

# Planning Committee

**Date: Wednesday 19th November 2025**

**Time: 10.00 am**

**Venue: Brunswick Room - Guildhall, Bath**

## **Agenda**

To: All Members of the Planning Committee

**Councillors:-** Tim Ball, Paul Crossley, Fiona Gourley, Ian Halsall, Duncan Hounsell, Hal MacFie, Shaun Hughes, Dr Eleanor Jackson, John Leach and Tim Warren CBE

**Permanent Substitutes:-** Councillors: David Biddleston, Sarah Evans, Ruth Malloy and Ann Morgan

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](mailto: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](http://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 19th November 2025

at 10.00 am in the Brunswick Room - Guildhall, Bath

### A G E N D A

#### 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.

#### 6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 12)

To confirm the minutes of the meeting held on Wednesday 22 October 2025 as a correct record for signing by the Chair.

#### 7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 13 - 218)

1. 25/00142/RES - Bath Quays North Development Site, Avon Street, City Centre, Bath

2. 25/02735/FUL - Bath Fire Station, Bathwick Street, Bathwick, Bath, BA2 6PU
  3. 25/01546/FUL - 1 Wells Road, Westfield, Bath And North East Somerset
  4. 25/01499/FUL - 56 Stonehouse Lane, Combe Down, Bath, Bath And North East Somerset, BA2 5DW
  5. 23/04552/FUL - Central Garage, 93 Bristol Road, Whitchurch, Bristol, Bath And North East Somerset
8. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 219 - 224)

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 22nd October 2025, 10.00 am

**Councillors:** Tim Ball (Chair), Paul Crossley (Vice-Chair), Fiona Gourley, Hal MacFie, Toby Simon, Shaun Hughes, Dr Eleanor Jackson and Tim Warren CBE

#### 55 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

#### 56 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies of absence were received from Cllrs Ian Halsall and John Leach.

#### 57 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 58 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

#### 59 ITEMS FROM THE PUBLIC

The Democratic Services Officer informed the meeting of the process for public speakers to address the Committee.

#### 60 MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meetings of 17 September and 24 September be confirmed as a correct record for signing by the Chair.

#### 61 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

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

**RESOLVED** that in accordance with the delegated powers, the applications be determined as set out in the main applications decisions list attached as Appendix 2

to these minutes.

# **1. 22/03025/FUL Site Of Former Folly Inn Brewery And Pleasure Ground Hampton Row, Bathwick**

The Planning Case Officer introduced the report which considered an application for the erection of a car free self-build (affordable) dwelling.

She gave a verbal update as follows:

1. Confirmation that the overall height of the building was 1.26m above the level of the towpath to the south.
2. In relation to Policy SCR6, the application had been with the planning department for several years and so at the time of consideration and when advice was given, the scheme was in accordance with the previous sustainable construction policy but not as it is at present.

She confirmed the officers' recommendation that permission be refused for the reasons set out in the report.

The following public representation was received:

1. Wendy Zakiewicz and Tom Edwards, applicants, supporting the application.

In response to Members' questions, it was confirmed:

1. Natural England had considered the Habitat Regulations Assessment acceptable subject to suitable mitigations, but it was the view of officers that conditions would not meet the test for reasonableness e.g., to ban external lighting from a property located near a river.
2. Officers did not explore the option of developing the ruins as a proposal to do so had not been put forward.
3. In terms of how the building would be constructed, the building would be piled.
4. There would be an impact of users of the towpath during construction.
5. Bath stone had been proposed as a material on the side elevations to keep the pantry cool.
6. The site was off grid and there would not be any external utilities. There had not been a viability report, but there was no apparent reason why the development would not work. If consent was granted and the applicants wanted to make changes in the future, they would need to submit a further application.
7. Officers considered that the solar panels facing towards canal would be effective in spite of the vegetation which would screen the development.
8. If consent was granted, the applicants would require a separate consent from the Canal and Rivers Trust.

9. The location was in Bath and so it was within the housing development boundary.
10. There was a proposed compost toilet system and the details of this had been submitted in support of the application.
11. The concern from the Council's Tree Officer was the future management of trees as it would be a challenge to enforce the tree preservation order if there were safety issues relating to the residential development.
12. In terms of whether there was any legal restriction to permitting the application as it was not accessible, the application did not breach the public sector equalities duty.

Cllr Simon opened the debate as ward member and stated that Bath Preservation Trust supported the proposal, and Natural England confirmed their agreement with the conclusions of the Habitats Regulations Assessment providing that all mitigation measures were appropriately secured and he considered that this was the starting point for finding a way that the application could be acceptable. He addressed the officers reasons for refusal as follows:

1. Ecology – the impact on ecology would be minimal and the applicants would be stewards to help with the management of the land.
2. Habitat Regulations Assessment – it did not seem to be reasonable to say that conditions could not be applied. In terms of lighting, people living on the canal were used to approaching their properties in the dark and a condition to ban external lighting would be reasonable in these circumstances.
3. Character and Appearance – the building was not obtrusive and would not detract from the character and appearance of the area.
4. Heritage Impact – any harm was outweighed by the preservation and wider public benefits of constructing the property.
5. Trees and Woodland – the fact that the trees needed management was not a reason to object to the application. The risk of losing trees in the future if there was a safety issue linked to the development could be mitigated by a condition to secure replacement planting.

Cllr Simon moved that officers be delegated to permit the application subject to suitable conditions/planning obligations to overcome these issues. This was seconded by Cllr MacFie.

The Team Manager – Development Control stated that there were too many outstanding issues to warrant a “delegate to permit” decision and recommended that a decision be deferred to allow officers:

1. to ask the applicants to submit a detailed Landscape and Environmental Management Plan.
2. to give the applicant the opportunity to submit further justification on how mitigations would be secured in relation to the conflict between Habitat

Regulations Assessment and residential occupation.

3. to prepare suggested conditions and/or planning obligations.

In response to a question about whether it would be possible for the committee to accept in principle, the Legal Officer advised that members would need to reconsider the application with an open mind when it came back to committee for determination.

Cllr Simon agreed to change his motion to deferral on the understanding that the Committee was looking to see how the application could be acceptable but would keep an open mind if it was not possible to secure appropriate mitigations. This was accepted by Cllr MacFie as seconder of the motion.

Cllr Gourley commended the applicants for their commitment to the space but expressed reservations about the details of construction and how the scheme would work in the future.

Cllr Hughes spoke against the motion as he considered the officers report to be a comprehensive assessment and agreed that the development was unacceptable. Cllr Tim Warren concurred with this view.

Cllr Crossley spoke in support of the motion to defer consideration.

On voting for the motion, it was CARRIED (5 in favour and 4 against – Chair using casting vote).

**RESOLVED** that a decision be deferred to allow officers:

1. to ask the applicants to submit a detailed Landscape and Environmental Management Plan.
2. to give the applicant the opportunity to submit further justification on how mitigations would be secured in relation to the conflict between Habitat Regulations Assessment and residential occupation.
3. to prepare suggested conditions and/or planning obligations.

## **2. 25/02732/FUL Windyridge, High Street, Wellow, Bath**

The Planning Case Officer introduced the report which considered an application for the erection of 3 bed dwelling on land to the front of Windyridge, associated landscape works, and modification to existing drive entrance.

She gave a verbal update to report that the following paragraph had been omitted from the report:

“There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The



proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.”

She confirmed the officers’ recommendation that permission be refused for the reasons set out in the report.

The following public representation was received:

1. Cllr Michael Clarkson, Wellow Parish Council, supporting the application.
2. Simon Rayner, applicant, supporting the application.

In response to Members’ questions, it was confirmed:

1. In terms of the definition of less than substantial harm, the wording was taken from the National Planning Policy Framework and meant a level of harm that was lower than substantial harm, but considerable weight still needed to be given to less than substantial harm.
2. The materials were primarily limestone and there were some ceramic tiles near the front door. Although orange brick had initially been proposed, this was no longer part of the plans.
3. Although there was an extant permission, this application needed to be judged on its own merits.
4. Officers had concluded that the application did not preserve the conservation area.
5. The application had not been considered by the Design Review Panel.

Cllr Gourley opened the debate and acknowledged the support of the Parish Council and that the applicant had changed the design in response to comments but expressed concern about the siting and the impact on Hungerford Terrace and Windyridge bungalow.

Cllr Jackson expressed the view that the application was well designed and would preserve and enhance the conservation area as well as contributing to B&NES housing supply. She moved that the application be permitted. This was seconded by Cllr Warren.

Cllr Simon asked that the motion be amended to delegate to permit to allow for suitable conditions. This was agreed by mover and seconder.

Cllr Hughes acknowledged that the development would be an improvement on the existing but stated that the siting was too far forward and would result in a loss of amenity to Hungerford Terrace. Cllr Crossley agreed with this view.

On voting for the motion, it was CARRIED (4 in favour, 3 against, 1 abstention).

**RESOLVED** that officers be delegated to permit the application subject to suitable conditions.

### **3. 25/02605/VAR Great Barn Court Block Two Dane's Lane, Keynsham**

The Planning Case Officer introduced the report which considered an application for the variation of conditions 4 (Archaeology Post Excavation and Publication), 10 (Construction Management Plan), 17 (Landscape) and 18 (Plans List) of application 24/04399/VAR (Variation of conditions 5 (Investigation and Risk Assessment), 8 (Materials - Submission of Schedule and Samples), 13 (Biodiversity Gain and Habitat Management Plans), 17 (Fire Hydrants), 19 (Landscape) and 20 (Plans List) of application 23/04190/REG03 (Erection of 10 No. affordable apartments (Class C3) and associated access, drainage and landscaping works)).

He confirmed the officers' recommendation that permission be granted subject to the conditions set out in the report.

There were no public speakers in relation to this application.

In response to a Member's question, it was confirmed that the paving would be replaced by a permeable tarmac.

Cllr Hughes moved the officers' recommendation to permit the application. This was seconded by Cllr Warren,

On voting for the motion, it was CARRIED (8 in favour and 0 against - unanimous).

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

### **4. 25/02948/FUL Tregonhawke, Packhorse Lane, South Stoke**

The Planning Case Officer introduced the report which considered an application to widen an existing balcony.

He confirmed the officers' recommendation that permission be granted subject to the conditions set out in the report.

The following public representation was received:

1. Geoffrey Davis clerk of South Stoke Parish Council, objecting to the application.
2. Richard Harlow, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The purpose of the application was to enable the balcony to be more of a useable space as in its current form the opening of the doors conflicted with the balcony space.
2. The balcony was south facing.

Cllr Gourley opened the debate as ward member and moved the officers recommendation with an additional condition relating to the addition of a screen to prevent overlooking. Cllr Jackson seconded the motion.

Cllr Hughes raised concerns as the site was in a prominent position with a number of nearby properties and it would increase activity on the balcony and impact on residential amenity.

Cllr Simon spoke in support of the motion and an additional condition relating to a screen, suggesting this could be obscured glass. He also requested an additional condition to prevent external lighting.

Cllr Warren questioned how a screen would work and stated that he would be happy to support the officers' recommendation without additional conditions.

The Planning Officer advised that the applicants had suggested they would be willing to include a privacy screen, but his professional view was that the impact of the application was slight, and the built massing of a screen would outweigh the impact on residential amenity. If the Committee was minded to request an additional condition, officers recommended a deferral to allow a further consultation on the proposed screen. In relation to an external lighting condition, the applicant could put lighting outside the house without planning permission and so officers did not consider this to be reasonable in view of the size of the development.

Cllr Jackson stated that she was reluctant to include a condition in relation to lighting and that, in view of officers' comments, she considered a condition relating to a screen to be unreasonable. Cllr Gourley accepted these points and amended her motion to permit the application subject to the conditions in the report.

On voting for the motion, it was CARRIED (7 in favour and 1 against).

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

## **5. 25/01551/FUL 54 Uplands Road, Saltford**

The Planning Case Officer introduced the report which considered a retrospective application for the erection of a fence and shed.

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

There were no public speakers in relation to this application.

In response to Members' questions, it was confirmed:

1. The application included both the fence and the shed and the two could not be considered separately. The fence would screen the shed and reduce the visual impact.
2. There would be a proposed reduction in height of the close boarded section of the fencing and installation of timber trellis on top which would soften its

appearance.

3. The site differed from the site of a nearby application which was refused as there was a cluster of outbuildings nearby and so the shed would not be out of keeping with its nearby surroundings.
4. The applicant could erect a lower fence (up to 1 metre) under permitted development rights.

Cllr Hughes opened the debate and expressed the view that the fence and shed did not fit with the street scene, and he did not support the officers' recommendation.

Cllr Jackson stated that the fence would screen the shed and outbuildings and moved the officers recommendation to permit the application. This was seconded by Cllr MacFie.

Cllr Warren spoke in support of the motion.

On voting for the motion, it was CARRIED (6 in favour and 2 against).

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

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

The Team Manager – Development Management gave a verbal update to confirm that the appeal in relation to Parcel 3263 Deanhill Lane, Upper Weston, Bath had been dismissed.

