeks full planning permission for demolition of the existing 3-bedroom detached bungalow and redevelopment of the site to host a proposed semi-detached pair of two storey (plus roof accommodation) three-bedroom homes.

The development would be a small scale, urban intensification development. As the site is not specifically allocated for development in the Local Plan, the proposals would create a windfall housing site. The development would predominantly relate to previously developed land, insofar as it relates to the footprint of the existing bungalow, but also include some residential garden land.

The site is inside the urban area of Bath as defined by the Green Belt boundary. The Green Belt boundary is located opposite the site, on the southern side of Whiteway Road. It is therefore an acceptable location for residential development in accordance with Policy B1 (Bath Spatial Strategy) of the Local Plan. Development in this location would reduce the need to develop greenfield sites, reduce the need for urban sprawl and deliver housing in a location with convenient and sustainable access to existing employment, services and public transport facilities. This accords with strategic objectives for residential development set out in policies DW1, SD1 and B1 of the Local Plan.

The Local Plan identifies that 1,150 homes will be created in the plan period through small scale urban intensification developments such as this. The proposals would create 1 additional home, making a small scale, but positive contribution to Bath & North East Somerset's identified housing need and targets.

In accordance with para. 70 of the National Planning Policy Framework (NPPF, 2023), the Local Planning Authority should support the development of windfall sites through their policies and decisions - giving 'great weight' to the benefits of using suitable sites within existing settlements for homes.

As a previously developed site within the urban area, the site would accord with this objective and the benefit of creation of an additional home. Due to the small project scale, this could be built-out relatively quickly, and must therefore be given great weight in decision making by the Local Planning Authority.

The principle of urban intensification to create additional housing at this accessible, urban location is supported by national and local planning policy. Compliance with other policy

requirements in the national and local policy frameworks relating to the detailed impacts and requirements for development will be addressed in turn beneath.

Appearance, Character, Design & Heritage

Para. 131 of the NPPF states that:

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

Policies D1-D10 of the Local Plan guide high quality design in the district; they have regard to the character and appearance of a development and its impact on the character and appearance of the wider area.

The site is located within the City of Bath and Great Spa Towns of Europe World Heritage Sites. Policy B4 of the Local Plan sets out that:

"There is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity."

Policy BD1 (Bath Design Policy) of the Local Plan requires development proposals in Bath are informed by Bath design values in their urban design, architectural and landscape approach, in terms of the pattern of development, aesthetics, building form, use, materials and detailing. The height and scale of the proposed development must respect and respond positively to the character of Bath, its heritage and the values associated with it, and important views.

The site is located on Whiteway Road in Southdown ward. This is at the far south of the city, adjacent to the Green Belt and open countryside. This part of the city was developed during the 20th Century as the Southdown neighbourhood expanded outwards. Whiteway Road grew in importance, becoming part of the contemporary southern boundary to the city as well as a main access and circulatory route. The area retains some older late 19th / early 20th Century homes from when the area was in the countryside. These are now joined by mid/late 20th and early 21st century development. Roundhill Primary School is located to the rear (north) of the site.

Predominant architectural patterns on Whiteway Road include a combination of Georgian and Victorian vernacular with some rural Somerset motifs incorporated. Buildings are consistently two storeys in height with pitched roofs. They are typically positioned in regular building lines near the highway, predating current levels of vehicular traffic. Windows are narrow and vertically orientated. Walls are typically stone masonry of local Bath stone ashlar and rubble stone at boundaries. Roofs are traditionally red clay pantiles or slates. The area has spacious and green qualities due to the Green Belt to the south and many recreational open spaces as well as school playing fields.

The existing house at no. 88 Whiteway Road is a detached 3-bedroom bungalow. The building dates from the 1970's and is built with reconstituted stone and a concrete tiled roof. The bungalow is not inkeeping with predominant patterns of scale, height,

appearance, materials or architectural design on Whiteway Road or wider Bath. Due to its diminutive height and dense, screening cypress hedge, the building does not detract from the area. Equally, it is not considered of high architectural quality and it does not contribute positively. No objection is held to the proposed demolition. It is judged that there is an opportunity to enhance the appearance of the area through a more inkeeping and characterful piece of architecture, better reflecting Bath design values.

The proposed re-development involves construction of a pair of semi-detached homes replacing the bungalow. The semi-detached pair would roughly be sited in a similar position to the bungalow. The proposed building would be closer to the street and extend less rearward into the back garden than the current bungalow.

Noting that no. 90 Whiteway Road to the west is located ahead of the current bungalow nearer Whiteway Road, the proposed siting forward would ease the transition in building line on the street. There would be a step at the centre of the semi-detached pair, contributing interest in form and responding to the position of adjacent buildings (nos. 86 and 90 Whiteway Road). This is viewed positively in relation to the existing bungalow that is setback within the site, generating a more inkeeping and transitional response to layout of adjacent buildings.

In relation to the side boundaries, the existing bungalow is positioned nearly level with these. The proposed semi-detached pair would be at minimum 1m away from the side boundaries of the site, providing access to the sides of the building. Other buildings in the area are positioned nearby side boundaries and this arrangement is not viewed to be out of character.

The semi-detached pair would be two storeys in height with pitched roof (including accommodation internally within the roof). The eaves would align with the height of neighbouring eaves and the ridge would be moderately higher than neighbours. The ridge height would be 0.75m taller than no. 90 Whiteway Road to the west. However, the neighbouring property is positioned closer to the street.

Noting that the neighbouring property is closer to the street, it is judged that the buildings will appear of similar overall height when viewed from the public realm. The eaves would be 5.7m from ground level and ridge 8.4m from ground level. These are in line with typical heights for two storey houses and are within the range of houses in the area. Demonstrating this, the modern terraced houses opposite (nos. 75 - 91 Whiteway Road) completed in 2012 on the site of the former Jubilee Public House, are 5.6m high to the eaves and 9.2m high to the ridge. The building proposed would be 0.8m lower than these adjacent houses. Consequently, it is found that the height of the building will appear inkeeping with the area and will avoid appearing over scaled or at odds in the streetscene.

Architecturally, the building would continue themes from the local context such as pitched roofs with raised coped parapet gables, vertically shaped windows and use a mix of stone masonry construction and detailing. The appearance would be a contemporary interpretation of Georgian/Victorian domestic design. This is appropriate to the context at the edge of Bath and within the World Heritage Sites. The appearance and character of the proposed building would be more aligned with Bath design values and the appearance and character of the area than the existing 1970's bungalow. Consequently, the

significance and value of the World Heritage Sites would be at least preserved, and moderately enhanced by the development.

The rear would introduce some timber cladding and flat roofed dormers. These materials are less inkeeping but the location at the rear of the building would have limited prominence and visibility. Overall, it is found that the building would respond positively to local character and appearance, representing an enhancement over the existing building.

The plans include rubble stone walled front garden areas with soft landscaping comprising planting of 6 no. native trees and native hedgerows. The stone boundary walls will appear inkeeping with the street, providing a robust and consistent form of enclosure. The landscaping will embed the development in the context which is notably green, easing the transition to the countryside to the south. Once established, the proposed landscaping will screen and soften the appearance of the development on Whiteway Road. Planning conditions are recommended to secure full details of external building materials as well as implementation and retention of landscaping.

Neighbouring Amenity

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

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

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

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

The development would be located between nos. 86 and 90 Whiteway Road. Roundhill Primary School is situated at the rear (north) of the site.

No. 90 is located to the west of the site and is a two storey dwelling, built level with the shared boundary. It includes a single storey extension at the rear, with rear garden including a large outbuilding.

No. 86 is located to the east of the site and is a two storey, 8-bedroom shared multiple occupancy home (HMO). It includes some living room and bedroom side windows in the west elevation facing the development site.

In relation to no. 90, this property includes no east facing side windows that would face the development site. The house has rear windows in a ground floor extension, roof lights as well as first floor rear windows. No. 90 faces closer to north than the development site which is nearer northeast. This minor difference in orientation offsets the relationship between the sites slightly.

The two-storey part of the proposed building would finish level with the neighbouring ground floor rear extension. The proposed single storey kitchen dining room would project 3.5m beyond. The two-storey part of the proposed building will not breach a 45-degree line from the centre of the nearest first floor window in the rear neighbouring property. This test demonstrates that adequate access to light and outlook will be preserved at the neighbouring property.

The rear windows in the ground floor extension would be located parallel with the two-storey part of the proposed building. The rear windows are therefore unlikely to be affected by loss of light or outlook associated with the two-storey development. Given the upward orientation, the roof lights will maintain unbroken access to skylight, good access to daylight and good outlook.

The proposed single storey rear kitchen dining room element would be 3.5m in depth, 2.8m in height and separated from the boundary by over 1.5m. Taking account of the boundary separation, fencing, vegetation and dimensions of this part of the proposed building, it is not found that harm to neighbouring light and outlook would result.

As a result of proposed two-storey plus attic scale, in comparison to the existing bungalow the proposed development will introduce several new upper floor windows. These will have some intervisibility with the rear gardens of nos. 86 and 90 and will reduce privacy to an extent. Existing privacy levels at neighbouring sites are higher than usual given the single storey scale of the bungalow.

The proposed windows and dormers will not directly face the neighbouring gardens or buildings. Therefore, views at neighbouring gardens would be obtained only when stood directly at the windows. Views would not be possible from other parts of rooms and therefore overlooking is unlikely to be regular or constant.

The resulting relationship of intervisibility between upper floor windows and adjacent rear gardens is not unprecedented in the surrounding area. Indeed, in the reverse scenarios, views from the first floors of both nos. 86 and 90 to the rear garden of no.88 are long established. Consequently, the proposed layout is not found to be one which is exceptional, or that poses unacceptable harm to privacy at neighbouring properties.

In relation to the impact to no. 86 to the east, this neighbouring 8-bedroom HMO includes some living room and bedroom side windows in the west elevation facing the site. The ground floor bedroom windows are located further north than the proposed building. The living room includes multiple side facing windows. Due to both buildings being positioned away from the boundary, there would be around 5m between the proposed two storey building and the adjacent windows. This separation would preserve access to daylight. There would be some overshadowing created but this would be for limited times, mostly later in the day. The windows currently look towards the shared boundary fence and have limited outlook. The 5m separation is judged to be sufficient to preserve acceptable outlook. The development is not found to pose unacceptable harm to living conditions and amenity at no. 86 Whiteway Road.

In relation to Roundhill Primary School situated at the rear (north) of the site, new upper floor windows would allow views in this direction. However, the windows would be at least 15m from the boundary with the school site. The school boundary includes a tall hedge on the school's side. Neighbouring houses nos. 86 and 90 Whiteway Road also include upper floor windows a similar distance from the school site. It is therefore judged that no unacceptable loss of privacy to the primary school would result.

Overall, whilst there would be some change in conditions experienced by neighbouring homes, these are exacerbated because of the limited scale of the existing bungalow. The impacts associated with the proposed development are not assessed to be different in nature to relationships that exist between neighbouring houses in the surrounding area. The harm posed to living conditions and amenity is not found to be unacceptable. Therefore, the development accords with Policy D6 requirements and no policy conflict is identified.

Future Occupants Amenity

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

"with a high standard of amenity for existing and future users".

Policy D6 (Amenity) of the Local Plan requires assessment of amenity relating to proposed development in respect of achieving appropriate levels of privacy, outlook, natural light, noise, odour, traffic and other disturbances for future occupiers of developments.

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

The pair of proposed homes would be 3-bedroom family sized dwellings. The Government's nationally described space standard - technical housing standards for new homes require that 3-bedroom homes with accommodation across three internal levels provide a minimum internal area of 108m². The proposed houses would have internal floor area totalling approximately 140m². Therefore, the homes would exceed the

minimum requirements of the nationally described space standard. This will ensure that the dwellings offer sufficient internal space for day-to-day lives of future occupiers.

The proposed homes would have both front and rear windows serving all habitable rooms, providing access to day light, outlook and natural ventilation to all areas of the homes. This will ensure the internal living environment is light, well ventilated and does not feel enclosed. Each home would have a rear garden approximately 90m² in area. This will provide residents a good-sized area for private outdoor amenity. The gardens would be a similar scale to other homes in the area, such as the modern homes opposite at nos. 75 - 91 Whiteway Road. The site is nearby public open space and the countryside for additional recreational requirements.

In relation to housing accessibility and Policy H7, given that 2 no. dwellings are proposed, it is required that one dwelling is constructed to meet M4(2) accessible and adaptable dwellings standard of the Building Regulations. It is unclear if either home has been designed to accessible and adaptable standard at this stage. To ensure compliance with Policy H7 and supply of accessible and adaptable homes, it is recommended that a planning condition is applied securing delivery of one of the homes to be constructed to accessible and adaptable standard. There is no requirement for wheelchair adaptable housing given the development relates to two houses only. A planning condition securing one of the homes as M4(2) accessible and adaptable will ensure compliance with Policy H7 of the Local Plan.

Overall, the proposed development would provide two new family sized homes, with good sized gardens. The development will have sufficient space, light and outlook to achieve high standards of amenity for future residents. This will accord with para. 135 of the NPPF and Policy D6 of the Local Plan.

Transportation & Highways

Para. 115 of the NPPF states that:

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

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

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

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

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

The Council's Transport & Development Supplementary Planning Document (SPD) (2023) sets out parking standards for different types of development in areas of the District. Car parking standards are maximum standards and cycle parking standards are minimums, to achieve low car developments as targeted by Policies ST1 and ST7.

The site is in the Outer Bath, Keynsham and Salford Zone B parking standard zone. The Transport & Development SPD describes typical conditions in this area as:

"A substantial built-up area with local facilities typically within walking distance. A range of bus routes are available with frequent services and a range of destinations offering practical access to most but not all essential facilities. There is still a well-established network of footways and footpaths providing pedestrian access with some cycling routes and infrastructure available. There are some restrictions to on-street parking and off-street parking is limited."

In this area, 1.5 car parking spaces per 3-bedroom home is the maximum acceptable level of car parking prescribed by the SPD. The development proposes 2 no. three bedroom homes and therefore the maximum acceptable level of car parking for the development is 3 no. car parking spaces. 3 no. cycle parking spaces per 3-bedroom home is the minimum acceptable level of cycle parking.

The development includes 2 no. proposed car parking spaces, allocated one space per home. This is within the maximum acceptable level and therefore compliant with the Council's parking standards.

As recognised in the SPD, the area has a range of local facilities within walking distance including GP surgery, vets, schools, convenience shop, park and open space, gym and leisure centre etc. Regular bus services to the city centre are available nearby from Englishcombe Lane. Given this level of accessibility, it is not judged that multiple car ownership per household is essential in this area. This aligns with strategic Council policy and aspiration to reduce traffic levels and congestion through reducing private car dependency and giving priority to active and low carbon modes of transport such as walking, cycling and public transport.

Concerns have been raised by neighbours that overspill parking or visitors will park outside the site, possibly on pavements, causing highway safety issues. The traffic volumes and strategic importance of Whiteway Road is recognised. If overspill and visitor parking were to occur associated with the development, given the proposals are for 1 no. additional house, it would not be a significant number of vehicles. There are limited parking restrictions in the area and therefore there are local opportunities for safe and considerate parking away from Whiteway Road. Concerns relating to overspill or visitors car parking similarly apply to many other homes on Whiteway Road. There is no evidence available to suggest that overspill or visitor car parking is causing unacceptable impacts on highway safety, or severe road network impacts. Therefore, it is not judged that this issue would be significant enough to warrant the refusal of planning permission for the development.

In relation to cycle parking, this is proposed in sheds shown on plans in the rear gardens. It cannot be confirmed that the sheds provide storage for a minimum of 3 no. bicycles from the plans submitted. However, it is evident that there is sufficient space in the rear

gardens for cycle parking capable of accommodating 3 no. bicycles per home. Level and direct access to cycle parking would be available via the side of the proposed houses. Consequently, the layout is acceptable, and the sites are deemed capable of accommodating compliant cycle parking. Full details of cycle parking facilities, confirming a minimum of 3 no. bicycles per house, would be secured by planning condition. These facilities would enable future occupiers to cycle for transit, reducing the need for private car use and parking. This accords with policy objectives and the development is supported in this regard.