**RESOLVED** that the report be noted.

63     **QUARTERLY PERFORMANCE REPORT COVERING PERIOD 1 JULY - 30 SEPT 2025**

**RESOLVED** that the report be noted.

The meeting ended at 12.41 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

| <b>Bath &amp; North East Somerset Council</b> |                                                     |
|-----------------------------------------------|-----------------------------------------------------|
| MEETING:                                      | <b>Planning Committee</b>                           |
| MEETING DATE:                                 | <b>19th November 2025</b>                           |
| RESPONSIBLE OFFICER:                          | Louise Morris - Head of Planning & Building Control |
| TITLE:                                        | <b>APPLICATIONS FOR PLANNING PERMISSION</b>         |
| WARDS:                                        | ALL                                                 |
| BACKGROUND PAPERS:                            |                                                     |
| <b>AN OPEN PUBLIC ITEM</b>                    |                                                     |

## BACKGROUND PAPERS

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

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

### **The following notes are for information only:-**

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

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

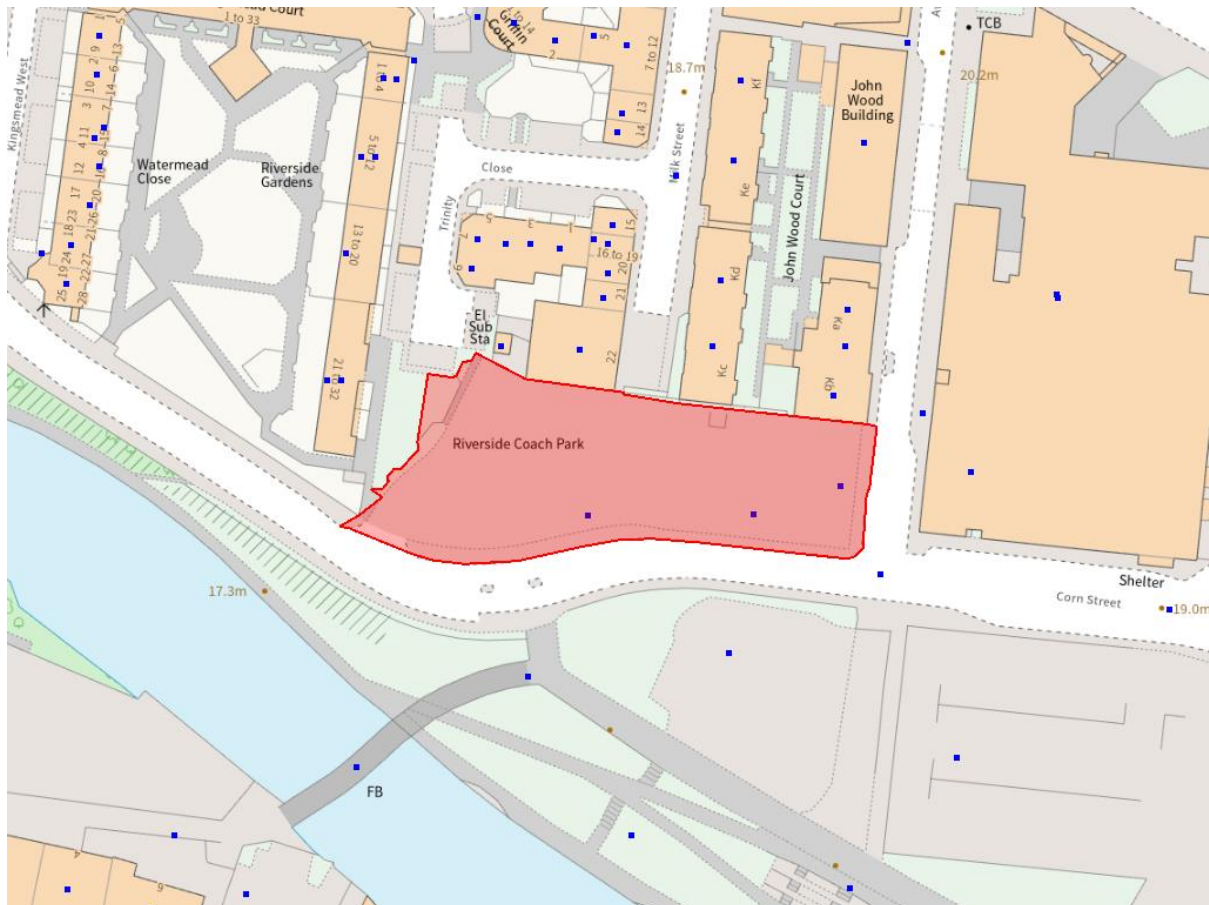
## INDEX

| ITEM NO. | APPLICATION NO. & TARGET DATE:   | APPLICANTS NAME/SITE ADDRESS and PROPOSAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | WARD:     | OFFICER:               | REC:                  |
|----------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------------|-----------------------|
| 01       | 25/00142/RES<br>21 November 2025 | Aequus Group<br>Bath Quays North Development Site,<br>Avon Street, City Centre, Bath, Bath<br>And North East Somerset<br>Approval of Reserved Matters for Plots<br>6 and 7 (access, layout, scale,<br>appearance and landscape) of<br>development permitted by<br>20/02787/VAR (Variation of condition<br>42 (Approved Drawings, Development<br>Specification and Design Codes) of<br>application 18/00058/ERE03 (Outline<br>planning application for comprehensive<br>mixed use redevelopment, comprising<br>B1, C1, C3, A1, A3, A4, D1 and D2<br>uses, with total combined floorspace of<br>up to 38,000sqm (GIA,above ground),<br>infrastructure (including basement car<br>park) and associated development,<br>including demolition of existing multi<br>storey car park and amenity building.<br>Access, landscaping, layout and scale<br>for approval (to extent described in<br>separate Development Specification),<br>all other matters reserved.)) | Kingsmead | David<br>MacFadyen     | Delegate to<br>PERMIT |
| 02       | 25/02735/FUL<br>21 November 2025 | Avon Fire And Rescue Service<br>Bath Fire Station, Bathwick Street,<br>Bathwick, Bath, BA2 6PU<br>Erection of fire station, offices and drill<br>tower with revised access, car parking,<br>landscaping and associated ancillary<br>works following demolition of existing<br>fire station, offices and drill tower                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Bathwick  | David<br>MacFadyen     | Delegate to<br>PERMIT |
| 03       | 25/01546/FUL<br>12 June 2025     | RCL Developments<br>Leigh House Trust Health Centre, 1<br>Wells Road, Westfield, Bath And North<br>East Somerset, BA3 3RN<br>Change of use from Office and Storage<br>(E) to a large House of Multiple<br>Occupancy (HMO) (sui generis)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Radstock  | Christine<br>Moorfield | PERMIT                |

|    |                                  |                                                                                                                                                                                                                                                                                 |                          |                        |        |
|----|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------|--------|
| 04 | 25/01499/FUL<br>1 August 2025    | Continental Trade (Bath) Ltd<br>56 Stonehouse Lane, Combe Down,<br>Bath, Bath And North East Somerset,<br>BA2 5DW<br>Erection of 6 no. 2-3 storey dwellings<br>and associated access, drainage and<br>hard/soft landscape works following<br>demolition of 2 no existing houses | Combe<br>Down            | Christopher<br>Masters | PERMIT |
| 05 | 23/04552/FUL<br>21 November 2025 | Creo Properties Ltd<br>Central Garage , 93 Bristol Road,<br>Whitchurch, Bristol, Bath And North<br>East Somerset<br>Demolition of existing garage building<br>and erection of a commercial unit (Use<br>Class E) with two flats above (Use<br>Class C3).                        | Publow And<br>Whitchurch | Christopher<br>Masters | PERMIT |

## **REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT**

**Item No:** 01  
**Application No:** 25/00142/RES  
**Site Location:** Bath Quays North Development Site Avon Street City Centre Bath  
Bath And North East Somerset



**Ward:** Kingsmead      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Paul Roper      Councillor George Tomlin  
**Application Type:** PI Permission (Approval/Reserved Matters)  
**Proposal:** Approval of Reserved Matters for Plots 6 and 7 (access, layout, scale, appearance and landscape) of development permitted by 20/02787/VAR (Variation of condition 42 (Approved Drawings, Development Specification and Design Codes) of application 18/00058/ERE03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA, above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.))



|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Constraints:</b>                                       | Article 4 Bath Demolition Wall, Article 4 Bath Office Conversion, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B1 Bath Enterprise Area, Policy B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, Canal and Rivers Trust Householder, Canal and Rivers Trust Major, Canal and Rivers Trust Minor, District Heating Priority Area, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones, |
| <b>Applicant:</b>                                         | Aequus Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Expiry Date:</b>                                       | 21st November 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Case Officer:</b>                                      | David MacFadyen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| To view the case click on the link <a href="#">here</a> . |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## REPORT

### Reason for Committee Decision:

This application is referred for decision by the Council's Planning Committee in accordance with parts 1.6 and 1.7 of the Council's Planning Scheme of Delegation because the application is subject of a viability assessment in respect of affordable housing, and the Applicant is Aequus Developments Limited (the Council's private housing company) with development involving more than two properties. In accordance with the Planning Scheme of Delegation, applications which meet these criteria must be decided by the Planning Committee and the application is on the agenda for this reason.

### Site Background

The application relates to part of the Bath Quays North development site at Avon Street/Green Park Road, south west of Bath city centre. The site was formerly used for visitor coach parking and is currently used for public surface level car parking. The land is owned by Bath and North East Somerset Council. The land is situated to the north of Green Park Road and west of Avon Street. The site is predominantly hard surfaced with tarmac, with a timber knee rail lining the outer periphery. There is a group of trees at the western boundary.

The site is north of the wider Bath Quays North / former Avon Street multistorey car park site and Bath Quays shared use bridge. Bath College is situated to the east of the site, there are University of Bath student halls of residence (John Wood Court) and offices to the north, and residential flats (Riverside Gardens) to the west.

In 2019, the Council gave outline planning permission for a major mixed-use regeneration scheme on the Bath Quays North site. The proposals comprised up to 38,000 m<sup>2</sup> of office, hotel, retail, food and drink and assembly and leisure and institutional uses as well as residential dwellings. The commercial uses were located on Plots 1-5 and planned as

'Phase 1' of the development, located adjacent to the river. The residential dwellings were planned as 'Phase 2' of the development on land referred to as Plots 6 and 7, located to the north of Green Park Road. The outline permission was later amended in 2020 (20/02787/VAR and 20/02660/NMA). In February 2025, permission for the reserved matters was granted for the commercial development on Plots 1-5 (application reference: 20/04965/ERES).

The site is located centrally within Bath, inside the City Centre area under policies CP12 and B2. The site is also within the Bath Enterprise Zone under Policy B1. The site is within the City of Bath and Great Spa Towns of Europe World Heritage Sites, as well as the Bath Conservation Area. There are a high number of buildings included on the National Heritage List for England located within a few hundred metres of the site. The nearest include the People's Mission Hall (grade II) located to the east on Corn Street, Nos. 6-18 St James Parade (grade II), the Bath Forum (grade II\* - formerly Christian Centre). Further afield are Green Park to the west and Camden Mill to the south.

The site is under 50m from the River Avon which is a designated Site of Nature Conservation Interest (SNCI) under policy NE3 and causes the site to be in flood risk Flood Zone 2. The river corridor also provides a supporting habitat for the Bath and Bradford on Avon Bat Special Area of Conservation (SAC).

## **Planning History**

20/04965/ERES                      Approval of Reserved Matters for Plots 1-5 (Access, Appearance, Landscaping, Layout and Scale) of development permitted by 20/02787/VAR (Variation of Condition 42, approved drawings, development specification and design codes of application ref. 18/00058/ERE03 Outline planning application for comprehensive mixed-use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi-storey car park and amenity building).                      PERMITTED - 27.02.2025

22/02771/NMA                      Non-material amendment to application 20/02787/VAR (Variation of condition 42 (Approved Drawings, Development Specification and Design Codes) of application 18/00058/ERE03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA,above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.)).                      APPROVED - 02.08.2022

20/02787/VAR                      Variation of condition 42 (Approved Drawings, Development Specification and Design Codes) of application 18/00058/ERE03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA,above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access,

landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.) PERMITTED - 02.12.2020

20/02660/NMA Non-Material Amendment to application 18/00058/ERE03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA,above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved). APPROVED - 21.08.2020

18/00058/ERE03 Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA,above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.  
PERMITTED - 02.04.2019

14/04195/ERE03 Flood risk mitigation works enabling the development of the Bath Quays to include: Realignment of Green Park Road; Changing Corn Street to be two-way traffic and Ambury to dual-lane; Relocating access points to Avon Street Car Park; Changing the Coach Park to be drop-off and pick-up only; Widen the River Channel in places between Churchill Bridge and Midland Bridge; Replace Riverside ground floor windows and doors at Waterfront House, Camden Mill and Bayer Building; Demolish existing walls and replace with higher walls between Churchill Bridge and Camden Mill; Provision of new flood wall between Bayer Building and Midland Bridge and Realignment of Riverside footpath at Green Park. PERMITTED - 04.02.2015

## **Development**

This application seeks approval of reserved matters (layout, scale, appearance and landscaping) for the outline permission for the Bath Quays North site (reference: 20/02787/VAR), specifically relating to 'phase II' and the residential development on Plots 6-7 (following earlier approval for commercial uses on Plots 1-5 in February 2025 (20/04965/ERES)).

The development has been designed in accordance with the parameters established under the outline permission (and subsequent amendments) which includes buildings between 15.2m in height and 19.7m in height, with floorspace of 6,500m<sup>2</sup> in use class C3 (residential dwellings) across Plots 6-7.

The proposals comprise two separate buildings on Plot 6 and 7 respectively. The building on Plot 6 would align with John Wood Court on Avon Street. The building on Plot 7 would align with no. 22 Milk Street. A pedestrianised courtyard would separate the buildings, aligning with Milk Street.

Plot 6 would be 19.5m in maximum height, have 5 storeys plus roof and comprise a total of 50 dwellings. Plot 7 would be 16.3m in maximum height, have 4 storeys plus roof and comprise a total of 46 dwellings.

In total, the development would comprise 96 dwellings with 52 one-bedroom flats and 44 two-bedroom flats. Access would be via two entrances per building from Green Park Road/Corn Street and the new pedestrianised courtyard aligning with Milk Street.

Plot 6 incorporates two built forms joined by a recessed central span. The east part on Avon Street is 5 storeys plus a mansard roof with dormers. The west part is 4 storeys plus pair of gable roofs, with dormers on the return side. The corner of Avon Street would be chamfered and include an entrance.

Plot 7 is 4 storeys with mansard style roof including dormers to the east and traditional due dual pitched roof to the west. The footprint is U shaped, aligning with the west side of Milk Street, following the curvature of Green Park Road, before a return wing extends towards Riverside Gardens.

The development would have a unified materials palette with street facing walls in split faced coursed Bath stone with elements of ashlar dressing such as banding, cornice and parapet detailing. The rear walls would be Bath stone coloured brick. Roofs would be slate and standing seam metal cladding on dormers.

Most homes within the development include a balcony or terrace. Homes that do not include private outdoor space include Juliet balconies. 47 homes will be constructed to Building Regulations Part M4(2) accessible and adaptable homes standard. 5 homes will be constructed to Building Regulations Part M4(3) wheelchair accessible homes standard. The remainder will be M4(1) accessibility standard.