Bin and recycling stores are also shown on plans, in the front garden area and to the side of homes. Bins and recycling boxes can conveniently be manoeuvred from these locations for collection from Whiteway Road. This would be comparable with the existing bungalow and neighbouring homes. The development will therefore include sufficient bin and recycling facilities to preserve the amenity of the area and highway accessibility.

The site represents an accessible location for residential development and the proposals incorporate compliant levels of car parking, cycle parking and refuse storage. No severe adverse highway safety or network congestion issues would be directly result from the development. The proposals accord with relevant policy and are acceptable in terms of transport, highways and accessibility.

Arboriculture

Para. 136 of the NPPF states that:

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible."

Para. 186 of the NPPF states that:

"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists."

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

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

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

The site includes an existing Cypress conifer hedge that lines the street boundary. This would be removed as part of the development. The Council's Arborist has raised no objection to removal, noting limited arboricultural significance of the species, but some screening and softening value.

The development includes soft landscaping proposals for planting of 6 no. trees as well as hedgerows and mixed seed lawn. All planting would be native species, including Cherry, Hornbeam, Birch and Alder in the rear gardens, and Rowan and Field Maple in the front gardens.

Concerns have been raised by neighbours in relation to tree planting potentially causing damage to neighbouring property. The proposed Rowan tree in question is a small growing species considered appropriate for front gardens. This species is unlikely to have roots capable of causing subsidence or damage to masonry structures. The aspiration for all streets to be tree lined as set out in national Government policy is highlighted. The benefits of trees for the appearance of the street, biodiversity, air quality and solar shading are judged to outweigh concerns relating to potential tree root damage.

Ecology & Biodiversity

Para. 180 of the NPPF outlines that:

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

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

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

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

Policy D8 (Lighting) of the Local Plan states that:

"Development will be expected to retain or improve the darkness of rivers, watercourse or other ecological corridors in particular to protect or provide a functional dark route for European protected species. Lighting must be designed to protect wildlife habitats following best practice as set out in current guidance including B&NES 2018 Waterspace Design Guidance and Bats and Lighting in the UK (ILP, 2018)."

Policy NE3a (Biodiversity Net Gain) of the Local Plan requires:

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

The site is located nearby Twerton Roundhill Site of Nature Conservation Interest. The Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) is 2.3 km to the south-east of the site.

A Protected Species Report has been submitted with the planning application, finding no evidence of bats, droppings or further evidence of bat presence discovered during the assessment of the existing building.

The Protected Species Report advises provided that the immediate surrounding habitats are not subjected to the inappropriate use of nocturnal lighting, no impacts to nearby habitats beyond the site boundary are anticipated associated with the development proposals.

No details of external lighting have been submitted with the application. It is not anticipated that external lighting would be required beyond levels associated with the existing use as a single dwelling. To safeguard against inappropriate light spill levels, a planning condition requiring submission and approval of any external lighting scheme prior to installation is recommended. Subject to this measure, harmful affects for protected bat species will be avoided.

No evidence of nesting was discovered during the Protected Species Report assessment. An informative is recommended requiring tree removals to occur outside the bird nesting season between February-August, or by ensuring a site visit is carried out by a suitably qualified ecologist ahead of works commencing.

The proposed development is supported by a scheme of habitat and biodiversity enhancement measures. These include installation of 2 no. bat boxes, 2 no. bird boxes and hedgehog commuting holes in fencing for wildlife habitat enhancement. In relation to biodiversity, the development includes a soft landscaping scheme including proposals for

planting of 6 no. native species trees, native mixed species hedgerows lining garden boundaries and mixed seed lawn. Given the likelihood of low existing biodiversity value associated with the site, these proposals will deliver a significant net gain in biodiversity value for the site.

The Local Planning Authority is satisfied the development will achieve compliance with the Policy NE3A requirement for minor development to deliver "no net loss and appropriate net gain". Implementation of the landscaping, biodiversity and wildlife habitat enhancement measures is recommended to be secured by planning condition.

Sustainable Construction

Para. 159 of the NPPF requires that new development should be planned for in ways that:

"can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."

Parag 160. of the NPPF requires that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
- c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

Para. 162 of the NPPF states that in determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Policy SCR6 (Sustainable Construction Policy for New Build Residential Development) of the Local Plan requires that:

"New build residential development will aim to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Through the submission of an appropriate energy assessment, having regard

to the Sustainable Construction Checklist SPD, proposed new residential development will demonstrate the following;

- o Space heating demand less than 30kWh/m2/annum;
- o Total energy use less than 40kWh/m2/annum; and
- o On site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV."

The submitted Sustainable Construction Checklist sets out that the development will achieve space heating demand and energy use under the Policy SCR6 requirements of 30kWh/m2/annum and 40kWh/m2/annum. In addition, solar panels and ground source heat pumps are proposed for each home, to generate 26.69 kWh/m2/annum. This would more than fully offset (112%) the predicted energy use of 23.72 kWh/m2/annum.

The proposals have demonstrated compliance with Policy SCR6 of the Local Plan. A planning condition is recommended to ensure the final build maintains policy compliance. Subject to this measure, the development will achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. This will contribute to the Council's objectives for net-zero construction, reducing carbon emissions and offsetting the effects of climate change.

Drainage

Policy CP5 (Flood Risk Management) of the Local Plan requires that:

"Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF).

Policy SU1 (Sustainable Drainage) of the Local Plan requires that:

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

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

The site is in an area with low probability of flooding (Flood Zone 1) and very low risk of surface water flooding. Therefore, no flood risk assessment is required with the planning application. As the application is for minor development, no detailed drainage strategy is required in accordance with Policy SU1.

The application indicates that surface water will be disposed of via soakaways. The Council's Drainage and Flooding team have confirmed this is acceptable and Part H of the Building Regulations will soakaways are constructed to appropriate standards. It is

advised that drains will need to be constructed to prevent flow of surface water onto the public highway, or an appropriate permeable surface will need to be used. It is recommended that details of soakaway testing and design, as well as permeable driveway surfacing are secured by planning condition. Subject to this measure, the development will comply with relevant planning policy relating to flood risk and drainage.

Public Sector Equalities Duty

In reaching its decision on the 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.

The Council has discharged its public sector equalities duty in relation to the planning application process, including preparation of the Local Plan and in relation to community involvement in the planning process. Officers have had due regard to relevant protected characteristics when assessing the current application and development. It is concluded that neither granting or the refusal of this application would be likely to specifically impact on protected groups.

Planning Balance & Conclusion

The development would create an additional high standard family sized homes that would make a positive contribution to housing need and supply. The development is judged to represent an improvement in architectural quality over the existing bungalow, appearing more inkeeping with local character. The proposals would be associated with a net gain for biodiversity through native landscape planting including 6 no. new trees, hedgerow planting and wildlife habitat enhancement features. The new homes are proposed to achieve net zero carbon emissions through energy efficiency and on-site renewable generation technology which will benefit the environment and offset the effects of climate change. Officers find these factors provide a compelling package of benefits that weighs strongly in favour of development. The Local Planning Authority is required by national policy to give 'great weight' to the benefits of using suitable sites within existing settlements for new homes. The possible harms associated with the development relating to impact to neighbouring amenity and car parking are not found to conflict with policy and be unacceptable. When considered overall, the benefits are found to significantly outweigh possible harms. Outstanding matters and proposals can be resolved and secured by planning conditions as set out beneath. Overall, the development is found to accord with the Local Plan and there are no material considerations identified that would be so severe to warrant the refusal of permission. Therefore, the recommendation is that the application is permitted subject to conditions.

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 including demolition shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

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

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.

3 Housing Accessibility (Pre-commencement)

Prior to the commencement of development (excluding demolition or site preparation works), a plan identifying 1 no. dwelling forming part of the development hereby approved, that will be constructed to meet the optional technical standards M4(2) (accessible and adaptable dwellings) in the Building Regulations Approved Document M, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

Plan Partial Update (2023). This is a pre-commencement condition as identification of M4(2) dwellings is required prior to detailed design and construction being undertaken.

4 Materials - Submission of Detailed Construction Specifications and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a detailed schedule of proposed construction materials and finishes, and samples (as necessary) of the materials to be used in the construction of the external surfaces (including walls, roofs, windows, doors, lintels, sills, banding, porches, dormers, rainwater goods etc.) have been submitted to and approved in writing by the Local Planning Authority. The schedule must reflect the materials indicated on the approved drawings (drawing nos. P 200-01 REV A and P 200-02 REV A) and shall include:

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

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

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

5 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.

6 Flood Risk and Drainage - Infiltration Testing (Bespoke Trigger)

The development hereby permitted is to manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority.

The soakaways or other approved method of surface water drainage shall be installed prior to the occupation of the development.

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

7 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details (drawing nos. P100-05 REV B Biodiversity Map and P 200-01 REV A East & West Elevations). This shall include planting of 6 no. trees as set out in the Landscaping Scheme hereby approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

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 and Biodiversity Net Gain Compliance Report (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan (Preliminary Ecological Appraisal dated October 2023 by Cotswold Environmental Ltd. and Biodiversity Map drawing no. P100-05 REV B) has been submitted to and approved in writing by the Local Planning Authority.

The Ecological and Biodiversity Net Gain Compliance Report shall demonstrate that all wildlife, habitat and biodiversity enhancement measures proposed at planning stage have been delivered as part of the development. The report shall also include details of:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;

2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

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

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

9 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 and the Sustainable Construction Checklist SPD (2023).

10 Cycle Parking (Pre-occupation)

Prior to first occupation of the development, details of secure, weathertight and illuminated storage for at least 3 no. bicycles per house shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking is installed in accordance with the approved details. The cycle parking shall be retained permanently in accordance with the agreed details 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.

11 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

12 Dwelling Access (Compliance)

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

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

13 Precautionary Working Methods for Bats and Birds (Compliance)

The development shall be implemented in full accordance with the recommendations of the Preliminary Ecological Assessment (Protected Species Report for Bats and Nesting Birds dated September 2023 by Cotswold Environmental Ltd. and Preliminary Ecological Appraisal dated October 2023 by Cotswold Environmental Ltd.) including following measures for the protection of bats and birds:

1. A careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the building and its roof, prior to any works affecting these areas;
2. Active nests shall be protected undisturbed until the young have fledged;
3. Works to the roof and any areas with potential to support concealed spaces or crevices shall be carried out by hand, lifting tiles (not sliding) to remove them, and checking beneath each one.
4. If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.

Reason: To protect nesting birds and bats and prevent ecological harm in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

14 Parking (Compliance)

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

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

15 Bin & Recycling Storage (Compliance)

The bin and recycling stores forming part of the development hereby approved (identified on Proposed Ground Floor Plan drawing no. P 100-01 REV A) shall be constructed in accordance with the approved details and used solely for the purpose of storage of bins, waste and recycling boxes thereafter. Bins and recycling boxes associated with the development shall be returned to the approved store as soon as possible following collection and must not be stored outside the boundary of the site at any time.

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

16 Water Efficiency (Compliance)

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

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

17 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Site Location Plan	1000 1000-E101 REV A	1st December 2023
Site Block Plan	1000 1000-E102 REV A	1st December 2023
Existing Drawings	1000 1000-E103 REV A	1st December 2023
Proposed Ground Floor Plan	P 100-01 REV A	23rd February 2024
Proposed First Floor Plan	P 100-02 REV A	23rd February 2024
Proposed Second Floor Plan	P 100-03 REV A	23rd February 2024
Proposed Roof Plan	P 100-04 REV A	23rd February 2024
Proposed Landscaping Biodiversity Plan	P 100-05 REV A	23rd February 2024
Proposed East & West Side Elevations	P 200-01 REV A	23rd February 2024
Proposed North & North Front & Rear Elevations	P 200-02 REV A	23rd February 2024

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Highways Access Advice Note

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

6 Wessex Water

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

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

7 While this letter refers to planning controls, your attention is drawn to the Wildlife and Countryside Act 1981 as amended and the Countryside and Rights of Way Act 2000. Under these Acts all species of wild birds, their eggs, nests and chicks, are legally protected until the young have fledged. Tree work is best carried out outside the bird nesting season, which typically extends from March until September, although it may begin earlier than this. If work must be carried out within the bird nesting season, a qualified ecological consultant should carry out a detailed inspection to ensure that birds are not nesting in the trees that you are proposing to work on. If nesting birds are present the work must not proceed.

All bats in England are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to kill, injure or take a bat, and damage, destroy or obstruct access to any place that a bat uses for shelter or protection (including trees). This includes bat roosts whether bats are present or not. It is also illegal to disturb a bat whilst it is occupying a structure or place that it uses for shelter or protection.

8 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: 23/03554/FUL
Site Location: Greenways Stoneage Lane Tunley Bath Bath And North East Somerset



Ward: Bathavon South
LB Grade: N/A

Parish: Dunkerton & Tunley Parish Council

Ward Members: Councillor Matt McCabe Councillor Fiona Gourley

Application Type: Full Application

Proposal: Erection of 1 no. 2 storey dwelling to replace existing bungalow.

Constraints: Agricultural Land Classification, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy GB2 Infill Boundary, Housing Development Boundary, SSSI - Impact Risk Zones,

Applicant: Mr Manning

Expiry Date: 8th January 2024

Case Officer: Angus Harris

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

REPORT

The application refers to a detached dwelling at Greenways, Tunley, BA2 0DS. The dwelling is situated within the Green Belt.

Planning permission is sought for the erection of 1no. 2 storey dwelling to replace the existing bungalow.

Relevant Planning History:

DC - 21/03511/FUL - WD - 16 November 2021 - Proposed extensions to the front and side, loft conversion, detached garage/workshop, detached outhouse and widening of access to public highway with installation of gates.

DC - 21/05648/CLPU - LAWFUL - 11 February 2022 - Proposed side extension, rear extension, hip to gable conversion, flat roof rear dormer, out building to the rear garden and roof lights (Certificate of Lawfulness for a Proposed Development).

DC - 22/00781/FUL - RF - 22 August 2022 - Erection of extensions to the front, side and rear. Loft conversion and detached garage/workshop (Resubmission).

DC - 23/00340/FUL - RF - 12 May 2023 - Erection of porch, extensions to the side and rear after demolition, loft conversion, rotate garage roof and outbuilding.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Dunkerton and Tunley Parish Council:

At its meeting on 28 November 2023 Dunkerton & Tunley Parish resolved to support this application as it complies with policies D1, D2, D3, D4, D6, D7, SCR2, CP2, CP3, CP5, CP7, CP8, GB1, GB3, NE2, NE2A and ST7.

The proposed development would contribute positively to the local distinctiveness and landscape structure and would contribute positively to the characteristics of the settlement. Connections by foot, cycle, and by car are catered for by the local public footpaths, bridleways and roads. Therefore it meets the requirements of policy D1.

The proposed design would enhance and respond to natural features, including landscape, green infrastructure, skylines, topography landform and views. The development would reflect the materials, colours, textures, landscape and boundary treatments that are in the local area. Therefore this development would comply with policy D2.

The proposed development is compliant with policy D3 as it would be of an appropriate grain, reflecting local character.

As the car parking on the site would not dominate the design of the development or the public realm the proposed development meets the requirements of policy D4.

The proposed development would achieve appropriate levels of privacy, outlook and natural light. It would not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, adjacent residential premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance. It is assumed that the existing storage and functional arrangements for refuse and recycling are adequate. Therefore the proposal is compliant with policy D6.