The development will be car free and include zero on site allocated car parking for residents. Disabled parking will be provided in the car park within the wider Bath Quays North development or on street. The development will be served by a loading bay located adjacent to the courtyard area between Plot 6-7. This would be used for loading, serving and waste collections. The development incorporates cycle parking for a total of 200 bikes at ground floor level within the buildings. Refuse and recycling storage is also provided communally at ground floor level.

The buildings incorporate high performance-built fabric and high air tightness levels to minimise space heating demand. Homes would incorporate mechanical ventilation heat recovery systems to further improve efficiency. The homes will be powered by electric only with no fossil fuel use on site. Small individual heat pumps for space heating and hot water will be used as well as solar photovoltaic panels on accessible flat roofs to generate low carbon electricity.

To accommodate the development on Plot 7, it is proposed to remove 5 trees from the group at the west boundary of the site. The development will be associated with a comprehensive landscaping scheme, including hard and soft landscaped courtyard between Plots 6 - 7. It is proposed to plant 7 street trees (Field Maple) in the footway on Green Park Road. Planting beds with low Bath stone walls are proposed in front of buildings on Green Park Road. Further planting including 9 further trees is proposed on site in the central courtyard and rear of Plot 7.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Internal Consultation**

#### **Housing Services, Bath & North East Somerset Council:**

The application is accompanied by viability update letter from Carter Jonas (18th Dec 2024) that suggests viability remains to have an impact upon the delivery of an affordable housing contribution.

The viability update letter assumes "it is extremely unlikely the switch from office to residential at phase 2 will result in a significant change to the deficit and their opinion is the scheme is still unable to deliver any affordable housing".

Housing Services will be guided by the Local Planning Authority (LPA) on the viability, if the LPA accept the Carter Jonas assumption, then Housing Services remain unable to pursue a policy CP9 affordable housing contribution.

The planning officer is aware the overarching S106 contains a viability review mechanism, which must be adhered to.

#### **Education Services, Bath & North East Somerset Council:**

This proposed development of 52 no. 1 bed flats and 44 no. 2 bed flats is calculated to generate the following children, pupils and young people:

Early Years age 0-1 = 0.422

Early Years age 2 = 0.370

Early Years age 3-4 = 1.384

Primary age pupils = 1.76

Secondary age pupils = 0

Sixth form pupils aged 16+ = 0

Young people aged 13-19 = 0

There is projected to be sufficient education capacity available in the local area to accommodate the early years and primary age children calculated to be generated, therefore we have no objection to the proposed development.

#### **Conservation Historic Environment, Bath & North East Somerset Council:**

Objection to design and response to heritage context, less than substantial harm to world heritage site and conservation area.

- o Principal of redevelopment acceptable subject to detail
- o Architectural design approach fails to respond to context and has appearance of anywhere architecture
- o Use of faux mansard with a large expanse of flat roof for much of the development is incongruous with the prevailing character of Bath's roofscape, and would result in a

further proliferation of this inappropriate roof form in the city and in addition when to the existing later C20 buildings near the site that are detracting

- o Pitched roof, gable-ended elements of proposals are more reflective of buildings that occupied this part of Bath historically (North Quay) up to the 1960's/70's prior to being cleared, clearly evidenced in the submitted design and access statements and heritage statement

- o The bulk and massing need to be addressed, and a reduction in height of the five and six storey elements

- o It's regrettable that this development won't resolve the current termination of Milk Street when the ambition is to improve access and permeability to this part of Bath from the city centre

- o The submitted heritage statement is inadequate and does not properly assess the impact on heritage assets, including to the WHSs. There is a near total lack of convincing commentary or analysis of the impact on the WHS's and their OUV and the attributes that convey them. Currently, the proposals would impact negatively on the WHSs, especially when viewed at elevation from the south where the juxtaposition and relationship to the Georgian city is most legible

- o This site provides an opportunity for a more playful and imaginative architectural approach that better responds to the context that historically characterised this area, i.e. the working, light industrial, artisan, wharf/quayside. This is one aspect that has clearly been identified in the submitted heritage statement yet has not been convincingly responded to in the architectural design approach

- o A significant revision of the proposed scheme is recommended, and this should include all aspects: roof forms; reduction in height of the taller five and six elements; elevation treatment; simplification and reduction in the materials palette

- o The proposal in their current form will cause less than substantial harm to the historic environment, including to the WHSs that constitute heritage of the highest, global importance and significance, and therefore the architectural design should reflect and respond more positively to this informed and aided by a more thorough heritage impact assessment and analysis

### **Transportation and Highways, Bath & North East Somerset Council:**

The highway authority has previously commented on the planning submission, and the text from the earlier consultation response is below.

Having reviewed the latest submission there are no significant concerns relating to the proposals. However, the highway authority is currently still reviewing the potential influence of the proposed trees (to be located within the highway) on the visibility for pedestrians at the new Green Park Road zebra crossing. This review may determine that the number and / or position of the proposed trees needs to be adjusted, and initial safety concerns have been raised. Given that these works would all be located within the highway, it is considered that this is an issue that could be resolved as part of the highway approvals process. This is the same for the proposed tree pit arrangement, which would

also be located within the adopted highway on Green Park Road. There is a section of land within the site that provides part of the visibility for the zebra crossing, and this land would need to be secured for this purpose.

As reviewed in the earlier response, part of the site would be serviced from Avon Street. Having reviewed the submitted plans, it is unclear whether widening of the western footway on Avon Street is being promoted. The layout also shows that some external doors would open outwards, and it is unclear whether these would open across the highway. For safety reasons, Section 153 of the Highways Act requires that doors do not open across the highway and the development scheme would have to comply with this requirement.

Should planning permission be granted, there are conditions recommended relating to a construction management plan, completion of highway works and visibility splay, travel plan, dwelling access and servicing and delivery management plan. It is also requested that the scheme can be conditioned to ensure that the doors accessed from Avon Street do not open across the adopted highway. The appropriate Travel Plan fees should also be secured.

#### **Landscape, B&NES Council:**

Further response pending. Initial response:

I concur with the conclusions of the LVIA that the effects on townscape/landscape character and visual effects would be comparable to and consistent with those predicted at Outline stage.

Some design changes and further information is needed. Tree planting proposals are inadequate, and the proposal that new trees should be planted in containers cannot be supported. A stepped physical access connection to Milk Street is required.

A full LVIA was previously undertaken for the outline application 18/00058/ERE03 (subsequently amended under 20/02787/VAR) using viewpoints that were appropriate for the Bath Quays North development as a whole.

It should be noted that the 'proposed' images include street tree planting along the Corn Street frontage, which should be treated as illustrative only since there is no certainty that these trees would in fact be provided (see comments below). The LVIA is somewhat ambiguous (paragraph 8.3) as to whether or not the street trees along Corn Street have been 'counted in' or 'counted out' as part of the assessment process (merely stating "Consideration of the location of the proposed offsite trees along Corn Street").

However, notwithstanding this one small area of uncertainty, the findings of the LVIA are considered to be reliable. The conclusions of the LVIA are that in respect of effects on landscape/townscape character, there would be both beneficial effects associated with urban regeneration and adverse effects associated with increased height and mass of new built form, with levels of effect in both cases varying up to moderate, but that overall the effects are comparable with the nature magnitude and level of effect predicted at Outline stage and are not assessed as being significant.

In respect of visual effects, the LVIA concludes that overall the visual effects will relate primarily to the local views from the adjacent streets to the south, east and west, from the local residential areas to the north and west (Milk Street and Trinity Close) and south from the river corridor. From other locations in the wider area, views of the proposals will variously be limited by intervening built form and vegetation. In these views the development will generally be a minor additional element at the southern edge of the city centre and will be seen in the context of BQN Plots 1-5. The LVIA concludes that the assessed nature of visual change, magnitude of change and levels of visual effects would be comparable and consistent with those predicted at Outline stage.

I concur with the conclusions of the LVIA.

The applicant's originally stated intention was to adopt a more strongly urban and formal design approach for Plot 6 and a less formal more landscape-oriented approach for Plot 7. Whilst in my view the current proposals do not necessarily do this, they do succeed in deliberately creating a somewhat different character for each of the two plots and they do maintain the important north-south view corridor along Milk Street that visually connects James Street West with the river.

The use of materials to unify the two buildings is supported, employing Bath stone coursed split faced rubble with Ashlar dressing for the principal facades with a sympathetic coloured brick for the less visible facades.

Roofscape design has been developed, and whilst some compromises have been made to accommodate solar panels and respond to sustainability policies, the LVIA indicates that no major adverse effects would result from these compromises.

The achievement of a physical connection for pedestrians between this development and Milk Street is an important design policy objective. Subsequent to discussions at pre-application stage, additional information has now been provided in the Design & Access Statement, making it clear that provision of a ramped access within the red line boundary would be seriously detrimental to the quality and amenity value of the main space between the buildings and is not a practical proposition. The DAS confirms that a stepped access could be feasible although the legal aspects of making the connection to Milk Street across private land would need to be considered and addressed. The DAS suggests that since level access heading northwards is available via either Avon Street or Riverside Gardens, the long-standing policy objective of creating a link to Milk Street becomes 'somewhat redundant'. I disagree. Although a ramped access within the red line boundary is clearly not feasible, a stepped access is acknowledged to be feasible and should be provided.

The uncertainty over proposed street tree planting along the Corn Street frontage must be resolved. Space is seriously constrained, and the importance of street trees is abundantly clear in policy and design guidance, so every opportunity must be taken to ensure that a sufficient number of new trees are planted, and that they are of a size and specification that will be commensurate with the built environment context.

The proposal that trees should be planted in containers rather than in-ground is unacceptable for the reasons given in the response of the arboricultural officer dated 6 Feb 2025.



It is not acceptable that the planting of street trees should be merely aspirational rather than forming part of the definitive planning proposals. Given the number of years the development of this site has been under consideration, there has been plenty of time to establish what live and redundant underground services exist and to formulate definitive tree planting proposals to maximise the opportunities available. Since the planning submission states that the locations for the street trees are uncertain, it cannot be assumed that the number currently illustrated (7) can be relied upon. New street trees are included in the photomontages prepared in support of the application, so confirmation is required at this stage that there is an unambiguous commitment to their provision in an appropriate manner.

As currently proposed, the numbers and species of trees are too small in relation to the scale of the proposed built form.

The proposals for paving as shown on the Stride Treglowan Landscape GA and Hard landscape plans do not appear consistent with those shown on the Buro Happold Pavement Plans. Clarification is required.

Further information is required regarding the proposed green roof to the cycle store, including construction, specification and maintenance.

#### **Greener Places, B&NES Council:**

The north-south route is an important detail that needs to be addressed as it has the potential to connect the city centre with the riverside and enhance linkages with the Bath River Line strategic green infrastructure (GI) project.

The proposal also includes works beyond the site boundary at Riverside Gardens. The Landscape Masterplan (DWG. No. 09002 PL\_PL02) suggests that the existing planting area beyond the site boundary will be enhanced. Insufficient information has been submitted to allow the Service to assess how the development responds to the area of open space. There is a Public Right of Way adjoining the site, which is uninviting and through careful design, the development has the potential with the support of the adjoining landowner to improve this step free access to the river and make a positive contribution to the GI network.

The proposal is reliant on existing off-site green space provision and a S106 Green Space Contribution will be required to meet the unmet requirement for recreational green space. This will go towards the enhancement and maintenance of green space in the vicinity of the development.

#### **Arboriculture, B&NES Council:**

Numerous revised drawings have been provided following previous arboricultural comments dated 6th February 2025.

The keys for trees in the landscape drawings are so similar that I have difficulty separately identifying them on the drawing but it would appear that the nine new trees shown within the red line boundary are not in planters. Is this correct?

One new tree still appears to be beneath the canopy of an existing off site tree which is not a suitable location.

155994-STL-XX-XX-DR-L-09040 REV PL05 shows 7 Acer campestre 'Elsrijk' as 20-25cm nursery stock in the street which will mean that large planting pits will need to be excavated to accommodate the rootballs. There is no indication whether underground services have been checked. They are shown between approx. 3.4m and 4.5m from the front of the buildings which offers limited canopy growth opportunity before the need for pruning. Parks and Green Spaces which are likely to take on their maintenance should be consulted on the tree species proposed.

The Arboricultural Method Statement does not include arboricultural supervision for works within the root protection areas of T1 and T2, a compliance condition is therefore recommended.

### **Ecology, B&NES Council:**

No objection subject to conditions.

There are no substantial ecological concerns with the proposal or the proposed planting / landscaping, or lighting; there are some comments below which will need to be addressed but should not be difficult to resolve.

The submission includes biodiversity net gain calculation and proposals, proposed landscaping / planting, and lighting assessment with light spill modelling.

The baseline assessment is accepted and the proposed planting / landscaping are also broadly accepted, although opportunities to create and increase habitat value within the site could potentially be improved.

The BNG calculation results in a unit deficit, as trading rules are not met. This can be addressed via purchase of off-site units. It would be helpful for details to be provided of how this will be achieved (supplier of BNG units).

The proposed BNG provision also appears to include some habitat provision on land adjoining the site, but outside the red line boundary. As the scheme pre-dates the mandatory requirements for BNG this could potentially be accepted - I defer to case officer judgement regarding this. Final details demonstrating how the scheme will achieve delivery of 10% net gain for biodiversity can in any case be secured by condition (using the standard BNG condition).

Arboricultural comments must be addressed to ensure proposed tree planting is deliverable. Any revisions to proposed tree planting or any other aspects of the scheme involving changes to proposed planting/ vegetation, would need to be factored into the BNG proposals and calculation.

The outline permission BNG condition requires the scheme to deliver BNG of 30% above baseline. The submitted documents are based on a 10% gain, in accordance with the current mandatory requirements. If the 30% requirement is going to be achieved and the

requirements of this condition met, substantially more units will need to be purchased and in that situation the applicant might also wish to consider whether there is more that could be achieved on site. I defer to case officer judgement on this issue.

For proposed integrated wildlife features it is particularly important to ensure that full specifications, models, dimensions, materials etc for each feature are fully specified and detailed prior to approval of reserved matters (ie this condition should not be left for discharge at a later stage), and that all details have been agreed between / in collaboration with the applicant's architects, project managers and ecologists to ensure all features are fully compatible with construction methods and materials, and that features are fully incorporated into the scheme and construction methods and to ensure their installation during the construction phase is not overlooked, as they must be built into the fabric of the buildings during construction. Sufficient detail must be provided to demonstrate these issues are all in hand and to provide confidence that suitable features have been selected, agreed by all relevant parties, and will be correctly installed under ecological supervision.

Each reserved matters application for any part of the site adjacent to the riverside, including landscaping, shall demonstrate full compliance with the light spill conditions achieved for the modelled vertical G as set out in Illumination Impact Profile - Bath North Quay Appendix 3.0 (Post Development - Illumination Impact Profile).

I have no particular concerns with the proposed lighting - the submitted light spill modelling shows that all proposed lighting within the red line boundary meets the standards we would currently expect. It would be helpful if the scheme could also provide confirmation / demonstrate that the specific details of the previously approved report as referenced in the condition, have also been met.

**Environmental Protection, Bath & North East Somerset Council:**

No objection.

**Climate Policy, Bath & North East Somerset Council:**

No objection subject to s106 agreement and conditions.

Policy CP4: District Heating In the previous comments (dated 14th February 2025) further information was requested regarding the 'complexity, distribution heat loss, operation and maintenance of a centralised heat pump option' which is deemed to justify the deviation from Policy CP4. The Heating System Comparison document has since been received. From reviewing the information received, the energy strategy proposed is considered acceptable and no objection is raised to the deviation from policy CP4.

Policy SCR8: Embodied Carbon From reviewing the embodied carbon assessment submitted, it is proposed to achieve a total of 777kgCO<sub>2</sub>e/m<sup>2</sup> for modules A1-A5. This meets the policy requirement of assessment was only completed for Plot 6 as it was assumed that Plot 7 will have similar results. Therefore, it is suggested that a pre-commencement condition is attached to ensure the requirements of policy SCR8 have been achieved following the Stage 3 design work and when assumptions are no longer needed.

Policy SCR6: New Build Residential Development From reviewing the PHPP modelling, the figures proposed to meet the requirements of policy SCR6 have been confirmed and no concerns are raised. As the on-site renewable energy generation does not meet the total energy use, it is required that the residual renewable energy generation must be offset through a payment to the Council's Carbon Offset Fund. From reviewing the calculation and proposed offsetting amount in the Energy Statement, the sitewide deficit of 197387kWh/yr, which equates to an offset payment of £330,430.58 is agreed.

#### **Drainage and Flooding, Bath & North East Somerset Council:**

No Objection following receipt and review of further information. Conditions of the outline permission must be discharged separately.

#### **Waste Services, Bath & North East Somerset Council:**

The Councils Waste Planning Guidance sets out the requirement to show measurements show the location and number of bin storage areas and the number of flats each one will serve. The current refuse strategy shows four refuse stores and three collection point but it is not clear if the bins will be presented at these points for collection by crews or if crews will be expected to collect from the bin stores.

A layout plan of each bin store is required with containers drawn in situ to ensure bin stores will contain the required number of each bin.

To work out the required number of bins, use the table below to work out total litres required for each group of flats using each bin store. Then divide this by the standard container size to work out how many type of each bin is required when collected weekly. As non-recyclable waste (refuse) is collected fortnightly, multiply the number of bins required by two to provide adequate weekly capacity. Bin dimensions and footprints are detailed in the guidance which will support drawings of bins in situ.

#### **Contaminated Land & Thermal Springs, Bath & North East Somerset Council:**

Further response pending. Initial response:

The application has included the following report:

- o Bath Quays North Plots 6 & 7 Ground Investigation Report. Buro Happold. Ref: BQN67-BHE-XX-XX-RP-CG-0002 0056119. Rev 00. 10 December 2024

The report refers to the following desk study/preliminary risk assessment (not submitted):

- o Buro Happold, Bath Quays North, Desk Study Report, 2024

I will require that this report is submitted as part of this application to enable a full review of the assessments, prior to my finalisation of comments/conditions. (Report received February 2025).

## **External Consultation**

### **Wessex Water:**

No comment.

### **Designing Out Crime Officer, Avon and Somerset Police:**

No objection subject to revised information secured by condition.

The proposed development is close to James Street West where there is a busy night time economy. It also borders University of Bath student accommodation.

Within this small area, violence against the person offences are the second highest recorded type of crime, recorded incidents of sexual offences are also significant.

Building design here should minimise recessed and dark areas such as open side paths, and prevent the general public from gaining unauthorised access to these areas as they could be used in the commission of crime.

Regarding this reserve matters application for plots 6 and 7 which comprises of 96 dwellings, I can find no documentation in the DAS or supporting documents that safety and security has been considered other than a reference in DAS part 4 to a secure cycle store.

Cycle theft is mentioned in a third of all burglaries and is a major driver for theft.

There is no information on how cycle storage is to be secured and whether it will be included in a CCTV plan.

Sections 32 and 64 of SBD Homes 2024 gives guidance on secure cycle parking in developments.

The wooden fencing at the boundary with Milk street looks in poor repair and although there is a height difference either side, this could be used as a desire-line route if the boundary treatment is not robust. The boundary treatment plan key states; 'there is an existing fence here or make good'.

To prevent this boundary becoming used as a desire-line route through the communal courtyard, as the fencing degrades, generating anti-social behaviour and vulnerability to crime. I would ask that the authority impose a condition that prior to occupation a 2 metre anti-climb fence is installed to deny access to Milk street.

To the south west corner of plot 7 there appears unrestricted access to the side of the property which is bordered by a proposed 300mm wall. There is also no lighting shown along this path which may be secluded and has poor surveillance.

I have included the local crime figures above and have concerns that this unrestricted path is potentially vulnerable to being used for crime. Dark alleys and recesses may be used to

commit violence acts such as sexual offences or to commit anti-social behaviour, as well as providing concealed access to commit burglary and criminal damage.

To ensure that this boundary does not become used for crime and to protect the public, I would ask that the authority imposes a condition that prior to occupation access to the rear amenity and bin store is restricted by a 2-metre anti climb fence and lockable gating. There should be no unrestricted recess at this point.

## **Local Consultation**

### **Bath Preservation Trust**

The proposal site is located within the Bath World Heritage Sites and the city-wide conservation area. Listed buildings within the vicinity of the site include Newark Works (NHLE ref: 1395130) and Camden Mill (NHLE ref: 1395124), both on the south side of the river.

The character of buildings in the vicinity of the proposal site and within the conservation area, north of the river, is chiefly defined by buildings of the twentieth century which are of various heights and uses.

The 2no. subject plots are part of the wider Bath Quays North Development Site that was established via the outline planning application 18/00058/ERE03, which was approved by the Local Planning Authority on 2 April 2019 and the associated application 20/02787/VAR was approved on 2 December 2020.

Policies that are material to the determination of the application include B&NES Council policy SB4 (Bath Quays North and Bath College development requirements and design principals) (January 2023) and B&NES Council Policy CP9 (affordable housing) (January 2023).

It is noted that the Planning and Reconciliation Statement contains the text "Carter Jonas have concluded that the proposed Phase 2 RMA scheme is not able to deliver any affordable housing" (para. 5.38, p. 28).

In line with our comments on application 18/00058/ERE03 we remain concerned about this divergence from policy CP9, particularly as the Council is the promoter of the site. It is a very worrying precedent if the Council, as developer, fails to comply with its own policy and we would strongly encourage that the question of viability is forensically and independently assessed and takes into account that the inherent land value is not lost to the promoters of the scheme.

The proposed use of roughly squared and coursed bath stone, in this instance, is considered to be a positive move away from the prevalence of 'buff brick' which is found in recent and emerging developments along the river and the two gables to the south elevation of 'plot 6' suggest wharf or quayside buildings and provide some welcomed variation to the built form.

With reference to policy SB4 (4), it is unfortunate that connectivity through the site from Milk Street is problematic due to a level change and land ownership at the southern end of the street; however, we would hope that all options are fully explored.

From a desk-based assessment, it appears that the scheme will not detract from significance of the conservation area or nearby listed buildings through any harm to their respective settings. There may be some impact on local publicly accessible views to the green aspects of the World Heritage Sites to the south; however, this seems to be minimal. Of course, if the decision maker(s) identifies any harm to significance, then engagement with the 'balancing exercise(s)' of the National Planning Policy Framework (December 2024) will need to be undertaken.

## **Public Consultation**

The application was advertised with 124 neighbouring addresses directly notified by letter, by site notice erected at the site and a press advert was published in the local newspaper.

The application was also listed on the weekly list of planning applications published by the Council and listed on the Planning section of the Council website.

The deadline for public consultation responses was 13th February 2025.

A total of 6 responses were received, with 4 comments supporting the application, 1 objection and 1 general comment (BPT - see in full above).

A summary of grounds of objection is as follows:

- o Concerns regarding impact on neighbouring amenity, specifically 'right to light';
- o the developer has not undertaken any action to inform affected properties as is prescribed in the, admittedly voluntary, right to light protocol;

A summary of grounds in support is as follows:

- o Residential use is exactly what the city needs;
- o These blocks uphold a Bath vernacular style of architecture. They will sit happily within the cityscape in contrast to other less well considered offerings;
- o Generally support this, though the promise of affordable housing down the line must stay in place (along with the mixed-use proposal);
- o The architectural design of Plots 6 and 7 is admired, as are the choice of materials;
- o This is considered to have a positive impact on views of the city from across the river. It is just unfortunate that the same cannot be said for Plots 1-5;
- o We are supportive of this SCR6 compliant application with ASHP, MVHR, good levels of insulation, solar PV and carbon offset payments for the remainder;
- o We would have preferred to have seen better passive design to avoid the need for cooling in the 'high risk' apartments.
- o It is also unclear whether the generated solar PV will benefit the residents to reduce their electricity consumption/bills;

## **POLICIES/LEGISLATION**

### **National Legislation:**

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

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

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

There is also a duty placed on the Council under section 72 of the Planning (Listed Buildings and Conservation Areas) Act, that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **National Policy:**

National Planning Policy Framework (Dec 2024) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

### **Local Plan:**

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

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

The Local Plan for Bath and North East Somerset comprises:

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

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

DW1 District-wide Spatial Strategy  
SD1 Presumption in favour of Sustainable development  
SCR6 Sustainable Construction Policy for New Build Residential Development  
SCR8 Embodied Carbon  
SCR2 Roof Mounted/Building Integrated Scale Solar PV  
SCR5 Water Efficiency  
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  
 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  
 PCS3 Air Quality  
 PCS5 Contamination  
 CP9 Affordable Housing  
 CP10 Housing Mix  
 H7 Housing Accessibility  
 LCR6 New and Replacement Sports and Recreational Facilities  
 LCR7B Broadband  
 ST1 Promoting Sustainable Travel  
 ST7 Transport Requirements for Managing Development and Parking Standards  
 CP13 Infrastructure Provision  
 B1 Bath Spatial Strategy  
 B2 Central Area Strategic Policy  
 B4 The World Heritage Site and its setting  
 BD1 Bath Design Policy  
 SB4 Bath Quays North & Bath College

### **Supplementary Planning Documents and relevant planning guidance:**

Bath & North East Somerset Transport & Development SPD (2023)  
 Bath & North East Somerset Sustainable Construction SPD (2023)  
 Bath & North East Somerset Planning Obligations SPD (2023)  
 The Setting of the City of Bath World Heritage Site SPD (2013)  
 Bath City-wide Character Appraisal SPD (2005)  
 Draft City Centre Character Appraisal for the Bath Conservation Area (2015)  
 City of Bath and Great Spa Towns of Europe World Heritage Site Management Plan 2024 to 2030

### **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. The declarations have directly informed the preparation and content of planning policies adopted within the Local Plan Partial Update (2023).

## **Low Carbon and Sustainability Credentials**

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

## **LOW CARBON AND SUSTAINABLE CREDENTIALS**

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

## **OFFICER ASSESSMENT**

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise as set out at Section 38(6) of the Planning Act 2004 and para. 2 of the NPPF.

## **Principle of Development**

The application seeks approval of matters reserved from the outline permission (ref: 18/00058/ERE03) granted in April 2019 and amended in December 2020 (ref: 20/02787/VAR). The outline permission has established the acceptability of residential use of Plots 6-7 Bath Quays North. The outline permission permits development of buildings between 15.2m in height and 19.7m in height, with floorspace of 6,500m<sup>2</sup> in use class C3 (residential dwellings) across Plots 6-7.

These proposals were prepared in accordance with site allocation Policy SB4 within Volume 2: Bath of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update. Policy SB4 targeted:

"an employment led mixed use development that contributes positively to the vibrant character of the city centre. Development proposals are expected to deliver around 30,000 sq.m. (GIA) of new floorspace which will contribute towards delivering the city's need for additional employment floorspace and residential uses in particular. A minimum of 20,000 sq.m. gross of office floorspace is to be provided across the allocated site, and a minimum of 70 residential units are to be provided."

The current proposals are for a total of 96 dwellings, with 50 on Plot 6 and 46 on Plot 7. There would be 52 one-bedroom flats and 44 two-bedroom flats. The development would provide a total of 5,664m<sup>2</sup> of residential floor space.

The proposals are in line with the extant outlining permission and fulfil Policy SB4 expectations for a minimum of 70 residential units as part of the Bath Quays North

regeneration scheme. The site is previously developed, underutilised, brownfield land, located within Bath city centre, in a highly accessible and sustainable location. The proposals are directly in accordance with the Council's Local Plan objectives for the site. It must also be acknowledged that considering the Council's housing land supply position (2.5 years), the most important policies for determining applications for housing development are considered out-of-date.

The presumption in favour of sustainable development as set out at para. 11 (d) of the NPPF applies to this application, requiring granting permission unless there is conflict with NPPF policies relating to footnote 7 areas or assets of particular importance such as heritage assets, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national Framework taken as a whole.

An assessment of impact upon relevant footnote 7 areas (heritage and flood risk) shall follow under subsequent subheadings. Adverse impacts shall be identified within the subsequent assessment and weighed against benefits in the conclusion and planning balance section beneath.

In the context of the areas restricted supply of housing land and delivery, the provision of 96 homes towards the District's requirement for 1,400 homes per year makes a positive contribution to addressing housing need in Bath & North East Somerset.

The development of 96 homes accords with para. 61 of the NPPF which requires that:

"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."