This proposed development could be regarded as the infill of a corner plot. It has regard to the character and quality of the surrounding townscape; it reflects the local form, pattern and grain of the area and enhances the local character. As a corner infill it would be appropriate for both the primary and the return frontage in relation to height scale, massing and design and would relate well to the treatment of corner plots within the local context. The proposal to change the principle elevation of the existing property from facing Stoneage Lane, to facing the main road through the village would result in this property no longer being the only one in the village to be built side on to the main road. Therefore the proposed development meets the requirements of policy D7.

As the proposal includes the installation of solar panels on the flat roof of the garden room which would result in the property being energy self-sufficient the planning application is consistent with policy SCR2.

Sustainable design and construction will be integral to this proposed new development. As details via the Sustainable Construction Check List have been provided this application conforms to policies CP2 and CP3.

As the proposed development incorporates a sustainable drainage system to reduce surface water run-off and minimise its contribution to flood risks elsewhere it meets the requirements of policy CP5.

As the existing green infrastructure will be protected the proposal is compliant with policy CP7.

This proposed new build would not adversely detract from the openness of the Green Belt or the visual amenities of the Green Belt and therefore meets the requirements of policies CP8 and GB1.

As the proposed new building is for the same use and not materially larger than the one it replaces it is compliant with GB3.

This proposed new build would conserve and enhance the local landscape character and its setting, landscape features and local distinctiveness. It therefore meets the requirements of NE2 and NE2A.

This proposed development would provide adequate parking for the residents of the property and visitors, there would therefore be no increase in on-street parking. Turning on site would be possible thus allowing for safe access and egress of the site by vehicles. Highway safety would therefore not be prejudiced. The proposal therefore conforms to policy ST7.

As there appears to be little provision for new or improved wildlife habitats and features (e.g. spaces for swifts and swallows; bat bricks) other than a recently planted boundary hedgerow the parish council cannot determine whether this application complies fully with policy D5.

Similarly the parish council cannot make any comment on this proposal's adherence to policy D8 as there does not appear to be any reference to external lighting.

- Updated comments from Dunkerton and Tunley Parish Council received 23.02.24

At Tunley and Dunkerton Parish Council last night, I was asked to call in the decision on this application, if the Officer is minded to refuse it. The Parish Council is very supportive of the application, which has gone through several iterations. They think that it would be a material improvement to demolish a poorly built, aging bungalow, and replace it with an improved dwelling which will be more fit for purpose for the current and future owners, more energy efficient and better environmentally and aesthetically, both in its setting and its position on the main road through Tunley.

Ecology:

Designated Sites

The site is not within or immediately adjacent to any designated sites for their nature conservation interest. Cameron Batch Local Nature Reserve (LNR) is located approximately 1.6 km southwest of the site and the Bath & Bradford-on-Avon Special Area of Conservation (SAC) is located 6 km south west of the site. There is not any credible risk of significant impacts to the LNR or SAC given the type and modest scale of the proposals. If external lighting is proposed, a sensitive lighting strategy should be submitted.

Bats

A Preliminary Roost Assessment (Fenswood Ecology, 2023) has been submitted and is welcomed. Both buildings within the site were confirmed as having negligible potential for supporting roosting bats and therefore no further surveys are required.

Other Protected/Notable Species

The ecology report confirms that no evidence of nesting birds was noted in association with any aspects of the dwelling. As well as a vegetated garden, a review of photographs and the submitted Biodiversity Net Gain metric suggest the presence of two native hedges and introduced shrubs, none of which will be impacted by proposals.

Lighting

Light-sensitive bat species may utilise the woodland to the north of the site for foraging and commuting purposes. As there are habitats suitable for roosting and foraging/commuting bats nearby, a condition is recommended to control external lighting. It is feasible that external lighting can be sensitively designed in accordance with ILP 2023 guidance. External lighting must only be used where absolutely necessary and must be downward-facing, low level and fitted with PIR sensors and short duration times (< 2 minutes).

Biodiversity Net Gain (BNG)

All schemes should achieve measurable biodiversity net gain to meet the NPPF (paragraphs 174, 179 and 180), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy, which is likely to become mandatory when enshrined in law in April 2024. This is also consistent with the Ecological Emergency declaration by Bath and North East Somerset Council and adopted Local Plan Partial Update Policy NE3a (see <https://beta.bathnes.gov.uk/biodiversity-net-gain>). A Defra biodiversity net gain metric spreadsheet has been submitted (Fenswood Ecology, 2023) and is welcomed. The scheme demonstrates a measurable no net loss and "appropriate" net gain in all habitat types. A plan showing post-development habitats has been submitted and is supported. A Biodiversity Gain and Habitat Management Plan will need to be secured by condition.

Species Enhancements

All schemes should achieve measurable biodiversity net gain to meet the NPPF (paragraphs 174, 179, and 180), Bath and North East Somerset Core Strategy and Placemaking Plan policies (for example Policies D5e and NE3) and emerging government policy. This is also supported by the appeal decision APP/F0114/W/19/3243930 for application 19/01596/FUL and Ecological Emergency declaration by Bath and North East Somerset Council. The scheme will need to demonstrate that net gain of biodiversity is feasible. The provision of bat and bird boxes and native/beneficial planting would be proportional and appropriate. New/extended buildings are expected to incorporate in-built (i.e. integrated) features for bats and birds to demonstrate compliance with Policy D5e. More advice can be found at:

Bat boxes <https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

Bird boxes <https://drive.google.com/file/d/1YLfbpb2aZ4sdJSelH9Jkb1lty91Arz1X/view>
<https://www.rspb.org.uk/birds-and-wildlife/helping-birds-and-wildlife>

All enhancement measures should be shown on the plans. If the points above are addressed and consent is granted, a scheme of ecological compensation and enhancement should be secured by condition.

Relevant policies: NE3, NE3a, D5e and D8

Representations Received :

2 no support comments have been received:

- We border the property to a small amount, I believe that the proposed 2 storey dwelling is a great improvement on existing, that the plot size comfortably accommodates this development, and that considering recent new build and extensions very near to the location of this site have been recently undertaken in less favorable positions, I find it hard to understand any grounds for refusal.

My only concern has been the proximity and potential use of the 'garden room' near to my property, but this has now already been built.

The landscaping already undertaken by the applicants demonstrates their commitment to improving the environment locally

I support the application for the erection of the new 2 storey dwelling.

- Living opposite this property, we support this application fully. It won't affect the view, nor the parking on the road as the plot has plenty of parking space. It will improve the look of the property being an older property at the moment. We are pleased that the application is being made to keep the house as one family home rather than a larger development being on a big plot.

1 no comment has been received:

Although we are supportive of this application for a replacement dwelling's compliance with policy SCR6 we would have liked to see a greater exploration the refurbishment of this dwelling which would have likely led to significantly lower embodied carbon emissions, and overall carbon emissions versus the reduced operational carbon emissions over several decades, and thus probably not compatible with the intent of the council's declaration of a Climate Emergency.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

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

D5: Building design

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
GB2: Development in Green Belt villages
GB3: Extensions and alterations to buildings in the Green Belt

NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain

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)

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

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt. Paragraph 154 of the National Planning Policy Framework set out the forms of development that are not considered inappropriate in the Green Belt which includes subparagraph f) which reads as follows:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Consideration is also given to the works as an extension to the existing property given the sites planning history, putting forward a similar proposal as a domestic extension.

Extensions to buildings within the Green Belt are considered acceptable provided they do not represent a disproportionate addition to the existing dwelling. Additions will be found proportionate where there is a volume increase of about a third, of the original dwelling, as highlighted in the 'Existing Dwellings in the Green Belt SPD' and Policy GB3 of the Local Plan Partial Update. Therefore, the primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

Measurements:

The original bungalow of Greenways has been recorded to measure 383.24 m³. To include the original garage which is an additional 57m³, the total volume of the original dwelling is therefore accepted to measure at 440.24 m³.

Existing alterations have seen the property extended since its original form. The extensions include a front, a side and a rear extension, all single storey as well as the enlargement of the garage. These additions measure at a net increase of 241.34 m³ which represents a 54.6 % volume increase over original. These existing additions to the property have already surpassed the threshold of 'about a third'.

The new proposal will result in a dwelling with a volume of 842 m³. This represents a cumulative volume increase of 91.2% over and above that of the original dwelling, or a 23% volume increase over the existing building which has already been extended. Additionally, the building has a greater footprint and massing than the one it replaces.

The proposal results in a replacement dwelling that is materially larger than the one it replaces.

Additionally, if considering the proposal as an extension to the existing building, the volume addition is significantly above the threshold of about a third, and is considered to be a disproportionate addition to the dwelling.

The development therefore does not meet the exceptions to inappropriate development within the green belt.

An outbuilding is proposed within the rear garden. This is a flat roof building with timber cladding and front facing windows and a glazed door. This outbuilding is situated approximately 15 meters from the main dwelling and as such, it is not considered as an extension to the dwelling. This element of the proposal is seeking to erect a new building

within the green belt, which is contrary to paragraph 154. of the NPPF, with exemptions listed in criteria d).

Impact on openness

Given that the proposal is found to be inappropriate development an assessment of its impact on openness has been undertaken.

The Government attaches great importance to Green Belts, with the fundamental aim to keep land permanently open, and openness forming a key characteristic of the Green Belt, as outlined in para 142 of the NPPF.

An assessment of impact on openness is based on visual and spatial impact. The proposal would be visible from the public domain from the main road through the village being the B3115 (Bath Road) and front Stoneage Lane to the side and rear of the site.

The proposal works to the dwelling are for the extension or replacement of the existing bungalow to form a one-and-a-half storey dwelling which includes gable ends, and gabled dormers within the roof slope to provide upstairs accommodation. A front and a rear extension will also provide dual pitched roofs with front and rear projecting gable ends.

The ridge height of the building will be constructed to the same ridge height as the existing hipped roof. However, the formation of the gable ends will increase the massing of the dwelling with a greater volume of built form proposed at the roof level, above the height and position of the existing single storey extensions, with the addition of the 6no dormer windows.

The works at the first-floor level would increase the overall height and massing of the dwelling, resulting in a greater visual impact on the openness of the green belt at an elevated position.

The site fronts the main road and previous works have seen the mature boundary vegetation cleared away, opening the site up to views from the front and side. The existing bungalow, its extensions and garage are all single storey. Neighbouring properties to the side and rear are also bungalows. As such, the site now exhibits an open and low-lying character.

This proposal will increase the height and the overall visual impact of the dwelling within the site and within its context of the neighbouring bungalows. The works clearly reduce the physical and visual openness of the site and as such, the proposal fails to maintain openness of the green belt.

Very Special Circumstances

As discussed above, the proposal is inappropriate development in the Green Belt and in accordance with paragraph 154 of the NPPF should only be approved if very special circumstances existing. Paragraph 152 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant has demonstrated that a series of extensions and outbuildings can be developed on site through permitted development rights. Additionally, the proposal includes sustainability features including energy generation (solar panels) and insulation and thermal efficiency measures.

The addition of these sustainability benefits do not require such a significant enlargement of the dwelling and could reasonable come forwards on a scheme that does not represent inappropriate development in the green belt. As such, these measures are Very Special Circumstances.

Certificate of Lawfulness

The Certificate of Lawfulness, reference 21/05648/CLPU, was found to be lawful on 15th Feb 2022 and would result in a hip to gable conversion of the roof, the erection of a rear dormer window, the erection of a front porch, a single storey side and a single storey rear extension.

The total volume of the Certificate of Lawfulness scheme would result in a cumulative 899.5 m³, which represent a 104% volume increase over and above the original dwelling.

Additionally, a larger outbuilding within the rear garden is also found to be a lawful addition. This outbuilding has a measured footprint of 115.2 m² and could be built to a maximum height of 2.5 meters. As such, the outbuilding was found lawful would measure to a maximum of 227 m³.

The volume proposed within the certificate of lawfulness represents a volume increase greater to that now proposed, so consideration is given to this permitted development option as a genuine fall-back position and whether this might be considered a very special circumstance.

When considering the weight of a permitted development fallback option in the planning balance, the decision-maker should consider 3 things (R. v Secretary of State for the Environment Ex p. PF Ahern (London) Ltd [1998] Env. L.R. 189:

- i) is there a legal fall-back use, i.e. can the applicant lawfully undertake the use without any new planning permission;
- ii) is there a real prospect of the use occurring; and
- iii) if the answer to (ii) is "yes", compare the proposed development to the fall-back use.

Consideration is given to the real prospect of the fall-back scheme coming forwards.

The proposed application seeks to reposition 2-bedrooms and a bathroom to the first floor. While no internal floor plans of the Certificate of Lawfulness scheme are available, it is considered that the permitted development scheme could fit 2no bedrooms on the first floor, albeit smaller in size.

Ground floor alterations seek enlarged and reconfigured living spaces and while internal floor plans of the permitted development scheme are similarly not available, it is considered that a similar configuration would be achievable. As such, the certificate of

lawfulness extensions to the dwelling are considered to reasonably meet the same objectives as the proposal.

Within the certificate of lawfulness, the larger outbuilding within the rear garden has no accompanying floor plans or elevational drawings. The building has not been designed and no proposed use been demonstrated. The size and positioning of this outbuilding is excessive and fills the entire private, outdoor amenity space at the rear of the site. The siting of this outbuilding is contrary to the objectives within current planning application which demonstrates open lawn with limited planting to the boundaries. As such, this element of the Certificate of Lawfulness is not considered to have a real prospect of coming forwards.

Additionally, the certificate of lawfulness had not submitted internal floor plans for the works to the dwelling itself. The permitted development extensions are shown to form a pitched roof with one hipped end and one gable end, with flat roof extensions projecting to the side and rear. The dwelling is asymmetrical in form, resulting in an in poorly planned form which has been designed to meet the thresholds of permitted development criteria instead of forming a comprehensive design to meet the objectives of the applicants.

The comparison with the Certificate of Lawfulness scheme raises doubts as to the realistic implementation of the fallback position, and its intended function to only demonstrate achievable volume increases within the green belt.

As such, the certificate of lawfulness is not considered to have a real prospect coming forwards. Nevertheless, consideration has been given in comparison of both schemes to the impact on the openness of the green belt.

Comparison of the Schemes

In this instance, there are differences in the positioning and design of the permitted development scheme and the current application. The permitted development scheme would enable a hip to gable conversion on the north east side of the dwelling, erection of a flat roof rear dormer, single storey side and rear extensions. An additional larger outbuilding is proposed within the rear garden. Much of the permitted development proposal is limited to the ground floor, and to the side and rear of the dwelling.

In contrast, the current application seeks to construct a one and half storey dwelling with gable ends, 6no dormer windows and a front and rear single storey projections.

Whilst the proposal seeks to reduce the sprawl of development on the site, it seeks to focus the development to the first floor of the dwelling. This will result in an increased height and massing and a greater visual prominence of the building with additional gables projections to the front and rear. As a result, the proposed works are considered to have a greater visual impact on the openness of the green belt than that of the fallback scheme.

As such, the permitted development scheme is not considered to be a comparable proposal to this application and it represents a reduced visual impact than the proposed development. As such, it does not constitute a very special circumstance in order to outweigh the harm to the openness of the green belt.

Green Belt Summary

Overall, the proposed development represents inappropriate development in the Green Belt and as such it would be harmful to openness and the purposes of including land within the Green Belt. No Very Special Circumstances are considered to exist to outweigh this harm and the proposal is therefore contrary with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the LPPU and part 13 of the NPPF.

DESIGN, CHARACTER AND APPEARANCE:

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

The existing dwelling is a detached bungalow with a hipped roof. It currently features a detached garage with a single storey side and a single storey rear extension, both forming individual hipped roofs.

The proposed works seek to demolish the dwelling and construct a one and a half storey building with gable ends and 6no dormer windows allowing living spaces within the loft. Single storey extensions at the ground floor will form additional projecting gable ends.

The existing stonework of the dwelling will be replaced with a k render and timber cladding is proposed to the front porch. The existing brown profiled roof tiles will be replaced with charcoal coloured, smooth roof tiles. It is noted that a variety of external materials are present in the local area, including rubble and ashlar stonework and rendering.

To the rear of the garden is proposed a single storey outbuilding with a flat roof. This is proposing a vertical timber cladding and proposed 2 taller glazed windows to the front, with glazed French doors. On the flat roof, a series of elevated solar panels are proposed.

The site fronts the main road and works have seen the mature boundary vegetation cleared away, opening the site up to views from the front and side. The existing bungalow, its extensions and garage are all single storey. Neighbouring properties to the side and rear are also bungalows. As such, the site now exhibits an open and low lying character.

The proposal will increase the overall height and visual impact of the dwelling within the site and within its context of the neighbouring bungalows. While the previous application was considered to result in a dwelling that was out of character with this low lying context, the new proposal forms a one-and-a-half storey dwelling which retains the character and appearance of the bungalows.

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.

New windows at the first floor, the existing property is a bungalow and to the rear boundary is a timber fence which screens views from the ground floor to the rear adjacent neighbouring bungalow. Views of the front of this neighbouring property are granted from Stoneage Lane and an existing structure providing cover for a parked caravan will provide partial screening from the proposed windows. As such, the dormer windows are not considered to result in an unacceptable impact on neighbouring privacy.

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 site benefits from a long driveway and existing double garage. It gains on the corner of Stoneage Lane and the B3115 which is the main road running through the village. Some entrance gates are proposed on the driveway, which are set 6m back from the highway. The proposal is also seeking to rotate the garage 90 degrees so that the gable ends will align to the north and south. The garage door will be repositioned to remain on the east elevation, gaining access from the existing driveway.

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.

SUSTAINABLE CONSTRUCTION:

Whilst a comment has been received which highlights the wish to have seen further exploration for the refurbishment of the existing dwelling, the replacement dwelling has been accompanied with the submission of the Sustainable Construction Checklist in accordance with Policy SCR6 of the Local Plan Partial Update which finds the proposal compliant with the space heating demands and energy uses.

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.).

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 application has been accompanied with the appropriate BNG metric information, finding suitable gain in hedgerow and tree planting. Policy NE3a is considered to be complied with.

The dwelling is situated within the development boundary of Tunley which is a small settlement with open countryside on both sides of the linear pattern of development.

The works involve the replacement of the existing building, including the demolition of the existing roof. A protected species survey has been submitted, finding negligible potential for supporting roosting bats. No further surveys are required.

As such, the proposal is found compliant with Policy NE3 of the LPPU.

SCHEME OF DELEGATION:

The application was referred to the Chair and Vice Chair of the B&NES Planning Committee in accordance with the Council's Scheme of Delegation, as the officer's recommendation is contrary to formal comments received by the local Parish's and Ward Councillor, which gave planning reasons supporting the application.

The Vice Chair decided to refer the decision to the committee, commenting as follows:

"This site has a complex planning history, has seen proposals refused and withdrawn on previous occasions and now has a fall-back position to be extended rather than rebuilt

under Permitted Development. The Parish Council is strongly in support of the current proposal, and this also has the support of neighbours.

Although the proposed replacement new dwelling will be significantly larger in scale than the existing dwelling and larger than the extension that has been granted a Certificate of Lawfulness, it is considered the Committee should be given the opportunity to make the comparisons, ask questions in respect of the of the proposal and the policies in which the proposal is being considered against. It would be in the public interest for the Committee to debate the merits of the design and the planning balance of harm to the greenbelt and whether the exceptional circumstances policy may apply."

The Chair decided to refer the decision to the committee, commenting as follows:

"I note the support for this application from Dunkerton and Tunley Parish Council and the detailed policy arguments put forward by the Parish Council. I also note support expressed by neighbours. I also note that there is a fall-back option. The committee may wish to examine the comparison between the fall-back option and the proposed scheme. The committee may wish to consider whether exceptional circumstances can possibly be demonstrated in this application. The volume increase is significant and that is a clear harm. I believe that there would be benefit in all the relevant policy arguments being heard and debated by the committee in public."

The application will therefore be referred to the planning committee.

CONCLUSION:

It is therefore considered that the proposal does not comply with the relevant planning policies as outlined above and the proposal is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The replacement building is materially larger than the one it replaces. The proposal will therefore result in inappropriate development in the Green Belt and it would be harmful to openness or the purposes of including land within the Green Belt. Very special circumstances are not considered to exist to outweigh the identified harm. The proposal is therefore contrary to policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Local Plan Partial Update (2023) and part 13 of the NPPF.

PLANS LIST:

1 This decision relates to the following plans:

Drawing	22 Sep 2023	2354-01 P8	EXISTING	BLOCK/ROOF	PLAN	AND
					SITE LOCATION	PLAN
Drawing	22 Sep 2023	2354-02 P8	EXISTING	GROUND FLOOR	PLAN	

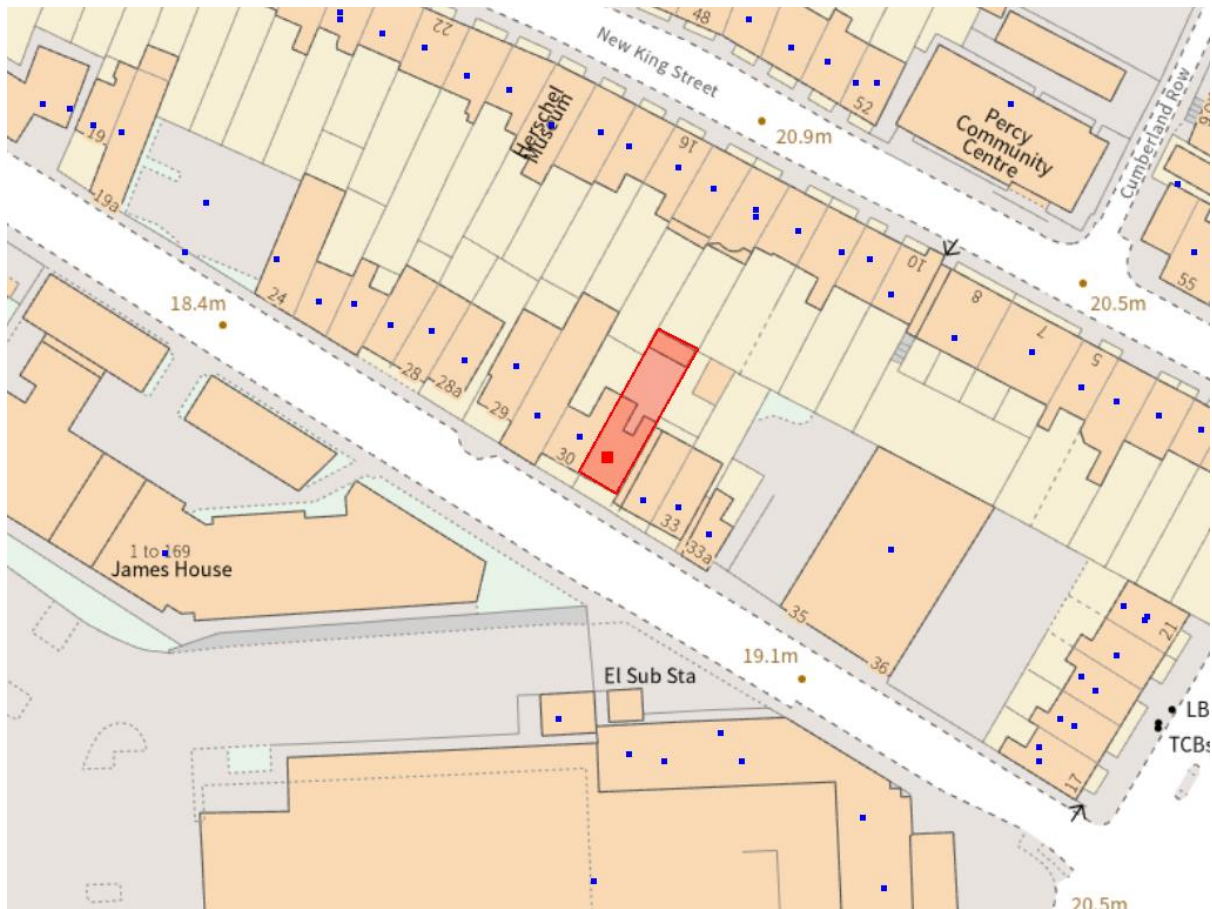
Drawing	22 Sep 2023	2354-03 P8	EXISTING ELEVATIONS AND SITE SECTION
Drawing	22 Sep 2023	2354-04 P8	EX ELEVATIONS SHEET 2
Drawing	22 Sep 2023	2354-05 P8	PROPOSED BLOCK/ROOF PLAN
Drawing	22 Sep 2023	2354-06 P8	PROPOSED GROUND FLOOR PLAN
Drawing	22 Sep 2023	2354-07 P8	PROPOSED FIRST FLOOR PLAN
Drawing	22 Sep 2023	2354-08 P8	PROPOSED ELEVATIONS
Drawing	22 Sep 2023	2354-09 P8	PROPOSED ELEVATIONS AND SITE SECTIONS SHEET 2
Drawing	22 Sep 2023	2354-10 P8	PROPOSED GARDEN ROOM PLAN AND ELEVATIONS
Drawing	13 Nov 2023	2354-01 P9	EXISTING BLOCK/ROOF PLAN AND SITE LOCATION PLAN
Drawing	13 Nov 2023	2354-05 P9	PROPOSED BLOCK/ROOF PLAN

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

3 Community Infrastructure Levy

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

Item No: 04
Application No: 24/00196/LBA
Site Location: 31 James Street West City Centre Bath Bath And North East Somerset BA1 2BT



Ward: Kingsmead **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Paul Roper Councillor George Tomlin
Application Type: Listed Building Consent (Alts/exts)
Proposal: Replacement lead gutter, roofing felt and battens. Re-use existing slate and ridge tiles (with any shortfall made up to match)
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, SSSI - Impact Risk Zones,
Applicant: Bath & NES Liberal Democrats
Expiry Date: 12th April 2024
Case Officer: Helen Ellison
To view the case click on the link [here](#).

REPORT

SITE DESCRIPTION

31 James Street West is a Grade II listed building located within Bath conservation area and dual World Heritage site designations. Opposite the site is Grade II Green Park Railway Station. No. 31 is a mid-terraced Victorian property currently in office use that dates from around 1850's/1880's. The building is two storey with projecting wings to the rear. It is built from Limestone ashlar and has sash windows. The ground floor of the property is raised above surrounding ground levels at front and back, and is approached from the street via a flight of stone steps. The list description for the property refers to it being one of the more intact small early Victorian houses along the street, retaining an elegant front. Its southward prospect across gardens towards the River Avon (shown on Cotterell's map of 1852) would have been dramatically altered by the construction of Green Park Station by the Midland Railway in 1869. Though the property was included (for listing purposes) for group value it is noted that adjacent properties are not listed.

PROPOSAL

Listed building consent is sought for 'Replacement lead gutter, roofing felt and battens. Re-use existing slate and ridge tiles (with any shortfall made up to match)'

The application is being reported to DMC because although the trustees are responsible for the proposed work, one of the trustees, Paul Roper, is also an elected Member. The works are also for the offices of a political party. The building is owned by the trustees for the Bath & NES Liberal Democrats.

PLANNING HISTORY

DC - 19/04330/LBA - CON - 20 December 2019 - External works to include external lift to front elevation, erection of rear extension and internal ground floor renovation works to increase accessibility.

DC - 19/04523/FUL - PERMIT - 20 December 2019 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility.

DC - 21/02198/FUL - PERMIT - 29 July 2021 - Remodelling of the front garden to include the installation of a new lifting platform. (Resubmission)

DC - 21/02199/LBA - CON - 29 July 2021 - External alterations for the remodelling of the front garden to include the installation of a new lifting platform.

DC - 21/01746/CONDLB - WD - 4 June 2021 - Discharge of condition 4 (Samples) of application 20/02390/LBA (External alterations for the remodelling of the front garden to include the installation of a new lifting platform)

DC- 20/00098/FUL - PERMIT - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL).

DC - 20/00099/LBA - CON - 16 March 2020 - External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA).

DC - 20/01689/VAR - CON - 2 July 2020 - Variation of conditions 6 (Archaeological watching brief) and 7 (Plans list) of application 20/00099/LBA (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission 19/04330/LBA)).

DC - 20/01690/VAR - PERMIT - 2 July 2020 - Variation of conditions 3 (construction management plan) and 7 (Plans List) of application 20/00098/FUL (External works including an external lift to the front elevation, construction of a rear extension and internal ground floor renovation works to increase accessibility (Resubmission of 19/04523/FUL)).
DC - 21/01558/LBA - CON - 7 June 2021 - External alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.
DC - 24/00196/LBA - PCO - - Replacement lead gutter, roofing felt and battens. Re-use existing slate and ridge tiles (with any shortfall made up to match)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

SUMMARY OF PUBLICITY/CONSULTATIONS/REPRESENTATIONS

PUBLICITY:

Site notice displayed and photographic evidence received.

CONSULTATIONS:

Ecology: The submitted ecological information addresses ecology matters. Conditions should be attached to secure a Wildlife Mitigation Scheme and compliance statement.

REPRESENTATIONS

None

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 National Planning Policy Framework (NPPF) 2023 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
CP1 Retrofitting Existing Buildings
CP2 Sustainable Construction

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:

D5e Building Design
D8 Lighting
HE1 Historic Environment
NE3 Sites, Species and Habitats
NE5 Ecological Networks

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:

CP1 Retrofitting Existing Buildings

Guidance:

Historic England Advice Note 2 'Making Changes to Heritage Assets' (2016)
Historic England 'Conserving Georgian and Victorian terraced housing - A Guide to managing Change' (2021)

BaNES Draft City Centre Character Appraisal Bath (2015)

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

LISTED BUILDING ASSESSMENT

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.

The proposed works seek to replace a failed lead gutter at the front of the building behind the parapet. This work will also involve stripping the front elevation of the roof and replacing the roofing felt and battens. The slates and ridge tiles will be re-used with any shortfall made up to match. The purpose of these works is to address ingress of rainwater at roof level. The works are considered necessary and in the interests of protecting building fabric. All sound existing slates and ridge tiles are to be re-used. Any deficiencies are to be made up to match the existing; to be secured by condition. All leadwork is to be carried out to industry standard; to be secured by condition. Where mortar is required its specification and sample will be required by condition.

The Council has a statutory duty 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. Taking account of the above and in this instance the proposed works would preserve the special interest of the listed building and as such this duty has been met.

With respect to any buildings or other land in a conservation area the Council has a statutory duty 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. Taking account of the above and in this instance the proposed works will preserve this part of the Bath Conservation Area and as such this duty has been met.

In summary, and in terms of impact on the listed building, it is considered that, subject to conditions, the proposals would meet the duties of the primary legislation and comply with planning policy and guidance. The proposals constitute acceptable works to the listed building that would preserve its significance as a designated heritage asset. Subject to conditions the proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

ECOLOGY

The Council's Ecologist notes that a Preliminary Ecological Assessment Report produced by Greena Ecological Consultancy dated 4th March 2024 has been submitted and is welcomed. The structure is a city centre building in Bath, within a mostly urban area, but not far from the River Avon (less than 200m). The proximity of the river; the presence of bat roosts in proximity to the site; and the historic nature of the building, are all factors that contribute to a somewhat increased risk of use of the building by bats, despite its urban location.

The Report confirms that the building was subject to an external and internal inspection. As the building is located in between other buildings a full external inspection was not possible, although no external preliminary roost features were identified. The attic areas were only partly accessible and therefore not fully inspected. No evidence of bats was found on site. However, the building was deemed to have bat roost potential due to the presence of roofing felt only. These results are accepted.