Para. 125 (c) - (d) of the NPPF requires that planning decisions:

"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land" and;

"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure."

The existing use of the site for surface level car parking is inefficient use of land in the constrained city centre. Whilst the need for some car parking is acknowledged, a theme within the Local Plan relates to reducing vehicle movements into the city centre, reducing the environmental impacts of traffic. The redevelopment of Bath Quays North seeks to repair environmental quality by relocating surface level car parking to a basement car park. This is located beneath Plots 1-5 to the south of the site. This enables retention of a minimum level of car parking (around 500 spaces within the Central Area) whilst releasing

land such as the former coach park for housing development. This represents effective use of land in accordance with para. 125 of the NPPF.

The proposals for development of 96 homes at Plots 6-7 Bath Quays North accord with the site allocation policy for the site in the Council's Local Plan and the use has been established as acceptable under the extant outline permission. Given the areas housing supply constraints and deficit, the Council is required to support re-use of underused land for more effective use meeting housing needs. Substantial weight must be given to use of brownfield land to meet the identified need for homes. The proposed redevelopment of the city centre car park to provide much needed homes is compliant with these national objectives. This must be given substantial weight in decision making and will be accounted for in the planning balance.

Policy CP10 (Housing Mix) of the Local Plan targets a variety of housing types and size to accommodate a range of different households, including families, single people and low-income households. The mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location.

The proposals for 52 one-bedroom flats and 44 two-bedroom flats provide a single type of housing (apartments). It is noted that the site allocation policy requires a minimum of 70 dwellings as well as 30,000 sq.m for commercial uses as part of acceptable development proposals for Bath Quays North. This number of homes and amount of commercial development is unlikely to be deliverable without a focus on flats rather than houses or maisonettes.

Taking account of the city centre location, houses are unlikely to meet density objectives for this location, provide desirable outdoor garden space and facilitate efficient layout of the site. With these factors in mind, an apartment based scheme is found to be appropriate.

The development incorporates a range of sizes of apartment, from 37m<sup>2</sup> to 76m<sup>2</sup>, designed for occupancy between 1-4 people. This would offer some diversity in the range of accommodation provided as part of the development. The different sizes of apartments would appeal to a range of different households, including single people, couples, smaller families, low-income households and downsizers.

Accounting for the city centre location, the proposed type and sizes of housing would provide choice appropriate to the character and accessibility of the area in compliance with Policy CP10. The housing mix is found to accord with policy objectives and is acceptable.

### **Affordable Housing**

Policy CP9 (Affordable Housing) of the Local Plan sets out that a 40% affordable housing requirement applies to developments in Prime Bath. This includes the Kingsmead ward where Bath Quays North is located.

At outline application stage in 2020, the development was subject to detailed viability assessment which found a significant overall deficit of around £42m for the project and

concluded that the development is unable to support any affordable housing. This was reviewed by independent viability consultants on behalf of the Council who advised that based on cost and value assumptions, the overall conclusion of the development being unviable including affordable housing was appropriate.

There was indication that some affordable housing in the form of 25 discounted market rent homes could be delivered outside the planning process, facilitated by national grant funding. This would not be secured due to viability however and therefore cannot be given weight in assessment.

There is a Grampian condition attached to the outline permission (condition no. 40 - Planning Obligations - Pre-commencement) which requires development shall not commence until an agreement has been completed securing planning obligations including a viability review mechanism for affordable housing. This condition has not yet been discharged and remains extant.

When the reserved matters application for the commercial development (Plots 1-5) was assessed in 2025, this was accompanied by a letter from development surveyor confirming there had been no material change in circumstances since 2020. Wider economic conditions in terms of capital values, build costs and the cost of finance had not changed substantially. The development therefore remained unviable and could not support affordable housing obligations.

The current application is supported by an updated supporting statement by a development surveyor. This identifies that build costs have increased by 20% since 2020. In relation to capital values, whilst these have risen overall since 2020, rises have not exceeded 20% in relation to flats/apartments. There has been some evidence of recent negative trends in relation to capital value of flats/apartments falling 1-2% within the last 12 months. This position is supported by viability appraisals undertaken at other sites in Bath recently.

As a result of the rise in build costs exceeding capital values, the ratio between the construction costs and the gross development value remains high. The development therefore remains unviable and unable to support planning obligations in the form of affordable housing.

Due to viability no on-site affordable housing forms part of the planning application and will not be secured through the planning process. Provision of affordable housing is subject to development viability as set out at para. 59 of the NPPF and Policy CP9 of the Local Plan. This relates to this current point in time and it is highlighted that a viability review mechanism is secured by planning condition and an eventual legal agreement as part of the outline permission. Should development viability improve, then affordable housing may be secured later. Also, this position does not preclude affordable housing being provided on site via other funding mechanisms not linked to development viability such as national grant funding outside the planning process.

## **Necessary Infrastructure**

Policy CP13 (Infrastructure Provision) of the Local Plan requires that new developments must be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities.

The Council will work in partnership with adjoining authorities, local communities and relevant agencies and providers to ensure that social, physical and green infrastructure is retained and improved for communities.

Developer contributions will be based on the Planning Obligations SPD and its successors.

Policy LCR6 (New and Replacement Sports and Recreation Facilities) of the Local Plan 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 development will generate need for additional open space. It is estimated the development will generate approximately 220 residents based on 96 homes. Whilst the site includes an external private landscaping scheme, there is no open space on site that would qualify with the types required in the Green Space Strategy, such as meeting requirements for access to parks and recreation space and natural green space. Therefore, additional demand will be placed on existing facilities including the Bath Quays Riverside Park, Green Park and the wider Bath River Line linear park area.

As a result of failing to meet open space requirements on site, there is a requirement to contribute towards expansion, enhancement and maintenance of adjacent facilities. A requirement for a financial contribution towards the Bath River Line project has been identified. This would total £243,840.48 based upon 220.8 residents generating demand for 13m<sup>2</sup> per person charged at £84.95m<sup>2</sup> as set out in the Planning Obligations SPD.

Subject to securing the open space financial contribution via s106 agreement with the developer, the development would successfully contribute to the provision of recreational open space facilities to meet the need arising from the development in accordance with Policy LCR6.

Policy LCR3A (Primary School Capacity) of the Local Plan states that residential development will only be acceptable where there is a school within a reasonable distance that has sufficient spare capacity or is able to be expanded to create additional capacity to accommodate the pupil needs arising from the development.

The Council's Education Services team have been consulted in relation to the application. They have confirmed that the development of 96 homes comprising 52 one-bedroom flats and 44 two-bedroom flats would generate the following demand for education places:

Early Years age 0-1 = 0.422  
Early Years age 2 = 0.370  
Early Years age 3-4 = 1.384  
Primary age pupils = 1.76  
Secondary age pupils = 0  
Sixth form pupils aged 16+ = 0  
Young people aged 13-19 = 0

As a result of the characteristics of the development, availability and projected demand for education facilities, there is projected to be sufficient school capacity available locally to accommodate the early years and primary pupils calculated to be generated. Thus, no conflict with Policy LCR3A is identified based on the proposals for 96 one- and two-bedroom flats.

## **Housing Accessibility & Standards**

The B&NES Corporate Strategy 2020-2024 overriding purpose is to improve people's lives with principles focusing on prevention and preparing for the future. As set out in Planning Practice Guidance, 'Accessible and adaptable housing enables people to live more independently, while also saving on health and social costs in the future. It is better to build accessible housing from the outset rather than have to make adaptations at a later stage - both in terms of cost and with regard to people being able to remain safe and independent in their homes.'

Policy H7 (Housing Accessibility) requires that to provide suitable housing that meets the needs of different groups in the community, including disabled people, older people and families with young children, new residential development must ensure that:

- o For affordable housing, 7.8% of dwellings be built to meet Building Regulation M4(3)(2b) standard (wheelchair accessible housing) and the remainder 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.
- o 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.

Of the proposed 96 homes, 47 homes (49%) will be constructed to Building Regulations Part M4(2) accessible and adaptable homes standard. 5 homes (5.2%) will be constructed to Building Regulations Part M4(3) wheelchair accessible homes standard. The remainder will be M4(1) accessibility standard. The development therefore fully complies with Policy H7 and will deliver the requirements for adaptability, accessibility and wheelchair accessible homes targeted by the Council. It will therefore contribute positively to wider objectives of lifetime homes, reducing the burden on health and social care.

The Council expects new housing to be designed in accordance with the 'Technical housing standards - Nationally described space standards' to achieve compliance with para. 135 of the NPPF and Policy D6 of the Local Plan. This relates to total internal area, bedroom sizes, floor to ceiling heights and built in storage space. Housing will be expected to achieve good levels of daylight and outlook by providing dual aspect

accommodation. Natural ventilation and overheating accounting for climate change should also be addressed through design.

Policy D6 (Amenity) of the Local Plan requires that development must provide appropriate levels of amenity in respect of levels of privacy, outlook and natural light.

The homes within the development have been designed in accordance with the minimum internal area requirements for respective occupancy levels as prescribed in the Nationally described space standards. The homes within the development will therefore provide sufficient space for everyday lives of residents.

The layout of Plot 6 achieves 60% dual aspect apartments while Plot 7 provides 45% dual aspect apartments. Opportunities have been taken to maximise dual aspect homes where possible within the constraints of the site and surrounding built environment. All single aspect apartments have south, east or westerly aspects, with no single aspect north facing apartments within the development. Most homes within the development include a balcony or terrace. Homes that do not include private outdoor space include Juliet balconies.

The development is found to provide an acceptable layout and achieve acceptable standards of amenity overall accounting for the constraints of the site and surrounding built environment. There are a small number of homes which are not ideal, such as those located at lower levels to the rear/north of Plots 6 and 7. These will experience limited sunlight and overshadowing because of the position within the wider development. Large windows are available, and daylight will be acceptable. Taking account of the limited number of apartments effected and challenging inner urban location with existing built surroundings, greater flexibility is provided in terms of amenity standards.

There are also some challenging separation distances and privacy relationships within the development. Apartments to the west of Plot 6 are positioned around 13m from apartments to the east of Plot 7, separated by the courtyard aligning with Milk Street. In other parts of the District, 20m between facing windows would be used as a rule although not adopted in policy. As far as possible, layouts have been arranged so that windows are staggered between the two plots to reduce direct overlooking between apartments. However, there will be a high degree of residual intervisibility in this part of the development, particularly when views from balconies are considered.

Within tight knit urban environments and the constrained context of Bath city centre, there is an established context for close quarters living and higher levels of overlooking and intervisibility. Future residents are likely to be aware of conditions when proceeding with a property at the site and are likely to accept certain compromises that come with the convenience and other benefits of city centre living. Despite lacking privacy in parts, the development is not found to provide unacceptable standards of residential amenity for future residents overall.

Overall, all homes would be an acceptable size, with most homes providing good levels of sunlight, daylight, outlook and natural ventilation, as well as beneficial private outdoor space. Constraints in certain homes are inherent within the context and outweighed by other amenity benefits associated with city centre living. On balance, when the context is



taken into account, residential amenity is found acceptable and compliant with para. 135 of the NPPF and Policy D6 of the Local Plan.

### **Impact to Neighbouring Uses and Amenity**

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

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

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

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

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

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

The site is located north of Green Park Road and west of Avon Street in Bath city centre. Bath College is situated to the east of the site, there are University of Bath student halls of residence (John Wood Court) and offices to the north, and residential flats (Riverside Gardens) to the west.

Regarding impact to the residential dwellings to the west (Riverside Gardens), there would be 15m between the east elevation of the neighbouring building and the west part of

development on Plot 7. Flats within Riverside Gardens include windows and balconies/terraces on the east elevation that would face Plot 7. These are currently screened by trees at the west of the development site, but removal of 5 trees is proposed in this area to accommodate the development. As such, there will be a change in conditions to properties at the south east of Riverside Gardens.

The proposed development on Plot 7 will be 4 storeys, 16.4m in height. The height of the proposed development would therefore be similar to Riverside Gardens which is also 4 storeys plus roof. Given scale and layout, there would be impact on adjacent flats in Riverside Gardens.

A daylight sunlight report has been submitted with the planning application to consider this impact. It finds that there would be material reductions in vertical sky component to 23 of 34 windows adjacent in the east of Riverside Gardens. 8 windows would be impacted moderately and 9 would experience large losses of vertical sky component (the amount of unobstructed sky visible from the centre point of a window). This indicates a reduction in light received by adjacent east facing windows is likely following development.

It should be acknowledged that existing trees at the west of the site are not accounted for in daylight sunlight modelling and will already impact conditions to an extent. The existing conditions in neighbouring homes are also inflated by the development site being used as a vacant car park, free of any built form. The neighbouring homes therefore experience no current obstruction from the neighbouring site. This is an unusual existing scenario for homes located in a dense city centre environment. For example, neighbouring homes further north within Riverside Gardens are not as fortunate and are impacted by adjacent development such as Griffin Court and the rear of the Kingsmead Leisure Complex. Neighbouring homes further north experience a similar relationship to what is posed by the development. The neighbouring dwellings at Riverside Gardens are also understood to be served by both east and west facing windows. Whilst some east facing windows would experience reductions in light, west facing windows would be unaffected.

The development would therefore cause a material change in daylight conditions to flats west of the site at Riverside Gardens. However, there is justification and mitigation for reported impacts due to inflated existing conditions and existing trees not being accounted for in assessment. The proposed relationship is similar to what is experienced by other neighbouring properties nearby within Riverside Gardens. Good access to sunlight and daylight from south and west facing windows in adjacent homes is also relevant when considering impact to residential amenity of neighbouring homes. Overall, taking relevant material considerations into account, it is found that the relationship would safeguard acceptable residential amenity standards for neighbouring occupiers.

There would also be some impact to 1-9 Trinity Close located north of the development site. The separation in this direction is greater at 19m. The impact is less severe compared with Riverside Gardens because of a larger separation distance and the lesser massing of development at the north of the site.

The daylight sunlight assessment finds minor reductions in vertical sky component for 6 south facing windows at Trinity Close. These mostly relate to rooms served by more than one window, mitigating effects for loss of light. Whilst there would be some minor reductions in daylight, the scale and magnitude are unlikely to be perceived as harmful to

living standards experienced within neighbouring homes. The development would safeguard acceptable residential amenity for neighbouring occupiers at Trinity Close.