While the risk of use by bats is considered to be very low due to the condition of the building, the report acknowledges the possibility for external features of the roof to support roost potential for crevice dwelling bats. The building is however constrained, the presence of parapet wall and lack of vantage points of the rear to the external roof area are deemed to make further close inspection survey of the roof impossible (in the absence of scaffolding yet being up, or other means available) and emergence/dawn surveys are also considered unlikely to be capable of providing useful data in particular to assist with confirming roost presence or absence with sufficient confidence to be worthwhile conducting the survey/s. The bat report therefore recommends a precautionary approach.

The proposed bat mitigation including ecological supervision of roof repairs would be welcomed. However, further mitigation measures will be required to ensure bats are not harmed as follows:

- Compensation features to be incorporated into the scheme, comprising bat tiles to be installed into the roof, and use of bitumen roofing felt only (no breathable roofing membrane to be used).
- A further bat survey inspection must be carried out prior to commencement of works this should not be limited to being carried out from the scaffolding, if other safe access is available. Close inspection of all affected external roof areas by a suitably experienced ecologist (licenced bat worker) for potential bat roosting features, should be carried out as fully as is safely possible, prior to commencement of works, using all available methods (which will also be required to carry out the roof works), including use of scaffolding. If this inspection reveals the presence of potential roost features that cannot be fully inspected or risk of a bat roost ruled out with sufficient confidence, then the potential need for further emergence/dawn surveys, using vantage points made available via scaffolding, should be a consideration and further survey then carried out if appropriate, prior to commencement of works.
- Further pre-commencement inspection and survey should be carried out by a suitably experienced professional ecologist regardless of the proposed timing of works (i.e. even if works are carried out only in winter); likewise for ecological supervision of works.
- Provision of a toolbox talk.
- Precautionary working methods to include roof materials to be lifted by hand and with care, with inspection of the underside of each tile.

Addressing the above comments prior to consent is not considered essential in this case, as the necessary measures are broadly accepted and additional specific details of requirements can be secured by condition. The pre-commencement further bat inspection survey, bat mitigation (including installation of bat tiles and a toolbox talk) and precautionary measures will need to be adhered to and secured by condition.

Subject to this, in consideration to the Habitats Regulations, should a bat or roost be found to be present, this is considered likely to be confined to a risk of presence of crevice roost features or crevice roosting species only (with negligible risk of other roost types or species). Based on the proposed mitigation, and a condition to secure all necessary measures, should an EPSM licence be required, it is considered that the third of the "three tests" of the Habitats Regulations would be likely to be met (i.e. the conservation status of the affected species would not be harmed), and that there is no reason to believe that the remaining two tests (no alternative solution; and imperative reasons of over-riding public

interest) would not also be met and an EPSM licence obtained. The proposal to install bat, bird and swift boxes as per section 8 of the Report is welcome.

No nesting birds or evidence were confirmed in the building.

In summary and in terms of impact on ecology there is no objection to the proposal subject to conditions to secure a Wildlife Mitigation Scheme and a follow-up compliance statement. The reasons for the conditions are 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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

The proposed works would contribute towards the long term use, care and upkeep of the listed building.

For these reasons the proposal accords with policies CP1, CP2 and CP6 of the adopted Core Strategy, policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017), policy CP1 of the adopted Local Plan Partial Update for Bath and North East Somerset Council (2023) and parts 14 and 16 of the NPPF.

CONCLUSION

Subject to conditions the proposed works are considered acceptable and necessary, in the interests of preserving building fabric. The proposed works are not expected to result in any adverse impacts on the special interest or significance of the listed building, or, protected species. Approval is, therefore, recommended.

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 Roofing Materials to Match (Compliance)

Any replacement slate and ridge tiles shall match the existing in respect of type, size, thickness, texture and colour.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

3 Leadwork (Compliance)

All leadwork shall be in accordance with Lead Sheet Association good practice.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

4 Mortar Mix (Bespoke Trigger)

Before work begins on site details of the specification for the mortar mix and a sample area shall be provided on site for approval. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 Wildlife Mitigation Scheme (Compliance condition)

The development hereby approved shall be carried out only in accordance with the recommendations and measures for bats and birds as detailed in Sections 7 and 8 of the approved Preliminary Ecological Assessment Report produced by Greena Ecological Consultancy dated 4th March 2024 and with the following measures as described below:

- o Use of bitumen roofing felt only (no breathable roofing membrane to be used);
- o A pre-commencement bat survey and close inspection shall be carried out by a suitably experienced ecologist (licenced bat worker) as far as can safely be achieved (using scaffolding or any other safe access available), of all affected areas of the external roof, further emergence or dawn survey will be carried out if then deemed necessary and possible to carry out safely;
- o Ecological supervision of works affecting potential roost features shall be carried out by a suitably experienced professional ecologist (licenced bat worker); and
- o Bat, bird and insect boxes and bat tiles shall be obtained / ordered and installed under the guidance and instruction of a suitably experienced professional ecologist.

All such measures shall be adhered to retained and maintained thereafter for the purpose of wildlife conservation.

Reason: to avoid harm to ecology including protected species and to avoid net loss of biodiversity

6 Ecological Compliance Statement (Bespoke trigger)

Within 6 months of commencement of works a statement confirming and demonstrating, using photographs, adherence to and completion of the further bat survey inspection of the roof (to include reporting of findings and outcomes of all further survey); ecological supervision; adherence to precautionary working methods; installation of all additional features; all in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

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

7 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following drawings and document;

Date: 18.01.2024 Drwg. No. 013 RN Drwg. title: Proposed roof plan

Date: 18.01.2024 Drwg. No. 014 RL Drwg. title: Proposed front elevaction

Date: 18.01.2024 Drwg. title: Site location plan

Date: 05.03.2024 Document title: Preliminary Bat Assessment Report

2 Condition Categories

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

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

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

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

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

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

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

3 Permit/Consent Decision Making Statement

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

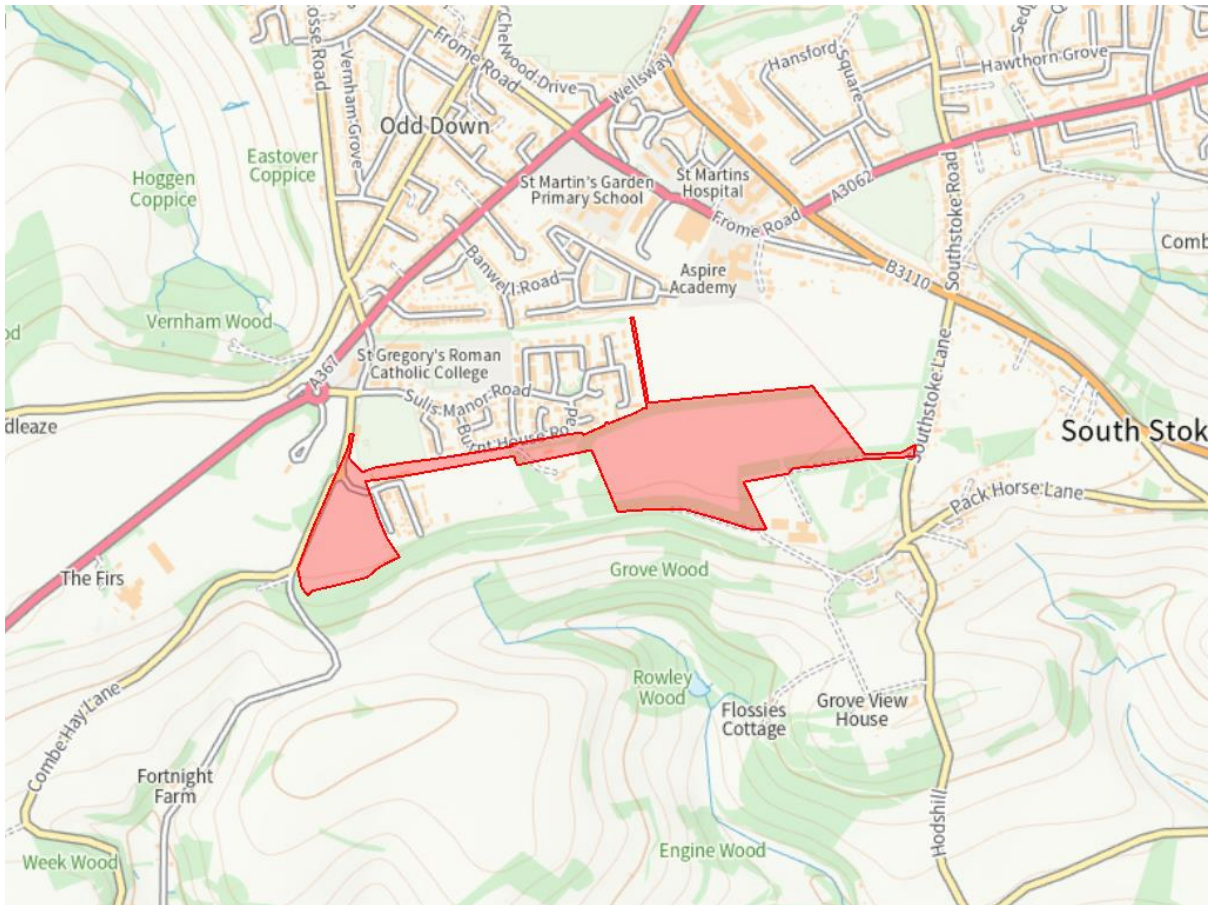
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

5 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: 22/02169/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 30Acres (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: 12th April 2024

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 must be considered by committee." - Detailed comments to follow.

The application was heard at the November Planning Committee where it was deferred pending a request for further information relating to the following matters:

1. Further traffic survey analysis including the impact on local villages and local roads to include all recent planning developments.
2. Update on securing of Schedule Monument Consent for the Wansdyke crossing.
3. Clarification on the number of trees to be retained/replaced/lost including those lost to ash dieback.
4. More information on exceptional circumstances relating to Areas of Outstanding Natural Beauty (AONB)

This further information was submitted in January 2024 and following a period of further re-consultation is being brought back to committee. The relevant sections of the report below have been updated accordingly.

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 181 and 182 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 182 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 about, 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.

The Trust provided a further response to remove the 40% affordable housing allocation. This has reduced their contribution request to £166,022. They have also provided a more extensive explanation of their funding arrangement. In summary, the funding allocations are done based on anticipated growth using existing circumstances not prospective changes. The Trust is on a block contract for unplanned and emergency care including maternity. This is set nationally and there is no option for the Trust to switch from this set up for the foreseeable future. The growth is nationally set in the allocation at the start of the year, there is no possibility to change this based on local circumstances as the allocation to the ICB is fixed. The only changes come from national changes such as the pay award or national contract agreements.

They have also provided information relating to two recent high court cases (dismissing claims against an LPA's refusal to seek similar contributions) indicating that these cases were very case specific.

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 182 (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 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 is 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 not 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 182 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 deliver 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: **1283 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 4miles 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.

It was suggested that the developer should provide a parallel shared use path alongside the Wansdyke connecting from the Cross Keys Pub/Southstoke Road to St Gregory's College. This would provide a link to local shops, schools, communities and businesses and would protect the Wansdyke from further erosion.

20 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 current supports people's mental health. Some felt it was overdevelopment of the site and would lead to the destruction of trees and ecology.

FURTHER CONSULTATION UPDATE

A further period of consultation was undertaken during February and March 2024. A further 312 OBJECTION comments were received. The main points raised were:

Many comments re-iterated/mentioned concerns about the impacts of the proposals on traffic, green spaces, local services/infrastructure, the environment, loss of trees, impacts on the AONB/WHS/SAM, other available brownfield land and other matters raised in earlier comments (see above).

Many were also concerned that the additional traffic survey and highways analysis provided is inadequate and does not address the objections raised. Furthermore, it is considered that it does not reflect the 'on-the-ground conditions' around the A367, the Odd Down P&R roundabout and other local roads.

A lack of certainty about the Scheduled Ancient Monument Consent for the Wansdyke crossing was also highlighted as being a failing of the scheme. The design of the path is also criticised for being unlit and constructed of self-binding gravel/hoggin. The availability of an alternative route at Midford Road is also ill defined and would be unsustainable. It is suggested that to grant permission without SMC or a legally viable alternative would be unlawful.

Some indicate that exceptional circumstances have still not been demonstrated and point to the change in statutory duties highlighted by the Cotswold National Landscape Board. The duty now requires LPA's to 'seek to further' the statutory purposes of National Landscapes as opposed to merely having 'regard' to them.

Some have highlighted the lack of contributions towards education and health services.

Some consider that the benefits set out in the report to the November committee are overstated and the collective harm is understated.

Reference is made to appeal decisions within the setting of other National Landscapes at Mitton near Tewkesbury which were dismissed due to severe impact upon the road network and harm to the tranquillity of the National Landscape. It is suggested the harm here would be even greater.

1 further SUPPORT comment has been received. The main point raised was:

An excellent opportunity to provide more homes for Bath with good transport links and close to the city centre and local amenities.

1 further GENERAL comment has been received. The main point raised was:

The commenter wished to know the number of affordable homes to be provided.

AVON GARDENS TRUST: Object

The garden trust continues to object to the application because of the harm that it will cause to the setting of a locally listed heritage asset, Sulis Manor, and associated garden, and the irreparable damage it will cause to more than 80 trees that should be protected by their current preservation orders. They note that the further information does not address these issues.

DUNKERTON AND TUNLEY PARISH COUNCIL: Object

CAMERTON PARISH COUNCIL: Object
ENGLISHCOMBE PARISH COUNCIL: Object

Dunkerton and Tunley Parish Council, Camerton Parish Council and Englishcombe Parish Council make similar comments and claim that the updated transport assessment does not address the concerns of their parishioners when travelling north into Bath or in respect of 'rat running' issues through the parish. They have queries some of the claims in the latest transport addendum, suggesting that the impacts have been downplayed. They considered that the report focuses too greatly on the capacity of the roundabout and not the wider network, suggesting that it does not measure any queuing times or queue lengths at any of the junctions on the A367 south of the Odd Down roundabout. They therefore conclude that the results do not model rat running through the villages, such as Tunley.

COMBE HAY PARISH COUNCIL: Object

The highways information provided has serious flaws and should not be relied upon. Drone footage and the report from Alan Bailes Consultancy (submitted with response from SSPC) clearly show what is happening at the Park and Ride and Red Lion roundabouts and demonstrate that the impact of this development on traffic levels would be severe. As such the application should not be approved.

There has obviously been no progress in obtaining Scheduled Monument Consent despite it being almost 2 years since the application was submitted. In the absence of this consent (and also potentially from adjoining landowners) and any details of an alternative route being provided we are advised that the Committee cannot lawfully conclude that Placemaking Principle 7 has been met and as such the application must be rejected. Legal advice and advice from Renew Planning confirms this position. Renew Planning's report prepared on behalf of CHPC and SSPC was submitted to the Council on 15th March.

The exceptional circumstances required for a major development in an AONB do not exist. The paper from Dentons lacks any analysis of the exceptional circumstances and fails to advise that the tests to be satisfied have been materially changed to strengthen the protection afforded to AONBs. The exceptional circumstances relied upon no longer exist and as such the application must be rejected. The advice from the Renew Planning confirms this.

The Levelling Up and Regeneration Act 2023 involves new and more onerous duties on the Council to seek and further the purposes of the designation of this site as an AONB. This has not been mentioned in any of the applicant's submissions.

That elements of the Officer's Report (OR) to the Planning Committee in November did not in our opinion fairly represent the issues arising from the 1000 + objections and didn't accurately assess the planning balance.

SOUTH STOKE PARISH COUNCIL: Object

No evidence has been presented to justify why exceptional circumstances continue to exist to build a major development in an AONB. Given the conclusions of the LPPU there is clearly no justification to support such a major development.

The proposed development is not in the public interest, it is clearly not 'mixed use' as the policymakers intended, is car dependent and is unsustainable.

Without the SMC consent for a 3-metre wide, shared use path over the Wansdyke, cycle and pedestrian access distances far exceed all Government guidelines.

According to the NPPF rules this planning application should be rejected purely on traffic considerations alone. The development will be 'Car dependant' and will severely impact the highway network in the South of Bath.

There remains huge uncertainty about the intentions of this plan towards trees. Replacing Ash trees in the Southern tree belt, clarity of decisions about removal of TPO protected specimens and vagueness of the intentions about the Northern tree belt are notably still outstanding.

This proposal will exacerbate the effects of the Climate Emergency declared by B&NES, so is further contrary to established Local Policy.

The Parish Council are seeking advice as to whether failure to present any, or all, of the above latest information to the Development Committee could be construed as 'misdirection'. This objection should be read alongside the previous objections submitted by the Parish Council, where other detailed points demonstrate how this Planning Application fails to meet Policy B3a.

South Stoke Parish Council have also submitted a Transport Technical Note prepared by Alan Bailes Consultancy Ltd alongside their latest objection. The transport technical note will be discussed in the updated highways section of the officer assessment below.

COMBE HAY PARISH COUNCIL AND SOUTH STOKE PARISH COUNCIL: Object

Combe Hay Parish Council and South Stoke Parish Council jointly instructed a planning consultant (Renew Planning) to submit comments on their behalf maintaining their strong objection.

The Council cannot be certain in the absence of any Scheduled Monument Consent (SMC) that the pedestrian/cycle route required to be formed across the Wansdyke to facilitate a sustainable means of access to Threeways School and the Sainsbury's supermarket can be delivered in accordance with the requirements of Placemaking Principle 7 of Core Strategy Policy B3(a). The ability to provide this linkage is an important material consideration and fundamental to an assessment of compliance with Placemaking Principle 7 and Placemaking Principle 4, which latterly requires the provision of enhanced public access both within the site and to the surrounding area. This is not a matter that can be simply side-stepped by deferring to a Section 106 planning obligation requiring the applicant to exercise reasonable endeavours to secure SMC in circumstances where there can be no guarantee that such consent would be forthcoming, especially as the local planning authority would not be the decision-making authority on

such an application. Indeed, the Council has openly acknowledged that this could be the case by extending the scope of the suggested planning obligation to require an alternative route to be provided were SMC to be refused. However, there are no plans currently before the Council showing how this alternative route would be enabled and so it is equally impossible for the Council to form any meaningful conclusion whether the Placemaking Principles of Policy B3(a) would be met in this alternative scenario either. Indeed, it is instructive how the presenting planning officer has already openly conceded to members when questioned at planning committee that this alternative route would be less direct and sub-optimal in terms of facilitating a sustainable means of access to the school and supermarket. Accordingly, we would maintain that the applicant should not be determined until the outcome of the required application for SMC is known.

The exceptional circumstances held to exist in 2014 by the Examination Inspector for releasing the land from the Green Belt are no longer applicable now. Those exceptional circumstances were predicated on the overriding housing need at the time when the Council did not benefit from the required 5-year housing land supply. That is no longer the case now and planning committee must also have regard to the increased policy protection afforded to AONBs in the current NPPF relative to the NPPF in force at that time, which also constitutes a materially changed circumstance that must be afforded due weight in planning decision-making. The substantially increased number of dwellings now proposed compared to that originally envisaged under planning policy cannot be justified according to housing need and nor can it be justified according to the Placemaking Principles enshrined in that policy in circumstances where there is no certainty that a key element of the sustainable access infrastructure required under policy can be delivered.

COUNCILLOR FIONA GOURLEY: Object

Traffic: I am persuaded by the independent report commissioned from Alan Bailes by SSPC on highways that the developer's data and modelling of the traffic is still flawed and does not represent the current reality of queues at peak times down the A367, the B3110, the A3062, let alone the rat running through villages, as evidenced by the data collected by SOBA and the objections from nearly all of my parish councils and 1500+ residents. The situation will only get worse with other LPPU planned developments in the area, and the future sites proposed in the incoming Local Plan in the Somer Valley and Peasedown. The siting of Sulis Down at the bottleneck of the nexus of routes from west, south and east will have a severe impact. I am unaware of any proposed mitigations that could solve this, despite investment in the A367 corridor and more buses. Therefore, it should be refused.

Wansdyke Crossing: The report from Renew Planning makes a convincing case that Placemaking Principle 7 of Policy B3a is not met and cannot be secured by a S106 agreement. In 6 years, the developers have failed to meet the Phase 1 S106 requirement to gain Scheduled Ancient Monument approval for a pedestrian crossing of the Wansdyke, let alone a cycle route. I understand that they have not even undertaken the archaeological survey yet. Without this, the sustainability of the Phase 3&4 site is in question, with a long diversion via dark and narrow lanes, an unlit hoggin path across the fields (hard for bikes, buggies and wheelchairs, particularly in wet weather), or a long walk through Sulis Manor to Sulis Meadows and beyond. This will inevitably have an impact on people's access and transport choices. The impact on the scheduled Ancient Monument, the uncertainty around the lack of an approved crossing, the unsuitable alternative routes

and therefore the sustainability of the site and the consequent additional impact on traffic should be grounds for refusal.

Mixed Use: The lack of a comprehensive masterplan and the piecemeal development of the site is very unfortunate. The developers have had the opportunity to address the mixed use and community facilities for the estate required by Policy B3A but have failed to do so. The "mixed use" cannot be represented by a (possibly defunct) Spanish-owned language school and a community volunteer led-football ground, because both are included in the land allocation and could be developed, adding potentially 75-100 more houses to the total.

The developers are planning to build an over-large dormitory estate without providing any community facilities. As the principal benefit of the site appears to be the offer of 40% affordable and social rent housing, these residents may need significant support. However, they would have to seek this offsite, relying on already over-stretched and reduced services in Odd Down and the surrounding area, with little or no financial support from the developers. There is no mixed use which should be grounds for refusal.

Exceptional Circumstances: I have been very impressed by the latest objections from both Renew Planning and Cotswold National Landscape in which they have clearly set out the case for why exceptional circumstances are not met. They have clearly stated that the law and NPPF changed in December 2023 to provide more protections and to enhance the AONB. The over-development proposed for this site would conflict with the LPA's statutory duty to seek to further the statutory purposes of the area. In addition, the exceptional circumstances used to remove the area from Greenbelt to provide housing to meet the 2014 target no longer pertains. B&NES currently has sufficient housing for 7 years. Whilst B&NES does need more affordable and social rent housing, using this as a reason to build 60% more housing than is necessary, as is dictated by the current planning system, at this specific site on the Cotswold Landscape AONB is not sound and should be grounds for refusal.

COUNCILLOR ONKAR SAINI: Object

Traffic Congestion: The influx of hundreds of additional vehicles onto already congested roads, particularly during peak times, would exacerbate traffic issues. The park and ride roundabout, in particular, would become overwhelmed, posing serious safety risks for commuters and residents alike.

Destruction of Natural Habitat: The proposed development would result in the destruction of at least 69 mature trees and other valuable natural habitat, including areas inhabited by protected species such as bats. Such loss would have irreversible consequences for the local ecosystem and biodiversity.

Lack of Comprehensive Development Planning: The existing developer has failed to produce the necessary development documentation (Masterplans) for the area, resulting in a piecemeal approach to development that does not align with the Council's strategic vision. This lack of cohesion is evident in discrepancies regarding allotment areas and other amenities.

Neglect of Essential Infrastructure: The planning application fails to adequately address the need for essential amenities such as schools and community centers. The

development must be carefully planned to accommodate the growing population's requirements for schooling and other vital services.

Threat to Cultural and Historical Heritage: The proposed development would encroach upon significant heritage sites, including the Bath World Heritage Site, the Wansdyke Scheduled Ancient Monument, and the South Stoke Conservation Area. Additionally, the condition of the Wansdyke is critical and declining, requiring urgent protection and enhancement measures.

Lack of Local Services: The absence of shops, community centres, and hubs within the proposed development further highlights the inadequacy of the plan to meet the needs of residents. Additionally, the distance to the nearest secondary school with capacity exacerbates concerns about accessibility to essential services.

Impact on Existing Infrastructure: The ongoing construction at Mulberry Park has already strained local infrastructure, causing traffic congestion and disruption. Adding further development on Sulis Down would only compound these issues, resulting in chaos for residents and commuters.

In conclusion, the proposed housing development on the South Stoke Plateau is deeply flawed and incompatible with the needs and interests of the community. I urge the Planning Committee to reject this application in its current form and prioritize sustainable development practices that protect our environment, heritage, and quality of life.

FEDERATION OF BATH RESIDENTS' ASSOCIATIONS: Object

Having discussed the matter at a meeting of our Resident Association member representatives, and noting the special importance to Bath and its double WHS Listing of the Green Setting in which the city is integrally contained, we wish to place on the record our concerns regarding this proposal for a substantial increase in the development at this site on the green fringes of Bath.

In particular, we support the comments previously made by Bath Preservation Trust in their submissions of 29 September 2023. The matters raised therein should be addressed.

CAMPAIGN TO PROTECT RURAL ENGLAND: Object

The CPRE continue to object to the proposal. They suggest additional traffic will add to congestion and existing long tailbacks coming into Bath and will increase the tendency for vehicles to rat run along nearby lanes and rural roads. They also highlight the need to demonstrate exceptional circumstances in the AONB and suggest that there is a difference between a modest increase in homes above the 'around 300' figures in the allocation and the huge increase proposed. They also point to the launch of the Local Plan Options document and suggests this includes many other large scale brownfield sites in Bath which could be developed. They state that the plans fly in the face of relevant policies and should be refused.

COTSWOLDS NATIONAL LANDSCAPE BOARD: Object

The board maintains its objection and highlights an important change in the statutory duty relating to protected landscaping, including the Cotswolds National Landscape. The statutory duty under s85 of the Countryside and Rights of Way Act 2000 has now been superseded by S245 of the Levelling Up and Regeneration Act 2023 which came into effect on 26th December 2023. This has introduced a new statutory duty on LPAs to seek to further the statutory purposes of the National Landscape as opposed to merely having regard to them. This is a strengthened and more onerous statutory duty and the board have provided a legal opinion which provides further interpretation. The Board considers that this development would not conserve and enhance the natural beauty of the Cotswolds National Landscape and therefore is at odds with the statutory purpose of designation.

The Board remain of the view that exceptional circumstances have not been demonstrated and that the scale and extent of development is not limited. Notwithstanding the 'not a cap' wording, the increase in number of homes by 50% above the 300 figure does not comply with paragraph 182 of the NPPF.

Exceptional circumstances need to be demonstrated at this present time and for this particular development. Whilst comments from the 2014 Core Strategy Inspector are relevant, the committee should not simply accept them and should consider what circumstances have changed since that time. Consideration of the tests under paragraph 183 must be undertaken.

There are no exceptional circumstances to justify the additional 161 dwellings (above the 300 dwellings provided for in the allocation). The provision of a contingency for the Council's housing trajectory is not exceptional. The Council can also demonstrate a 5-year land supply and is passing the housing delivery test and these matters do not represent exceptional circumstances.

There is no consideration of the cost of, or scope for, developing outside of the National Landscape. There has been inadequate consideration of alternatives and other sites clearly exist as they have been found within the LPPU allocations.

Landscape impacts have been underestimated and are considered to be significant adverse impacts in EIA terms. The Board considers that should this development proceed, in its view, any future review of the National Landscape boundary could potentially see the site entirely removed from the National Landscape designation as it would cease to exhibit any of the special qualities of the National Landscape.

The Board consider that the proposal would not conserve and enhance the landscape and scenic beauty of the National Landscape. Therefore, it would not be consistent with policy NE2 of the LPPU, paragraph 182 of the NPPF and policy CE1 of the Cotswolds National Landscape Management Plan.

SOUTH OF BATH ALLIANCE: Object

SOBA have provided a criticism of the previous committee report and have also set out a further objection which is summarised below.

The traffic data submitted by the applicant contain no observations of current queue lengths or queueing times at any of the junctions in the area. Independent traffic survey commissioned by two local parish Councils observed up to a 12 minute delay on the north approach to the Odd Down Park and Ride roundabout. This contrasts with the applicant's junction models which predicted, with current traffic volumes, there would only be a maximum delay of 15.53 seconds. This 40-fold difference between observed queue lengths and the applicant's model calculation points to major shortcomings in their junction models which are completely unsuitable for modelling traffic in a complex congested network such as the Odd Down area. The failure of the applicant to validate the model output against actual observed queue lengths is both irresponsible and against standard industry practice. The junction models used by the applicant are deeply flawed and any future projections based on these models are therefore meaningless.

National planning policy requires that development be refused within an AONB other than in 'exceptional circumstances. There have been significant changes since the 2014 Inspectors conclusions. Additional NPPF wording says that the scale and extent of development within these designated areas should be 'limited'. The additional homes above the around 300 allocation cannot be described as 'limited'. B&NES are also well ahead of their housing delivery targets and have a 5 year supply of housing land of 7.21 years. The exceptional circumstances considered in 2014 no longer apply.

The sustainability claims of the applicant assume that it will be possible to get Scheduled Monument Consent (SMC) for a crossing of the Wansdyke at Cranmore Place. A 3m wide combined use cycle and pedestrian crossing would have a major impact on the Scheduled Ancient Monument and it is highly uncertain whether SMC would be granted.

The applicant was meant to secure Scheduled Monument Consent for a pedestrian crossing of the Wansdyke at the same point as one of its Section 106 commitments as part of the Phase 1 development. Nearly 6 years after Phase 1 was agreed there appears to have been little progress in obtaining even this.

There is also an issue with the land immediately north of the proposed crossing which is not owned by the applicant and has no right of way across it. This issue does not appear to have been considered.

Historic England have recommended an assessment of alternative routes should SMC not be granted. This has not been done. If there is no route across the Wansdyke established this will double the distance to local shops and schools and impact the sustainability of the site.

The application should not be considered again by the Committee until either Scheduled Monument Consent has been obtained for a dual use crossing or details of a viable alternative have been put forward.

The applicant's response for clarification on the no. of trees retained/replaced/lost is inadequate. The proposals require the felling of a total of 129 trees. The southern tree belt is a regionally important flyway within the Bath and Bradford on Avon SAC for bats. 58% of the trees are ash and suffer from ash dieback. This will significantly reduce its effectiveness as a visual screen of the proposed development from within the AONB and as a light screen to reduce the impact on the bat population. Even though the northern

tree belt is indicated within Policy B3a as 'to be retained' the applicant has obtained a felling license to remove it. Despite now claiming that there will only be 'selective thinning' of these trees, 75% of them the trees lie within the area marked for built development.

The South Stoke plateau is level accessible green space and is hugely valued by the local community. This proposed excessive development lies far outside the parameters set within the B&NES Local Plan and breaches multiple local and national planning policies. It is opposed by the large majority of the local community and their representatives. This objection provides the evidence requested by the Planning Committee when they deferred their decision in November 2023, and multiple conclusive grounds to reject this application.

On the basis of multiple breaches of local and national planning policies application 22/02169/EOUT must be comprehensively rejected.

WERA HOBHOUSE MP: Object

The impact of additional traffic on an already significant congestion problem in the area will surely be intolerable and data provided to the contrary is barely credible. This alongside the negative effect on wider community resources, services and amenity simply render this development unconscionable for my constituents, both those directly and indirectly affected.

The provision of minimal and unsatisfactory information around the AONB exceptionality criteria do not in any way persuade me that a case for exceptional development has been made out and the level of irreversible harm it would cause is further magnified by its location within the green setting of the WHS. These designations are absolutely at the heart of our city's identity and to regard them with indifference or dismissively is deeply insulting.

Furthermore, and in similar vein, I endorse the concerns expressed around harms to heritage assets Sulis Manor and the West Wansdyke Scheduled Monument, by, respectively, Avon Garden Trust and Heritage England.

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

At the time of the original committee report there was 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. This duty has since been amended by Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 which came into effect on 26 December 2023 (see below).

LEVELLING UP AND REGENERATION ACT 2023

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (recently renamed "National Landscape") in England, to seek to further the statutory purposes of the area.