Other neighbouring sites include offices at 22 Milk Street and student halls of residence at John Wood Court. The layout and massing of the development is designed to align with return side walls of adjacent buildings on Milk Street and Avon Street. These side elevations do not include windows. This will ensure acceptable relationships with adjacent development. The development would not prejudice business use of the adjacent site as offices. Adjacent student halls of residence are not permanent homes and acceptable living standards would be preserved for this form of temporary accommodation.

With regards to noise, the proposed use as residential flats would be compatible with the surrounding context which also includes residential uses. The operational characteristics of residential accommodation are unlikely to pose undue disturbance or nuisance to neighbouring uses and amenity. Significant plant noise is not anticipated with individual air source heat pumps planned which will be installed internally. No objection has been raised by the Council's Environmental Protection Officer.

A planning condition will be applied to secure a security strategy for the development in response to comments raised by the Designing Out Crime Officer. This will include measures such as CCTV system, details of secure fencing, security specifications and access controls for buildings and stores in line with Secure by Design guidance.

It is highlighted that following an extensive public consultation process, including letters being sent to 124 neighbouring addresses, only 1 objection has been returned in relation to the development. This raised concerns over loss of light under the 'right to light' protocol. Right to light is a separate non-planning process. Based on review against planning policy, there are found to be material considerations that justify the impact to neighbouring homes, making the impacts acceptable. Overall, whilst the development poses harm to the amenity of some neighbouring properties as a result of loss of light, this would not be significant harm or inappropriate when material considerations and context are taken into account. The development accords with para. 135 of the NPPF and policies PCS1, PCS2 and D6 of the Local Plan.

## **Landscape & Townscape Impact**

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

Policy NE2 (Conserving and Enhancing the Landscape and Landscape Character) of the Local Plan states that:

1. Development will be permitted where it:

a) conserves or enhances local landscape character, landscape features and local distinctiveness

b) incorporates green space within the scheme that positively contributes to creating a high quality environment by enhancing landscape character and biodiversity and providing sustainable public access and other landscape benefits

c) is demonstrated that the whole scheme, including hard landscape and planting proposals, will contribute positively to the local area including reference to relevant existing landscape assessments supplemented by any additional assessments

d) conserves or enhances important views particularly those to significant landmarks and features and take opportunities to create new local views and vistas.

2. Development should seek to avoid or adequately mitigate any adverse impact on landscape.

3. Proposals with potential to impact on the landscape / townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

4. Great weight will be afforded to conserving and enhancing landscape and scenic beauty of designated Areas of Outstanding Natural Beauty (AONBs), and with particular reference to their special qualities.

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

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

A professional Landscape Visual Impact Assessment has been submitted with the planning application. The Council's Landscape Advisor has provided comments on the LVIA. They highlighted some uncertainty around the inclusion of proposed tree planting in their original comments. However, it has now been confirmed that planting of street trees form part of the development. Therefore, the conclusions of the LVIA in respect of associated effects of street trees can be relied on.

The Landscape Advisor acknowledges both beneficial effects associated with urban regeneration and adverse effects associated with increased height and mass of new built form, with levels of effect in both cases varying up to moderate. Overall, they conclude that the development is consistent with the nature of magnitude and level of effect predicted at outline stage and impacts are not assessed as being significant.

The Landscape Advisor agrees with the conclusions of the LVIA that in most prominent views of the development from the south, east and west, the development will be a minor additional element at the southern edge of the city centre and will be seen in the context of BQN Plots 1-5. The nature of visual change, magnitude of change and levels of visual effects are found to be comparable and consistent with those predicted at outline stage.

The development preserves the north south view to the river along Milk Street and respects the street pattern of this historic route. There has been some criticism of the schemes failure to reinstate public access and connectivity to Milk Street. It is acknowledged that there is an aspiration for reinstatement of access in the Concept Diagram in site allocation policy SB4. The wider development delivers most of these routes and connectivity within the area.

Connectivity from the site to Milk Street is legally and practically complicated by the adjacent land being in private ownership. There is no longer a direct connection to public highway at the southern end of Milk Street. The adjacent land is also at lower level and includes trees and private car parking which present significant obstructions to delivery of a publicly accessible route in any form. Furthermore, in this case connectivity would be of limited benefit given there is a public right of way available to the west of the site through Trinity Close. Avon Street is also a short distance east. The alternative routes are not much less convenient. Thus, while connectivity to Milk Street is a desirable objective, the absence is not found detrimental.

The Landscape Advisor supports the differentiation in character in the design of Plots 6 and 7. Plot 6 has greater distinction in character and has more verticality responding to the context on Avon Street in proximity of the city centre. Plot 7 is lower and responds more to Green Park Road and the riverside environment, through its dynamic curved façade and Neoclassical rhythm elevational arrangement.

The use of materials to unify the two buildings is supported, employing Bath stone coursed split faced rubble with Ashlar dressing for the principal facades with a sympathetic coloured brick for the less visible facades. The materials palette is inkeeping with the Bath context and aids integration of the development within landscape and townscape character. Materials are of a high quality and would be secured by condition in the event of permission being granted.

The landscaping proposals for the site include planting of 7 Field Maple trees on Green Park Road. These will reach a good size at mature height, softening the development in the long term and aiding the transition between Green Park and the river corridor to the city centre area. This will represent a significant improvement compared within the existing streetscene which is dominated largely by tarmacked hard surfacing. The wider landscape scheme incorporates planters in front of proposed buildings constructed with Bath stone ashlar. The courtyard between Plots 6 and 7 will also incorporate hard and soft landscaping. These proposals offer further benefits for townscape character.

Overall, the landscape and townscape impact of development is largely in line with what was deemed acceptable at outline stage. Some moderate adverse landscape effects are associated with the proposed increased height and mass of new built form. However, the layout, form and design of the development itself is found to be acceptable in respect of

design, materials and overall townscape impacts. The development will have benefits for townscape character when compared with the existing car park, taking street trees and landscape design into account. The proposals do not conflict with Policy NE2 and are compliant with policies D1-D10 and BD1 of the Local Plan.

## **Heritage & Conservation**

The site is within the City of Bath and The Great Spa Towns of Europe World Heritage Sites. The site is also within the City Centre Character Area of the Bath Conservation Area. The World Heritage Sites are of international significance, and the conservation area is nationally significant.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Para. 202 of the NPPF states that:

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

Para. 207 of the NPPF states that:

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

Para. 208 of the NPPF states that:

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

Para. 212 of the NPPF states that:

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

Para. 215 of the NPPF states that:

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

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

"Within the scope of Core Strategy Policies B4 and CP6, development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance".

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

The site is positioned prominently adjacent to Bath city centre, in part of the Bath Conservation Area that was extensively cleared post-war and replanned in the second half of the C20. The City Centre Character Area Appraisal of the Bath Conservation Area records the former multi-storey car park (demolished 2021) at Avon Street/Corn Street and surrounding streetscape as a negative feature of the Conservation Area. The Bath College buildings at Avon Street/Milk Street adjacent to this site are also recorded in the Character Area Appraisal as negative buildings and townscape features. The immediate context of the site is therefore acknowledged to be negative in heritage terms and provides opportunities for enhancement. The riverside corridor and towpath to the south/west, Green Park and landmark historic riverside buildings Newark Works/Camden Mill are positive features of the wider area.

The Council's Conservation Officer has been consulted on the application. They have responded critically in relation to the design of the development and impact upon the historic context. They highlight concerns relating to architectural character, use of mansard roof forms with flat upper planes and the proposed height of the development. They do offer some praise for the pitched roof, gable-ended elements which are more reflective of historic buildings that were formerly on the site until they were demolished in the mid-C20. The Conservation Officer identifies that the development causes less than substantial harm to the Conservation Area and World Heritage Site.

In relation to building heights, it is noted that parameter plans for development including indicative heights formed part of the extant outline permission. The proposed buildings are broadly in line with what was shown indicatively for Plots 6-7 at outline stage.

Policy CP6 (Environmental Quality) outlines that the strategy for the historic environment includes use of the Bath Building Height Strategy (2010). In the BBH Strategy, the site is located in Zone 1 - Georgian City. In this area, the recommendation for height is:

- o Building or shoulder height along streets should not be less than or exceed the prevailing cornice height of nearby Georgian buildings.
- o One additional setback storey behind parapet within the roofscape is generally acceptable.
- o Roofscape should normally take its design cues from nearby Georgian buildings (including parapet, pitch, sub-division and materials)

In this case, the site is not located immediately adjacent to any Georgian buildings, with most surrounding buildings in this part of the city being C20. The nearest Georgian buildings are St James Parade to the east and Green Park to the west.

Green Park is 16 - 19m in height as confirmed in the BBHS. Plot 7 which is closer to Green Park at the west of the site would be 16.3m in maximum height, with 4 storeys plus roof. Plot 6 would be 19.5m in maximum height, with 5 storeys plus roof. The scale of both buildings is therefore within the range established by Green Park. This accords with the BBHS guidance and policy CP6. The variation in height between the two plots contributes dynamism to the architecture and variety to the roofscape.

In relation to World Heritage Site impact, the site is geographically separate from the Roman baths and spa infrastructure. It is not in close proximity of Georgian architecture or town planning. However, is within the wider townscape setting of some Georgian features and forms a heavily altered part of the wider Georgian city. The area could have Roman archaeological potential and there is some intervisibility in landscape views from the city. The site therefore directly contributes to a minority of attributes of OUV of the WHS.

It is acknowledged that the development would impact on views of Beechen Cliff from Milk Street. These contribute to the landscape setting of the city. Given the lack of any development on the site currently, the views south across the site are expansive and open. There would be some occlusion of green hillsides resulting from the development which will detract from green landscape character. This will pose a degree of harm to this aspect of OUV of the WHS. It is worth highlighting that the impact of the commercial development on Plots 1-5 is of far high magnitude, however. The adjacent commercial development which is extant would cause similar or greater impacts.

In local views from the south, east and west such as the riverside, Green Park Road and Corn Street, the development is viewed in the context of C20 townscape and does not impact on Georgian planning or architecture. There would be some intervisibility and association with the Georgian city in longer range views from higher elevation such as Alexandra Park. This is modelled in the verified visual montages, and the development is positioned at the edge of an area which is heavily altered and mostly C20. Based on



scale, form and materials, the development assimilates comfortably with the surrounding townscape and roofscape. The use of mansards with dormers, double gables and a linear dual pitched roof provide some grain and intricacy to the roofscape, inkeeping with wider character. Materials (Bath stone and slate with some metal cladding) are similar in texture and colour to surrounding buildings. The flat upper planes are not highly prominent and are less evident than Plots 1-5 and other buildings with similar roof forms in the surroundings. With respect, it is found that some of the harms ascribed by the Conservation Officer have been overstated.

In relation to Roman archaeology, it is known that the area adjacent to the river has some Roman archaeological potential. The site also has potential for prehistoric to post-medieval archaeological deposits. The site has evidently been much altered in the past with demolition of historic buildings, use as a coach park and toilets, as well as tarmacked car park. The outline permission was accompanied by planning conditions which secured a detailed programme of Archaeological Field Evaluation prior to the commencement of development as well as post archaeological excavation reporting prior to occupation. These conditions have not been discharged and are extant associated with the outline permission. The extant conditions are sufficient to ensure that the development will protect any potential archaeological remains and preserve this attribute of OUV to the WHS.

Regarding architectural character and the historic environment, the appropriate starting point for assessment is the current context. Whilst there have been buildings on the site historically, these have long since been demolished in the 1960/70s. The site is a surface car park surrounded by heavily tarmacked streetscape and predominantly C20 townscape. This is well-ordered, but of neutral, and in parts negative character as acknowledged in the Conservation Area Character Area Appraisal. Whilst building on heritage evidence to design an appropriate scheme is a sound approach, the requirement to seek opportunities to enhance the historic environment relates to the existing context, rather than recreation of lost historic environment.

When assessed in the current context, the architectural design of the development is not found harmful to the existing character, appearance or historic significance of the Conservation Area at local level. Beyond the vestiges of historic street pattern, there is little remaining historic townscape at or adjacent to the site. In this context, harm to historic significance is challenging to identify.

The layout of proposed buildings correspond with the position of adjacent buildings on Milk Street and Avon Street. The historic route of Milk Street would be preserved, open and undeveloped as part of the development. It would be framed by the development at the southern end. The absence of connectivity would not pose heritage harm given that there is not currently connectivity. This would preserve the existing situation rather than further pose harm to any designated heritage asset.

The proposed buildings introduce an active façade and terminus to these north/south routes adjacent to the river. This is beneficial when compared with the existing car park use and blank return walls of buildings on Milk Street and Avon Street. The proposed landscaping including planting beds and street trees would also enhance the streetscape, having a positive impact upon the character of this part of the Conservation Area.

Given the significant physical separation to listed and historic buildings surrounding the site, the development is not assessed to detract or harm the setting of any listed or historic building.

Overall, it is assessed that the development would pose a low level of harm to the City of Bath World Heritage Site because of occlusion of green hillsides of Beechen Cliff. There would also be a low level of harm associated with the contemporary appearance of the development and its peripheral townscape association with the Georgian city. This would pose harm to the City of Bath World Heritage Site rated at less than substantial level. The development would preserve the significance of the Great Spa Towns of Europe World Heritage Site. The development would enhance the part of the Bath Conservation Area the site is within. The development would not pose harm to the setting of any listed or historically significant building.

Due to identification of less than substantial harm to the City of Bath World Heritage Site, in accordance with para. 215 of the NPPF this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is acknowledged that the World Heritage Site is a designated asset of the highest level of international significance and harm to this asset must be given significant weight.

Following assessment, a series of benefits to the public are judged to be consequences of the development. Public benefits include the provision of 96 homes which would benefit those needing housing on a social level and make a positive contribution to the Council's housing land supply position. The development would facilitate regeneration of a car park which is acknowledged to be a negative townscape feature in the Conservation Area Character Appraisal and is an allocated site in the Council's Local Plan, delivering townscape benefits including more efficient use of land, improved public surveillance, public realm enhancements including street tree planting and landscaping. The introduction of approximately 220 additional residents in this area would contribute positively to the vitality and viability of city centre businesses and local economy. The development project would generate jobs and economic growth in the construction and associated industries. The housing will meet accessibility and adaptable homes standards, provide lifetime homes and reduce the burden on the health and social care system. The development for facilitate a net gain for biodiversity through purchase of off-site units. The development would also create energy efficient homes, heated and powered by renewable energy, contributing to offsetting the effects of climate change. Development of homes in this accessible location where sustainable transit patterns will be the norm would also contribute positively to reducing carbon emissions.