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 in 2017 the Inspector made the following comments:

"In assessing future housing supply from large sites, the Council has undertaken significant analysis of delivery informed by commercial/market input (particularly through discussions with agents representing developers taking forward sites). Anticipated delivery programmes have been informed by historic build out rates of other schemes within the District. In many instances the estimated supply from some identified sites is conservative when compared to developer aspirations about capacity in pre-application discussions. For example, the capacity of 300 dwellings set out for allocation of Odd Down in Bath is likely, having regard to pre-application discussions, to increase by 100-150 dwellings."

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, in and of itself, 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 39.23 dwellings per hectare. Whilst greater than the density of development of phase 1 (33 dph), this is still within 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 is to take place in the first available planting season following the Forestry Commission approval. 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 Council's ecologist has reviewed the replacement planting plan to take place in Great Tynings and is satisfied that this will not adversely affect the ability to deliver the off-site Skylark provision in Great Tynings and Long Tynings.

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.

Further concerns have also been raised about overlap between the parameter plans and part of the tree belt along the northern boundary of phases 3 and 4. Whilst there some overlap in this area, detailed reserved matters applications would still be required to identify the precise locations and layout of development. The land use parameter plan identifies these as distinct areas (3A and 4A) and includes annotation which requires the following:

'Retaining existing trees as shown on the B3a Concept Plan and supplemented with new tree planting and vegetation'.

'Minimum of 2/3 of the frontage planted with trees and vegetation; maximum of 1/3-built frontage visible, fronting northward towards the Wansdyke'

'The eastern boundary with Sulis Meadows will be improved by the retention of trees (as set out in a tree replacement plan to be submitted with further Reserved Matters applications) together with additional tree planting.'

The overlap therefore does not imply that these trees will be removed as the annotation accompanying the parameter plan clearly states that the existing trees should be retained and supplemented with new tree planting. The exact detail of this can be resolved through the reserved matters applications.

Additionally, the applicant has also agreed to an undertaking not to fell any further trees along north boundary and the trees on the rear boundary of the properties to Alder Way and Spruce Way without agreement from the Local Planning Authority.

At the November Planning Committee, it was requested that a further assessment of the Southern tree belt be provided to better understand the number of trees with ash die back for further information on any management proposals.

The applicant has provided a further note explaining that the southern tree belt was planted in 2000 has a species list comprising Ash, beech, small leaved lime, wild cherry, black pine, sycamore and black walnut. The applicant's Arboricultural Impact Assessment identifies that approximately 50% of the trees comprise ash and that over the next few years, the majority of these will succumb to Chalara dieback and will need to be removed.

Suitably worded planning conditions will be used to secure the appropriate management and enhancement of the southern tree belt, but the applicant has also provided a document entitled 'Management and Enhancement of the Southern Tree Belt' which sets out their intentions for the management/enhancement of this area. This includes proposals for replanting to replace the ash lost to ash dieback with a mix of oak, field maple, silver birch, small leaved lime, crab apple and wild cherry.

Third parties have conducted their own survey of tree species within the southern tree belt. This shows that there are approximately 1,000 trees in the southern tree belt and that 58% of them are ash. Whilst it is unclear whether this survey was undertaken by an appropriate qualified Arboriculturalist and to a recognised methodology, its findings are broadly consistent with the arboricultural impact assessment provided by the applicant.

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 Derryman's 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 resulting 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 in 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 indicate 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

It should be noted that since the November 2023 planning committee AONBs have been renamed National Landscapes (although the NPPF has not yet been updated to reflect this). Any references to AONB or National Landscape in this report can therefore be taken as referring to the same designation.

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 183 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. Paragraph 183 also sets out three criteria that should be considered for this assessment which include:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

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. This is a highly relevant consideration, but it remains important to consider whether the test for exceptional circumstances is met for the current application.

Comments received from the Cotswold National Landscape Board and third parties have pointed to two main changes in circumstances which deviate from the conclusions of the Inspector in 2014. Firstly, at the time of the Core Strategy examination the Council were not able to demonstrate a 5 year housing land supply whereas now it can. Secondly, wording relating to AONBs in the NPPF have been updated since the 2012 version and now include additional text which states:

"The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

As set out in the Housing Supply and Delivery section below, the Council is not required to demonstrate a 5YHLS for decision making purposes and, in any case, can currently demonstrate a 5 year housing land supply. The current 5YHLS period does include a total of 65 homes being delivered by the site and subsequent periods include a total of 129 homes coming forward on the site. There remains a need for the site to deliver at least 129 homes within the plan period if the Council is to maintain its housing trajectory and meet its general housing needs.

A further, more critical need is discussed in the Affordable Housing section below. This outlines the delivery of new affordable homes in recent years has been struggling and that there remains a significant number of affordable homes to be delivered before the end of the plan period. It also notes that this application is 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, totalling 116 affordable homes.

Additionally, unlike in 2014 when it was only being considered for allocation, the site is now actually allocated and part of the formally adopted development plan. This is significant material consideration.

These are matters that go towards the consideration of paragraph 183(a).

Additionally, the proposal would have some economic benefits (see Employment and Economy section below). However, these are temporary benefits that on their own would not represent exceptional circumstances.

In terms of paragraph 183(b), the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way, it has been suggested by some that land is available to meet housing needs on brownfield sites and have also pointed to the New Local Plan Options Consultation (launched in February) which includes site options within and around the city of Bath.

Many of the brownfield sites within Bath are already allocated and included within the Council's housing trajectory. Furthermore, as set out in the Affordable Housing section below, 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. Site options included within the Local Plan Options Consultation are not allocated sites and, given the very early stage of the plan can only be afforded very limited weight. There is no guarantee that any of these sites will be allocated and so cannot be relied upon.

Furthermore, whilst some of the land around the urban edge of Bath falls outside of the Cotswold AONB, all of it falls within the Bristol and Bath Green Belt. The allocation site is therefore largely unique in that it does not fall within the Green Belt (having been removed from the Green Belt when it was allocated in 2014). The NPPF is very clear that new buildings in the Green Belt is inappropriate. There are no other allocated sites on the edge of Bath which fall outside of the AONB. It is therefore considered that there is limit to no scope for meeting the needs on another site outside the designated area on the edge of Bath.

In terms of the detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which it can be moderated (NPPF paragraph 183(c)), the current ES is broadly consistent with the previous assessments undertaken in 2014 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.

As discussed in the sections above, several aspects of the application help to moderate the impacts of the development including the site layout, the building height parameters, the reinforced planting, the restoration of the drystone walls, the sensitive lighting and the choice of building materials, etc.

There will also be some impacts upon the existing recreational opportunities offered by the site as the proposed development will undoubtedly have an urbanising affect upon the application site and the plateau more generally. However, the proposal does 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. 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 and help to moderate the impacts of the development.

The Cotswold National Landscape 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 182 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. Furthermore, the scale of the proposed development will also be limited through the use of the parameter plans including the building height parameter plans which restrict the height of dwellings to that necessary to deliver a reasonable mix of housing. 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 (now paragraph 182), and the proposed development. The above matters, when considered against the tests set out in paragraph 183 of the NPPF represent 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 182 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 though 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. The latest transport assessment addendum includes traffic data from January 2024 that assessed the number of vehicles associated with the Phase 1 development (at about 55% occupation) that also used Combe Hay Lane to the south. The result of this analysis confirms that there are very few movements on this lane that are routed to or from the Phase 1 development (a total of 12 vehicle movements across a 12 hour survey period), and there are no obvious reasons why this would be any different in a future development scenario.

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.

s245 Levelling Up and Regeneration Act 2023

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (recently renamed "National Landscape") in England, to seek to further the statutory purposes of the area.

This differs from the previous duty under s85 of the Countryside and Rights of Way Act 2000 in that it strengthens the duty on public authorities when carrying out functions in relation to AONBs (and other protected landscapes) to 'seek to further' the statutory purposes. The duty is applicable to the current application as the proposals will clearly touch affect the land within the Cotswold's AONB.

The duties are pro-active, and not merely an afterthought: the Council must "seek to further" the stated purposes in the exercise of their functions. This must be in relation to the specific statutory purposes of the designation rather than general regard to the benefit of protecting such landscapes.

To be clear, however, this does not mean that the duty precludes decisions that are "net harmful" to an AONB, but what is required is positive evidence that the Council has sought to further the purpose by taking all reasonable steps to further the purpose.

The statutory purpose of the AONB designation is to conserve and enhance the natural beauty of the area.

It is considered that in negotiating, assessing, and determining this application the Council have sought to further the purposes of the AONB. Many aspects of the proposed development including the site layout, the building height parameters, the reinforced planting, the restoration of the drystone walls, the sensitive lighting and the choice of

building materials have been designed to minimise the impacts of the development. Whilst these matters have been sought to help further the purposes of the AONB, it is plain from the assessments above that the development proposals will still have a net negative impact upon the statutory purposes of the Cotswolds AONB.

The above duties do not require, as a matter of law, refusal of planning permission for any proposals that would have a net negative impact upon the AONB. It is necessary to consider whether there are any reasonable alternative approaches which could be adopted. One obvious alternative which would not result in a net negative impact upon the AONB would be for the council to refuse planning permission and not allow development of the allocated site within the AONB. This approach is not considered to be reasonable given that this is an allocated site within the adopted development plan and forms part of the Council's housing trajectory. Preventing any development from occurring on the allocated site is not considered reasonable in these circumstances.

Another alternative suggested by the Cotswold National Landscape Board and other third parties is a reduction in the quantum of development from the up to 290 dwellings proposed closer to the 129 dwellings which would take the total number of dwellings in the allocation to 'around 300' as set out in the policy.

However, the figure of 'around 300' is explicitly stated as not being a cap on the quantum of development and the policy allocation also requires development to be within a particular density range. It would therefore not be a reasonable approach to restrict the quantum of development if the Placemaking Principles are met. Various Placemaking Principles require detrimental impacts to be avoided or minimised, including on the Cotswolds AONB, and the various sections of this report discuss how this has been achieved within the current proposals.

Furthermore, the current ES is broadly consistent with the previous assessments undertaken in 2014 and therefore it is considered that a reduction in the quantum of development to 'around 300' would not result in any lesser impacts upon the statutory purposes of the AONB than the current scheme. This is particularly the case given that many aspects of the scheme, including the detailed designed, remain to be resolved at the reserved matters stage.

It is therefore considered that, whilst the proposed development has a net negative impact upon the AONB, the Council has sought to further the purposes of the AONB in coming to this recommendation and there is no other obvious alternative approach that would better further the statutory purposes of the AONB.

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 208 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 208 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 shared 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 208 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 209 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 208 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 115 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.

It has been raised by third parties that there is no certainty that Scheduled Monument Consent will be granted or that an alternative route would be deliverable or viable given that it runs through Green Belt land. Given that the final decision falls outside of the control of the applicant and the Local Planning Authority, there is no certainty about the grant of Scheduled Monument Consent. However, there has already been significant engagement with Historic England and the applicant has provided the following update as requested by the November Planning Committee:

1. Consent has now been obtained from Natural England for a Badger Disturbance Licence to allow the archaeological site investigation of the monument to proceed.
2. A written scheme of investigation has been prepared for the purposes of archaeological trial trenching and is being submitted to Historic England for formal consideration. Following approval of the updated WSI, the trial trenching investigation will take place. The findings will lead to the formal submission for Scheduled Monument Consent, for the formation of the cycle/footpath.

There is plainly more work that still needs to be undertaken before a crossing can be delivered, but that matters are progressing in a positive direction.

An alternative route would likely need to first seek planning permission before it is delivered, and appropriate triggers can be sought as part of the s106 agreement to ensure that parts of the proposed development are held back until this is secured. Whilst the route would take any path over Green Belt, the engineering operations do have the potential (without predetermination) to be considered appropriate development in the Green Belt in accordance with paragraph 155 of the NPPF.

Whilst there cannot be total certainty about either the Wansdyke Crossing or the delivery of an alternative route (and therefore the degree of weight afforded to these matters should be adjusted accordingly), the heads of terms agreed with the applicant ensure that there is the best possible opportunity for their delivery. This element of Placemaking Principle 7 is therefore likely to be met.

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 plan 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.

Updated Traffic Impact Assessment

Following the planning committee request for further information at the November 2023 meeting, a further Transport Assessment Addendum (Tetra Tech) has been submitted by the applicant covering several matters.

Firstly, it confirms all the committed developments that were including in the traffic analysis. The list of committed developments has been agreed by the local highway authority and consists of all relevant development proposals that are coming forward in the locality. This includes, inter alia, Mulberry Park and St Martins Hospital.

The addendum also includes further traffic survey work which was undertaken in January 2024. This survey information has been reviewed against the earlier data (collected in 2022) that was used as the basis of the traffic modelling work. The Tetra Tech addendum confirms that there are minimal differences between the two data sets. However, it was noted that there were some material changes at the Odd Down Park and Ride roundabout. The Highways Officer recommended that the operation of the roundabout was reassessed given these observed changes (discussed below).

Appendix H of the Tetra Tech submission provides a comparison of the modelling based on the 2022 data, and the new modelling created using 2024 data, and Table 4.1 presents a summary of the modelling result changes. In particular, the new modelling shows that some increase in queuing within the AM peak period would be expected.

The Planning Committee also requested analysis of the impact on alternative "rat running" routes to the A367. The applicant's transport consultant has presented January 2024 traffic data that assessed the number of vehicles associated with the Phase 1 development that also used Combe Hay Lane to the south. The results of this analysis confirms that there are very few movements on this lane that are routed to or from the Phase 1 development (a total of 12 vehicle movements across a 12 hour survey period), and there are no obvious reasons why this would be any different in a future development scenario. The Highways Officer considers this to be a reasonable assumption.

Tetra Tech also undertook a review of the traffic movements that would be expected to be associated with the existing settlements further to the south (as opposed to movements generated by the development itself). The conclusions of that additional review suggest

that the level of traffic using Combe Hay Lane is not excessive given the number of employment and education trips that would normally be expected from the settlements to the south. For example, a total of 88 vehicle movements were recorded as routed towards Bath in the AM peak hour period, and the transport consultant summarised that this would be lower than the number of car trips that are expected to be generated by the existing Combe Hay and Wellow settlements. However, the information provided cannot confirm that vehicle movements from a wider area do not exist on Combe Hay Lane in some form.

In response to the latest consultation period, third parties submitted a technical note provided by Alan Bailes Consultancy Ltd which presents a new traffic data set, with information collected on 7th February 2024 by drone at the A367 Odd Down roundabout and the Red Lion roundabout (the junction of the A367 and A3062). The Highways Officer has reviewed this additional information and provided a further review.

The Alan Bailes Consultancy Ltd technical note concentrates on the morning peak period and reviews the traffic data collected by drone for the Odd Down P&R Roundabout. This traffic footage presents a scenario that is significantly worse than any results shown in the modelling approach which supported the planning application. The technical note considers that the interaction of the roundabout with the pedestrian crossing and Old Fosse Road junction to the north constrains the actual capacity of the roundabout through the morning peak period. The drone footage does confirm that this is the case, and the technical note provides further modelling using a technique which "throttles" the flow capacity of the A3067 arm to the north. This limits the overall capacity of the Odd Down roundabout, and in particular, when the pedestrian crossing is heavily used by school and college students. This pattern was observed at a recent further site visit by the Highways Officer (March 2024), although the queue delays were not of the scale shown by the drone footage.

Site visit observations and the drone footage do clearly demonstrate that the operation of the roundabout can be significantly influenced by fluctuations in the local traffic flow conditions, motorists decision-making, the operation of the A3067 pedestrian crossing and drop off activity at the local school and college. Using the 7th February 2024 traffic conditions as a baseline, the Alan Bailes Consultancy Ltd model concludes that there would be a further two minute delay for motorists on the A367 southern arm as a result of the development. This does not appear to be an unreasonable outcome given the observed traffic conditions.