These economic, social and environmental objectives and consequences of the project would benefit the public at large. The public benefits are numerous and receive substantial weight in assessment. The benefits are deemed sufficient to outweigh the low level of less than substantial harm posed to a limited number of attributes of value associated with the City of Bath World Heritage Site. Therefore, the development is found to be compliant with heritage legislation and policies.

### **Access, Transport & Highways**

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

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

Para. 115 of the NPPF states that:

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

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

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

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

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

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

The site is located within the city centre area as designated under policies CP12 and B2. The site is allocated for residential development under policy SB4 of the Local Plan. The site also benefits from extant outline permission for residential use. The principle acceptability of residential development in this location is therefore well established. Residents in this area will benefit from excellent accessibility to employment opportunities, facilities and services, including public transport.

The development is proposed to be car free with zero parking for residents. Disabled parking will be provided in the car park within the wider Bath Quays North development or on street.

The site is within the city centre parking zone (Zone A) where a maximum of 0.5 car parking spaces per dwelling are acceptable in accordance with the Transport & Development SPD. This would generate a maximum parking level of 48 spaces. However,

the SPD states that this level can be reduced by up to 100% by producing an Accessibility Assessment. This is to encourage the use of walking, cycling and public transport and reduce carbon emissions in appropriate locations. Clear evidence is required that this would be justified.

The Developer has provided an Accessibility Audit (section 3 of the Transport Assessment) which concludes that residents in the proposed development would have a genuine choice of modes of travel. Residents would not be reliant on a private car to travel to work, college, shopping or other journeys. This is due to being located nearby the city centre which has a range of facilities and a short walk from the main bus and train stations. The availability of a Car Clubs close to the site means that those residents who choose not to own a car would still have access to one as often as they like.

The Council's Highways team have reviewed the evidence and accept a 100% reduction being applied to the development. A car free development is found to be acceptable in this instance and would comply with policy ST1 which requires 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. The proposals for a car free development in the city centre would directly accord with this policy objective. The site is within the Bath Central Parking Zone and the car free nature of the development can be secured by excluding residents from eligibility for permits within the parking zone. This will be at the discretion of the Highways Authority that manages parking permits, but a recommendation shall be attached to any permission based on promotion of the scheme as 'car free'.

Requirements for disabled parking still apply and 6% of the parking capacity for the development or 3 spaces (whichever is greater) must be provided. This generates a requirement for provision of 3 disabled parking spaces associated with the residential development.

It is noted that the outline permission allocates parking in a basement car park as part of the wider Bath Quay North development. There is a condition (condition no. 33 - Parking) which requires provision of car parking prior to occupation of residential properties. This shall be updated associated with the current application to secure appropriate levels of disabled car parking (3 spaces) to be delivered prior to occupation. The Developer has indicated this will either be provided in the car park within the wider Bath Quays North development or on street. Final details will be required to be submitted and agreed prior to occupation.

The Transport & Development SPD also requires Car Club provision, and this is fundamental to acceptance of car free development, acknowledging that access to a car for certain journeys is necessary. The requirement is for each dwelling to be provided with 2 years membership to the nearest car club bay provider (1 per unit) on occupation. This requirement shall be secured by s106 agreement between the Developer and the Council prior to occupation. Furthermore, for developments between 51- 300 homes, there is a requirement to provide at least 1 car club bay per 50 homes. This requirement will also need to be secured as a s106 obligation, likely in an off-site location either within the adjacent basement car park or on street which would be subject to TRO. Further details in relation to these proposals will need to be secured.

With regards to cycle parking, the Transport & Development SPD requires that 2 cycle parking spaces are provided per 1 or 2 bedroom dwelling. The development incorporates integral cycle parking stores at ground floor level within each respective buildings. There would be capacity provided for storage of a total of 200 bikes on site, thus complying with the standard in the SPD. Security specifications and measures for cycle parking stores shall be secured by planning condition and implementation will be secured by condition prior to occupation of the development.

In relation to travel planning, a framework travel plan was submitted and agreed at outline stage, based on the provision of a full travel plan being provided following occupation of the development. It is highlighted that guidance in relation to travel planning has been revised in the Transport & Development SPD. Any updated full travel plan must be prepared in accordance with the Council's latest guidance. An updated full travel plan for the development shall therefore be secured by planning condition, prior to occupation. This will require commitments to delivery and monitoring either through the Council's bond scheme or via Council monitoring. This will be subject to financial obligation of £75,175 +/- £4,775 monitoring fee secured by s106 agreement.

With regards to servicing, loading and waste collections, these will undertaken from a loading bay to be created on the public highway on Green Park Road. Further waste collections will be necessary from the west on Green Park Road and from Avon Street. The development incorporates bin and recycling stores of sufficient scale to accommodate bins required by the development. A full version of the Delivery and Servicing Plan will be required to be submitted for approval in advance of any site occupation. This will be secured by pre-occupation condition.

It is noted that Highways Agreements will be required with the Highways Authority prior to undertaking works on Green Park Road and Avon Street. This includes alterations to the public highway for the loading bay, works to footways and tree pits also. A commuted sum for maintenance of street trees will be secured as part of Highways Agreements also.

The proposed tree pit locations may require further adjustment to ensure appropriate visibility at the pedestrian crossing on Green Park Road. This will take place following detailed design as part of the Highways approval process. Any necessary changes to the planning approval can be considered following highways approvals by application for amendment or variation of the permission. This is standard practice as detailed design progresses through stages of design development.

It is noted that bin and recycling store doors are shown to open outwards onto the public highways on Avon Street. This must be revised prior to permission being granted or adequately resolved by planning conditions.

Due to the scale and location of the development, the construction phase of the project would need to be carefully managed. It is noted that a Management Plan was previously submitted to cover works on the southern area of the wider site, so a further Plan would need to be secured to manage any works relating to this part of the site. This shall be secured by pre-commencement planning condition.

Subject to planning conditions referenced above, the development will provide and encourage use of a range of sustainable and active travel modes by residents and will avoid severe impacts on the road network and any unacceptable impact on highway safety. The development accords with relevant policies relating to transport and access and is therefore acceptable in this regard.

## **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. 193 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.

There is a group of trees located adjacent to the west boundary of the development site. An Arboricultural Survey has been provided with the application confirming these include a pair of Oaks, pair of Pines and a Field Maple. The trees are categorised as B2 (moderate quality) and C2 (low quality) trees, in accordance with BS 5837:2012. It is necessary to remove these 5 trees to accommodate the development. Adjacent Sycamores, Pine, Alder, Birch and Cherry's will be retained.

The Council's Arboricultural Officer has not raised any objection to the proposed tree removals. It is noted these have previously been accepted under the extant outline permission. In accordance with Policy NE6 and the Planning Obligations SPD, a minimum of 17 replacement trees are required to be planted to mitigate for proposed tree loss.

The development incorporates proposals to plant 16 replacement trees, comprising 7 Field Maple as street trees (20-25cm planting stock), 5 smaller species within the

landscaped courtyard and 4 further trees at the rear of Plot 7. These proposals are found acceptable and would provide suitable mitigation for tree loss on site. The incorporation of street trees which will reach good mature size on Green Park Road is particularly supported.

Planning conditions are recommended to secure the planting proposals as well as a compliance with the supplied Arb Method Statement, Tree Protection Plan prior to commencement and subsequent certification of compliance by the project arborist. Subject to this measure, the application is found to accord with Policy NE6.

## **Ecology & Biodiversity**

Para. 180 of the NPPF outlines that:

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

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

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

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

For designated sites and other important habitat, this means:

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

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

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

- a) the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest
- b) mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ; and
- c) provision of replacement habitat creation and bespoke measures.

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

- a) for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site; where impacts have been minimised; and where there are opportunities to replace and/or offset the loss to at least equivalent or greater ecological value
- b) for UK Priority Habitats (not covered by Clause 4), where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat; and where impacts have been minimised; and where it can be demonstrated that it is possible to replace and/or offset the loss to at least equivalent or greater ecological value
- c) for locally important habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the habitat;
- d) for features of the landscape such as trees, copses, woodlands, grasslands, batches, ponds, roadside verges, veteran trees, hedgerows, walls, orchards, and watercourses and their corridors if they are of amenity, wildlife, or landscape value, or if they contribute to a wider network of habitats, where such features are retained and enhanced unless the loss of such features is unavoidable and material considerations outweigh the need to retain the features.



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

5. In all cases:

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

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

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

d) Then, as appropriate:

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

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

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

For protected species this means:

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

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

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

(iii) where impacts have been minimised; and

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

\*Note: wholly exceptional reasons mean, for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

The nearest ecological site is the locally designated River Avon Site of Nature Conservation Interest which is located immediately to the north of the site. This is known to be supporting habitat used by Bath and Bradford on Avon SAC bats.

The Council's Ecologist has been consulted on the application and confirmed no substantial ecological concerns with the development, proposed planting / landscaping, or lighting proposals.

It is acknowledged that there are BNG and lighting conditions on the outline permission for Bath Quays North. The condition for BNG secures a 30% net gain over the existing condition. The submitted documents are based on a 10% gain, in accordance with the current mandatory requirements. It is accepted that the scheme would comply with current national and local policy (NE3A) subject to only a 10% gain, rather than the previous aspiration of 30%. This condition may require variation accordingly.

The baseline assessment is accepted, and the proposed planting / landscaping are also broadly accepted. The BNG calculation results in a unit deficit, as trading rules are not met. The development therefore requires purchase of offsite units to deliver biodiversity net gain. Compliance with the submitted BNG information will be secured by biodiversity gain plan condition.

Plans have been provided illustrating details of building integrated features for wildlife enhancement in accordance with Policy D5(e). This includes 95 swift bricks, 1 integral bat box and 14 bat access tiles. These proposals are acceptable and will be secured by conditions.

The Council's Ecologist has confirmed that the submitted light spill modelling shows that all proposed lighting within the red line boundary meets the standards expected and secured by conditions as part of the outline permission. As such, the residential development under this application shall not result in harmful light spill that would be detrimental to habitats and ecology.

This will be ensured by planning conditions in relation to biodiversity gain plan, wildlife enhancement features, lighting as well as an ecological compliance statement. Subject to these measures, the application accords with Policies NE3 and NE3A of the Local Plan.

### **Flood Risk & 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."

Despite being located adjacent to the River Avon, the site is in Flood Zone 2. This is due to a change in levels between the site and the river. The site has been subject to sequential test at site allocation plan making stage and subject to extensive consideration

of flood risk at outline stage. The outline permission includes requirements for a surface water drainage strategy (now submitted for Plots 6-7), a scheme of flood resilience and protection measures for ground floor uses, minimum ground floor levels which are above the 1 in 1000 annual probability flood level for residential uses and Flood Warning Evacuation Plan. Based on these requirements, the Environment Agency and LLFA supported the application. The conditions of the outline permission remain extant and ensure the development would not be at risk of flooding.

The reserved matters design has been prepared to comply with outline permission requirements in terms of flood risk. A detailed drainage strategy has also been prepared for the site. This includes two private gravity networks are designed to collect surface water, with the system achieving a 30% betterment. Sustainable drainage techniques including vortex flow controls and porous pavements shall be used to reduce the flow to achieve this betterment. These measures significantly reduce the peak flow rate, and introduce a slightly delay to when the peak flow occurs during the storm event. This will ensure that the development does not increase flood risk in the vicinity.

The Council's Drainage and Flooding team have been consulted on the application and raised no objection subject to implementation in accordance with the submitted drainage strategy. Subject to these measures, the proposals accord with national and local policy and guidance, and the development would not increase local flood risk or place vulnerable uses at risk of being affected by flooding.

### **Sustainable Construction**

Policy SCR6 (Sustainable Construction Policy for New Build Residential Development) of the Local Plan requires that new build residential development meets the following standards:

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/m<sup>2</sup>/annum;
- o Total energy use less than 40kWh/m<sup>2</sup>/annum; and
- o On site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV.

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

Further guidance on meeting the policy requirements is available in the Sustainable Construction Checklist SPD (2023).

The application has been submitted accompanied by a Sustainable Construction Checklist, Energy Summary Tool and PHPP calculations. The information outlines that the development will achieve average space heating demand of 20.41 kWh/m<sup>2</sup>/yr total energy use of 39.3 kWh/m<sup>2</sup>/yr. These requirements have been achieved by specification of high insulation values, high levels of airtightness and use of heat recovery ventilation systems, in compliance with Policy SCR6.

Each home will have an air source heat pump located within utility cupboard to provide heating and hot water. Three areas of flat roof within the development are used for solar PV arrays. However, the total level of renewable energy generated does not offset total energy use. It is accepted that all viable measures have been explored to maximise efficiency and renewables. Therefore, a payment to the Council's carbon offsetting fund will be accepted to mitigate residual emissions. From reviewing the calculation and proposed offsetting amount in the Energy Statement, the sitewide deficit of 197387kWh/yr, which equates to an offset payment of £330,430.58 is agreed. This will be secured by obligation within s106 agreement.

Policy SCR8 (Embodied Carbon) of the Local Plan requires large scale new-build developments (a minimum of 50 dwellings or a minimum of 5000m<sup>2</sup> of commercial floor space) are required to submit an Embodied Carbon Assessment having regard to the Sustainable Construction Checklist SPD that demonstrates a score of less than 900kgCO<sub>2</sub>e/m<sup>2</sup> can be achieved within the development for the substructure, superstructure and finishes.

From reviewing the embodied carbon assessment submitted, it is proposed to achieve a total of 777kgCO<sub>2</sub>e/m<sup>2</sup> for modules A1-A5. This meets the policy requirement of <900kgCO<sub>2</sub>e/m<sup>2</sup> and therefore, the proposal is considered compliant with policy SCR8. However, it is stated within the embodied carbon assessment that conservative assumptions have been made as the more detailed design work has not yet been completed and the assessment was only completed for Plot 6 as it was assumed that Plot 7 will have similar results. Therefore, it is suggested that a pre-commencement condition is attached to ensure the requirements of policy SCR8 have been achieved following the Stage 3 design work and when assumptions are no longer needed and final values can be calculated. This will be secured by condition.