It should be noted that the traffic capacity constraint does not appear to be the operation of the Odd Down roundabout, and none of the presented modelling results would justify any capacity improvement work at the roundabout itself. The submitted drone footage clearly demonstrates that the operation of the roundabout fully recovers shortly after 9am, and no queuing is observed after that time. The roundabout experiences no significant delays throughout the rest of the day. The drone footage and site observations confirm that the predominant traffic constraint within the network is the frequency of use of the signalised pedestrian crossing on the A367 to the north of the roundabout. The Alan Bailes Consultancy Ltd technical note confirms that "between 08:00 and 09:00 the pedestrian crossing was on red for 18.3% of the time", and there are particular times when this is significantly higher. The highway authority would not accept any reduction in the ability for pedestrians to cross the road at this location. This would have potential road safety implications for children walking to school and college. Further, the emerging

Somer Valley Links project seeks to significantly improve active travel connections along the A367 corridor as a whole, and this signalised crossing is considered to be fundamental infrastructure for pedestrians. Paragraph 593d of the adopted Local Plan Partial Update states the following:

"Sustainable transport measures will be promoted and prioritised ahead of increases to traffic capacity, which will only be accepted once sustainable transport opportunities have been exhausted or where there is a significant risk to safety."

The potential impact of the development scheme has been considered in this context, and the removal of a crossing facility to increase traffic capacity could not be supported.

In respect of the Red Lion roundabout (A367 Wellsway / A3062 Frome Road / Frome Road junction), as demonstrated within the submitted drone footage video, the roundabout operation does vary throughout the afternoon peak period. However, the video clearly shows that any traffic queue develops and then dissipates throughout the period. This does not demonstrate that the previously submitted modelling is significantly incorrect, and whilst there may be short periods of time when queuing occurs, there is no fundamental continued breakdown in the operation of the roundabout over this period of time.

The Alan Bailes Consultancy Ltd technical note also comments on the existing trip rates associated with the Phase 1 residential development. The most recent Tetra Tech surveys show that the completed site generates 0.42 cars per household in the morning peak hour, and this is 23% lower than the traffic forecast by the original Phase 1 Transport Assessment. Only two cyclists were recorded. The highway authority has sought a financial contribution towards the delivery of the Somer Valley Links Improvement project, and this would deliver a significant number of active travel enhancements along the A367 corridor, including cycle priority routes. This potential impact has been fully considered by the highway authority, and the requirement for a financial contribution was made of this basis. The total sum for the required Somer Valley Links and Scholar's Way schemes, to deliver public transport, walking and cycling improvements in the vicinity of the site is £629,462.88. The lower than predicted traffic generation associated with the Phase 1 development reflects the caution needed when relying on older datasets for modelling future scenarios, and the active travel access for the site should be supported by the measures delivered by the requested contributions.

A review of the latest Tetra Tech surveys indicates that, assuming no further shift to public transport and active travel modes, the proposed development is likely to generate in the order of 67 vehicles leaving the proposed development and entering the Odd Down P&R Roundabout via Sulis Down Road in the morning peak hour. A development which aligned with the "around 300 dwellings" Local Plan allocation, which would equate to an additional 129 dwellings, would generate approximately 30 vehicles in the same direction.

Traffic Impact Assessment conclusions

The Alan Bailes Consultancy Ltd technical note considers that the predicted Odd Down P&R roundabout would justify a planning refusal on the grounds of a severe transport impact, and this would conflict with the requirements of paragraph 115 of the National Planning Policy Framework, which requires that:

"115. 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."

There is no accepted definition of how the term "severe" should be considered, however, it is material to consider the outcome of other planning decisions, and in particular, those tested at appeal. The Inspector when determining a residential scheme in Pinn Hill, Exeter (APP/U1105/A/13/2208393) considered the issue of the severe transport impacts in some detail and summarised that:

"Paragraph 32 (now 115) of the Framework indicates that development should only be refused on transport grounds where the residual cumulative impacts are severe. It was agreed that an increase in queuing may be inconvenient but that in itself would not provide the necessary justification to refuse permission. Rather it was the consequence of queues in terms of driver behaviour, risk and safety that was the matter at issue."

This appeal was "called in" and ultimately determined by the Secretary of State. In the report for a following appeal at Hartnells Farm, Taunton (APP/D3315/W/16/3157862), the Inspector makes reference to the above Secretary of State decision and stated:

"In the report to the Secretary of State, the Inspector comments (paragraph 34) that the term 'severe' sets a high bar for intervention via the planning system in traffic effects arising from development, stating that: "The Council agreed that mere congestion and inconvenience was not sufficient to trigger the 'severe' test but rather it was a question of the consequences of such congestion". I agree with my colleague's comments, which have influenced my determination of the appeal..."

It is clear from the earlier appeal decisions that the highway authority has a duty to consider the consequences of additional queuing, but the potential delay and inconvenience to the motorists involved does not necessarily amount to the impacts on the road network being considered "severe". The predominant traffic capacity issue as a result of the proposed scheme in this case is a potential increase in queuing on the A367 southern approach to the Odd Down P&R roundabout within the morning "peak period", which aligns with significant travel activity associated with local schools and college. The queuing on the A367 does not directly impact on the operation of the Odd Down P&R site itself, and buses travelling from the south are not significantly affected due to the presence of the exiting bus lane. Emergency vehicles would also have the opportunity to use the alternative lane. Finally, the queuing quickly dissipates at approximately 9am and no queuing is observed beyond that time.

The submitted 7th February 2024 drone footage demonstrates that queues on the Sulis Down Road approach occur for a period of approximately ten minutes before dissipating as the school drop off period ends. This is replicated within the presented model results, and it is unlikely to be a significant issue in the development scenario. No significant queuing on the A367 northern arm is likely to occur.

The issue of potential "rat running" through local villages has been raised by several parties and at Committee, and this was considered in the latest transport submission from the applicant's consultant. From the presented surveys it was concluded that a flow of 110

vehicles were routed inbound along Combe Hay Lane in the morning peak hour, including 22 vehicle movements generated by the Phase 1 development. The submitted drone footage from 7th February 2024 also provides an opportunity to count vehicles travelling along Combe Hay Lane, and this in a scenario where queues were observed on the A367 approach to the Odd Down P&R roundabout in the same period. A brief review of the footage indicates that approximately 100 vehicles were observed on Combe Hay Lane travelling towards Bath, and this aligns with the applicant's own survey data and conclusions. It indicates that delays experienced on the A367 are unlikely to have a direct impact on motorists route choices.

In summary, having reviewed the additional information presented by third parties, and in particular the detail of the Alan Bailes Consultancy Ltd technical note, and reviewed against local and national policy requirements, the highway authority does not change the previous highway recommendation. The predominant traffic impact of the proposed scheme is likely to occur on the A367 southern approach to the Odd Down P&R roundabout for a period within the morning peak period, and having reviewed the associated impacts with such traffic queuing, it is not considered to be sufficient to trigger the "severe" transport impact test that is presented within the National Planning Policy Framework.

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.

Some comments have raised concerns about the certainty that high quality design will be delivered and highlight changes that have occurred with the phase 1 development compared to its original approve, e.g. changes to the roof tiles. However, appropriate

controls can be put in place to ensure that the design quality of the current proposals is maintained. This includes conditions requiring a design statement is submitted alongside each reserved matters application demonstrating how they meet the vision and objectives for the site and other conditions securing details of materials, landscaping, lighting, etc.

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. There will be no negative impacts on educational services as a result of the proposed development.

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.

The NPPF requires that 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. However, the recent update to the NPPF in December 2023 states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

As confirmed by the recent LPPU examination, the Council can currently demonstrate a 5YHLS. The Council is therefore not currently under any requirement to demonstrate a 5 year housing land supply for decision making purposes.

Whilst the demonstration of a 5YHLS is not necessary in policy terms, in practical and delivery terms, it remains prudent for the Council to ensure that there is a sufficient pipeline of housing sites coming ready to come forward within the next 5 year period so that housing delivery remains on track.

In terms of the site's anticipated contribution to the 5YHLS, 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 in terms of maintaining 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. Contributions towards Primary Health Care are referenced in the Planning Obligations SPD and 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.

The RUH have responded to these points and highlighted the system of governance that dictates how NHS funding is allocated and that the above court cases do not completely rule out the ability of an LPA authority to require such contributions. They have also agreed to a reduction in their request for a contribution to reflect the fact that those occupying the 40% affordable housing are likely to already live within the catchment area of the RUH.

In terms of what the contribution would be spent on the information from the RUH refer to the costs of services, such as, A&E attendance, non-elective surgery and outpatient care. Unlike the request from the ICB, it is much less clear whether these matters are directly

related to the development and whether they constitute infrastructure which is necessary for the development to be acceptable. There is no explicit requirement within the development plan or the Planning Obligations SPD for contributions towards secondary healthcare. Policy CP13 also relates to the provision of infrastructure rather than as a means to support the general service costs of the NHS.

As a matter of planning judgement, it is considered that the proposed contribution for the RUH towards secondary healthcare does not meet the CIL regulation 122 tests and should not 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. ARCHAEOLOGY

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 arising 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. They point to the original proposals in the phase 1 development which were supposed to be drained via individual soakaways but were subsequently changed to a single large soakaway.

However, phase 1 was a full planning application with details of the layout and design of the buildings and open spaces being fixed before the detail of the drainage strategy was

agreed. The current proposals relate to the outline part of the application and the details of the layout and drainage proposals are not yet fixed. Given the sensitivity of this issue and to address these concerns, it is considered necessary to require details of the drainage strategy to be submitted as part of any reserved matters application.

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.

Further comments received from third parties have referred to pre-application given in March 2022 and querying why requirements set out in that advice are no longer being requested. Pre-application advice is provided as informal officer advice only and does not represent a formal determination of the Council's position in respect of a development proposal. It is not binding upon the Council and the application now falls to be determined on its own merits.

It has been suggested that the developer should provide a parallel shared use path alongside the Wansdyke connecting from the Cross Keys Pub/Southstoke Road to St Gregory's College. This would provide a link to local shops, schools, communities and businesses and would protect the Wansdyke from further erosion.

The application does not secure a parallel shared use path alongside the Wansdyke as this is not a requirement of the allocation policy B3a. However, the application does secure a package of sustainable transport measures have been negotiated with the applicant (see highways section).

The description of development includes 'up to' 290 dwellings. It is therefore possible that, at the reserved matters stage, a lower number of dwellings will eventually be permitted. The s106 contribution amounts listed in the recommendation have been based upon a pro rata approach with the assumption that a total of 290 dwellings will be delivered. It has subsequently been agreed that the s106 agreement will contain formulas to ensure that the final contribution amounts are based upon the final number of dwellings agreed at the reserved matters stage on a pro rata basis. This will apply to the following contributions:

Primary Health Contribution
Somerset Valley Links Contribution
Scholars Way Cycle Scheme Contribution
Travel Plan Contribution

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. There also remains a degree of uncertainty in respect of one aspect of Placemaking Principle 7 related to the delivery of the shared use path over the Wansdyke (or alternative route) which is beholden to the grant of SMC. 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. These benefits will be largely temporary for the duration of the construction.
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 the potential for 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.).
7. 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.
8. 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.

11. Some additional queuing and inconvenience to motorists using the southern approach to the Odd Down P&R Roundabout, but not representing in a severe impact on the road network.

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 (Pro rata basis)
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 (Pro rata basis)
 - b. Scholars Way Cycle Scheme £209,386.28 (Pro rata basis)
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 and the trees on the rear boundary of the properties to Alder Way and Spruce Way without agreement from the Local Planning Authority
 - 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 three 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 nights 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:

1 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

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Responding to Climate Change (Informative):

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

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	10th April 2024
RESPONSIBLE OFFICER:	Gary Collins – Head of Planning
TITLE:	NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES
WARD:	ALL
BACKGROUND PAPERS:	None
AN OPEN PUBLIC ITEM	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 23/01178/FUL
Location: Lobbington Cottage Chew Lane Chew Stoke Bristol Bath And North East Somerset
Proposal: Change of use of land from agricultural land to garden land and erection of timber fencing (Retrospective) (Resubmission of 22/05135/FUL).
Decision: REFUSE
Decision Date: 15 May 2023
Decision Level: Chair Referral - Delegated
Appeal Lodged: 5 March 2024

App. Ref: 23/02417/PIP
Location: Jat Environmental Reclamation Ltd Pensford Hill Pensford Bristol Bath And North East Somerset
Proposal: Permission in Principle Planning Application for the Erection of up to 6 New Build Dwellinghouses (Use Class C3) and associated Infrastructure at JAT Reclamation.
Decision: REFUSE
Decision Date: 7 September 2023
Decision Level: Delegated
Appeal Lodged: 14 March 2024

App. Ref: 23/02008/FUL
Location: Land West Of Providence Bungalow Frome Road Radstock Bath
And North East Somerset
Proposal: Erection of 6 No. 3 bedroom houses, including waste and re-cycling
building, and tree works (Resubmission).
Decision: REFUSE
Decision Date: 24 August 2023
Decision Level: Delegated
Appeal Lodged: 20 March 2024

APPEALS DECIDED

App. Ref: 23/00893/FUL
Location: Field On Corner With Ferndale Road Deadmill Lane Lower Swainswick Bath Bath And North East Somerset
Proposal: Erection of 2no. detached dwellings (Resubmission).
Decision: REFUSE
Decision Date: 18 May 2023
Decision Level: Delegated
Appeal Lodged: 2 November 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 29 February 2024

App. Ref: 23/03086/FUL
Location: 70 Combe Park Lower Weston Bath Bath And North East Somerset BA1 3NE
Proposal: Demolition of double garage and small rear lean to extension and replacement with two storey side extension and single storey lean to rear extension with minor amendments to driveway to realise 5 bedroom family home.
Decision: REFUSE
Decision Date: 4 October 2023
Decision Level: Delegated
Appeal Lodged: 26 January 2024
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 March 2024

App. Ref: 22/03284/FUL
Location: Rudgeworth Woollard Lane Whitchurch Bristol Bath And North East Somerset
Proposal: Erection of bungalow following demolition of 3no. existing equestrian stables (Resubmission)
Decision: REFUSE
Decision Date: 5 December 2022
Decision Level: Delegated
Appeal Lodged: 16 August 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 7 March 2024

App. Ref: 23/01116/PIP
Location: Land Adjacent To Greystones Ashgrove Peasedown St John Bath Bath And North East Somerset
Proposal: Permission in Principle for an infill residential development of 2 no. dwellings.
Decision: REFUSE
Decision Date: 18 April 2023
Decision Level: Delegated
Appeal Lodged: 21 September 2023
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 13 March 2024

App. Ref: 22/05048/LBA
Location: Theatre Royal Sawclose City Centre Bath Bath And North East Somerset
Proposal: External alterations for the Installation of digital external advertisement display modules.
Decision: REFUSE
Decision Date: 20 June 2023
Decision Level: Delegated
Appeal Lodged: 6 November 2023
Appeal Decision: Appeal Allowed/Dismissed in Part
Appeal Decided Date: 18 March 2024

App. Ref: 22/05049/AR
Location: Theatre Royal Sawclose City Centre Bath Bath And North East Somerset
Proposal: Display of 5 no. digital display modules: 2 either side of the entrance to "The Egg," 2 either side of the main entrance to the Theatre Royal and 1 on the side elevation (onto St Johns Place) in a landscape format.
Decision: REFUSE
Decision Date: 16 June 2023
Decision Level: Delegated
Appeal Lodged: 6 November 2023
Appeal Decision: Appeal Allowed/Dismissed in Part
Appeal Decided Date: 18 March 2024

Case Ref: 23/00028/DEMOL
Location: Land West Of Providence Bungalow Frome Road Radstock Bath
And North East Somerset
Breach: Without Planning Permission the unauthorised demolition of a wall
in a conservation area.
Notice Date: 31 May 2023
Appeal Lodged: 12 September 2023
Appeal Decision: Dismissed
Appeal Decided Date: 28 February 2024

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