## **Contaminated Land**

Policy PCS5 (Contamination) of the Local Plan states that development will only be permitted on land either known to be or strongly suspected of being contaminated, or where development may result in the contamination of land or the release of contaminants from adjoining land, provided:

- 1) the proposal would not cause significant harm or risk of significant harm to health or the environment or cause pollution of any watercourse, water body or aquifer
- 2) remediation measures are put in place as appropriate, and

3) any identified potential harm can be suitably mitigated

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

The developer has provided a ground investigation report (Plots 6 & 7 Ground Investigation Report by Buro Happold dated 10 December 2024) and Desk Study Report (Bath Quays North Desk Study Report by Buro Happold dated 8 March 2024). The findings and recommendations of the ground investigation report include:

- o The importation of suitable soil materials to meet geoenvironmental, geotechnical and horticultural requirements within areas of soft landscaping;
- o Implementation of standard good practice during construction;
- o Use of suitable barrier pipe materials for potable water use;
- o Potential requirement for radon protection measures, yet to be determined

The report and recommendations have been reviewed by the Council's Scientific Officer for Contaminated Land & Thermal Springs. They have confirmed that the findings and recommendations are agreed. Therefore, conditions are recommended to secure details of a remediation scheme for the site, verification reporting for remediation and reporting of unexpected contamination.

Subject to these planning conditions, the development would provide remediation and not cause significant harm or risk of significant harm to human health or the environment. This accords with policy SCR5 of the Local Plan.

## **Other Matters**

### **Public Sector Equalities Duty**

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

This has been taken into account both in relation to the application and decision making process as well as when assessing the impacts and merits of the development itself.

Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process at set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required. These measures have been implemented in accordance with the Council's adopted Statement of Community Involvement prior to and during processing of this planning application. The developer has provided a bespoke Statement of Community Involvement detailing consultation and involvement in the project.

In relation to the development itself, it is considered that the development will reduce inequalities, advance equal opportunity and foster good relations with those sharing protected characteristics in a variety of forms. As an example, the development includes level step free access throughout in compliance with Building Regulations Part M4(1). The development also includes 47 homes designed to accessible and adaptable standard Part M4(2) as well as 5 wheelchair accessible homes to be constructed to meet Part M4(3). These aspects of the development will be beneficial to future residents and visitors of the development that have disabilities. This will help to advance equality of opportunity for fit for purpose housing in the city. The provision of new housing will serve all ages, genders, races, people with disabilities, and other protected characteristics.

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

### **Planning Obligations and Community Infrastructure Levy**

The development would be liable to pay community infrastructure levy with liability estimated to total £283,215.00. This is based upon the £50 per m2 charging rate for residential development (use class C3) on strategic sites in Bath & North East Somerset. Final liability shall be determined following the grant of permission.

The development will also be associated with the following planning obligations which will be secured by s106 agreement with the Council prior to permission being granted:

1. A financial contribution of £243,840.48 towards greenspace enhancement and maintenance in the local area associated with additional need generated by the development;
2. A financial contribution of £330,430.58 towards the Council's carbon offsetting fund to mitigate residual emissions in compliance with Policy SCR6;
3. A travel plan delivery and monitoring bond £75,175 +/- £4,775 monitoring fee as required by the Transport & Development SPD
4. A financial contribution of £5,114.60 towards Traffic Regulation Order to accommodate disabled car parking and/or car club bay on public highway (as necessary);
5. A planning obligation securing at least 2 years membership to the nearest car club bay for each dwelling on occupation;
6. A planning obligation securing creation and delivery of 1 new car club bay on the public highway surrounding the development, or at an alternative location on the wider development site forming part of the outline planning permission (Bath Quays North); and
7. Planning obligation to provide 14 work placements, 2 apprenticeships and 2 new jobs in construction as well as a £7,040.00 contribution towards Targeted Recruitment and Training in Bath and North East Somerset.

## **Planning Balance & Conclusion**

This application now provides details of layout, scale, appearance and landscaping associated with residential development at Bath Quays North granted outline planning permission in August 2020. Mixed use regeneration of these city centre car parks has been a longstanding strategic objective in the Local Plan under site allocation policy SB4. The detailed residential proposals now presented achieve a high standard city centre living complex which would have many benefits for the area and adjacent city.

The development will deliver 96 one- and two-bedroom homes in a desirable location that has excellent accessibility, promoting sustainable travel patterns and lifestyles. The development regenerates an existing car park, improving the local townscape and public realm, and making more efficient use of a brownfield site to deliver housing. The proposed housing would provide a range of sizes, appealing to different demographics and fulfilling local requirements for accessibility and adaptability. The development does not include affordable housing due to viability, however there is a condition on the outline permission securing a review mechanism should circumstances improve.

The reserved matters designs are identified to pose less than substantial harm to the City of Bath World Heritage Site due to impact on landscape views and association with wider Georgian city in long range views. Assessment has concluded public benefits of the development are sufficient to outweigh harm. These include housing delivery, provision of accessible and adaptable homes, localised townscape enhancements, contribution to economic vitality and viability of the city centre, jobs and economic growth associated with construction, and environmental benefits of biodiversity net gain, tree planting and reducing carbon emissions by provision of energy efficient homes, heated and powered by renewable energy.

As a result of the Council's housing land supply position, any adverse impacts of granting permission must significantly and demonstrably outweigh the benefits, when assessed against the policies in the national Framework taken as a whole. Following assessment, the adverse impacts of development would not outweigh the benefits of development. Significant weight is given to the benefit of housing delivery, acknowledging the constrained land supply position locally.

The site has extant outline permission and a site allocation policy establishing the acceptability of residential development. The detailed proposals now presented are found to comply with all relevant national and local planning policies. Only one objection was received following public consultation, and no material considerations have been identified that warrant refusal of the application. The application is therefore recommended to be permitted, with authority delegated to officers for completion of the s106 agreement to secure planning obligations and to impose necessary conditions.

## **RECOMMENDATION**

Delegate to PERMIT

## CONDITIONS

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

1. A financial contribution of £243,840.48 towards greenspace enhancement and maintenance in the local area associated with additional need generated by the development;
2. A financial contribution of £330,430.58 towards the Council's carbon offsetting fund to mitigate residual emissions in compliance with Policy SCR6;
3. A travel plan delivery and monitoring bond £75,175 +/- £4,775 monitoring fee as required by the Transport & Development SPD
4. A financial contribution of £5,114.60 towards Traffic Regulation Order to accommodate disabled car parking and/or car club bay on public highway (as necessary);
5. A planning obligation securing at least 2 years membership to the nearest car club bay for each dwelling on occupation;
6. A planning obligation securing creation and delivery of 1 new car club bay on the public highway surrounding the development, or at an alternative location on the wider development site forming part of the outline planning permission (Bath Quays North); and
7. Planning obligation to provide 14 work placements, 2 apprenticeships and 2 new jobs in construction as well as a £7,040.00 contribution towards Targeted Recruitment and Training in Bath and North East Somerset.

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

### **1 Biodiversity Gain Plan (Pre-commencement)**

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, including a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation (Biodiversity Net Gain Objectives Bath Quay North by Ethos Environmental Planning dated July 2024) and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Statutory Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;



2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.
9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
10. Proposed costs and resourcing, and legal responsibilities.

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

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

## **2 Construction Management Plan (Pre-commencement)**

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

1. Deliveries (including storage arrangements and timings);

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

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

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. 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 SCR8 Embodied Carbon (Pre-commencement)**

Prior to the commencement of development (excluding ground investigations/demolition/site preparatory works), an updated Embodied Carbon Assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall assess compliance with policy SCR8 for both plots 6 and 7 based upon detailed design work. The development shall then be implemented in accordance with the approved Embodied Carbon Assessment and associated construction measures.

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

### **4 Arboriculture - Compliance with Arb Method Statement (Pre-commencement)**

All protective measures as stated in the approved Arboricultural Method Statement and Tree Protection Plan (Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plan by Wold & Vale Tree Consultancy dated July 2024) shall be fully implemented prior to the commencement of development and retained for the duration of the construction. This must also include arboricultural supervision for works within the root protection areas of T1 and T2. No development or other operations shall thereafter take place except in accordance with the approved details.

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

## **5 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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

## **6 Construction Environmental Management Plan (Pre-commencement)**

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

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison
- o Arrangements for liaison with the Council's Environmental Protection Team

o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

o 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

o Procedures for emergency deviation of the agreed working hours.

o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

All construction works as part of the development shall thereafter proceed in accordance with the approved Construction Environmental Management Plan.

Reason: To protect neighbouring residents from pollution and potential nuisance associated with construction in accordance with policies PCS1, PCS2 and D6 of the Local Plan.

## **7 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, stone walls, brick walls, stone dressings, doors, windows, ventilation grilles, balustrades, dormers etc. 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.

### **8 Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials (split faced coursed Bath stone, ashlar Bath stone and brickwork) to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

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

### **9 Landscape Design Proposals (Bespoke Trigger)**

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

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

Soft landscape details shall be consistent with the application stage Landscape Scheme/Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

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

Thereafter, the approved hard and soft landscape scheme 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.

The landscaping shall be maintained in accordance with the approved maintenance strategy. Any trees or plants indicated on the approved scheme which, within a period of

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

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

#### **10 Security Strategy (Bespoke Trigger)**

Prior to development proceeding above slab level, a security strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include a scheme of measures designed to deter and prevent crime at the site, taking account of 'Secured By Design' guidance. This shall include (but not be limited to) details of proposed boundary treatments to secure the site, security ratings of proposed architectural fabric elements including doors for cycle parking stores as well as security features and fittings including a CCTV system. Thereafter, the development shall be implemented in accordance with the approved Security Strategy.

Reason: To ensure that the development takes account of national policy requirements to achieve safe places, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion in accordance with section 8 of the NPPF and Policy D1 of the Bath and North Somerset Local Plan Partial Update. The Applicant should refer to the advice of Avon & Somerset Police Crime Prevention Through Environmental Design Officer response to the application dated 5th February 2025. This is required prior to construction of walls to enable secure architectural elements to be incorporated within construction of the building.

#### **11 Doors Adjacent to Public Highway (Bespoke Trigger)**

Prior to development proceeding above slab level, revised plans shall be submitted to and approved in writing by the Local Planning Authority, removing proposals for external doors opening outwards onto the public highway at ground floor level. The development shall then be implemented in accordance with the approved details.

Reason: To preserve the safe and free flow of the highway network in accordance with Policy ST7 of the Local Plan.

#### **12 Contaminated Land - Unexpected Contamination (Bespoke trigger)**

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

completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework.

### **13 Highway Improvement Works (Pre-occupation)**

The development hereby approved shall not be occupied until the scheme of proposed highway works are completed, inspected and agreed by the Local Highways Authority, and approved in writing by the Local Planning Authority. The scheme of highway works shall generally reflect the proposals shown on the hard landscape plan (Hard Landscape Plan drawing no. 155994-STL-XX-XX-DR-L-09060 PL\_05) and plans appended to the highways addendum statement (By Entran, ref: TP54xx\_L4\_RF, dated 21st October 2025, Visibility Splay Proposed Pedestrian Crossing drawing no. SK100 A and Planning Condition Areas drawing no. SK220).

Reason: In order that the development provides appropriate accessibility and highways conditions for residents and highway users, by providing a safe and level public realm. Developments are required to fulfil such objectives by Section 9 of the NPPF, Policies ST1, ST7, DW1 and SD1 of the Bath and North East Somerset Local Plan Partial Update.

Please note: These works will require approval of technical design under s278 of the Highways Act.

### **14 Travel Plan (Pre-occupation)**

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

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

### **15 Residents Welcome Pack (Pre-occupation)**

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

follow this link <https://www.gov.uk/government/publications/smarter-choices-main-report-about-changing-the-way-we-travel>

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

#### **16 Delivery Servicing Management Plan (Pre-occupation)**

No occupation of the development shall commence until a final updated version of the application stage delivery and servicing management plan (section 7. Delivery and Servicing Plan Transport Assessment Addendum Plots 6 & 7 Bath Quays North by Entrant dated August 2024) has been submitted to and approved in writing by the Local Planning Authority. Thereafter delivery and servicing management shall only be undertaken in accordance with the approved details.

Reason: To ensure that there is adequate and safe provision for the loading and unloading of goods vehicles in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

#### **17 Cycle Parking (Pre-occupation)**

No occupation of the development shall commence until secure and covered bicycle storage for at least 200 bikes has been provided in accordance with details shown on the approved site plan ground floor (drawing no. 155994-STL-XX-XX-DR-A-PL-0010 PL-003, received: 23rd October 2025). The cycle parking shall be retained permanently thereafter.

Reason: To secure adequate parking provision for bicycles, ensuring a full range of transit options is available for residents 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.

#### **18 Bin & Recycling Storage (Pre-occupation)**

No occupation of the development shall commence until the refuse stores (identified on Proposed Site Ground Plan drawing no. 155994-STL-XX-XX-DR-A-PL-0010 PL-003, received: 23rd October 2025) is constructed in accordance with the approved details. Thereafter, the stores shall be used solely for the purpose of storage of bins, waste and recycling. Bins and recycling containers 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).



## **19 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Placemaking Plan and chapter 15 of the National Planning Policy Framework.

## **20 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.

1. Energy Summary Tool 2;
2. Table 2.1 or 2.2 (if proposal has more than one dwelling type);
3. Table 5 (updated);
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP; and
7. Microgeneration Certification Scheme (MCS) Certificate/s.

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

## **21 Gull Management Plan (Pre-occupation)**

Prior to occupation of the development, a Gull Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Gull Management Plan shall incorporate a range of appropriate measures to deter nesting and nuisance associated with gulls at the site, prepared in accordance with the Council's publication 'Urban Gulls: How to stop them nesting in your roof'. The development shall

thereafter be implemented and maintained in accordance with the approved Gull Management Plan.

Reason: To prevent nuisance and environmental issues caused by gulls in accordance with policies D5, D6 and PCS1 of the Bath and North East Somerset Placemaking Plan.

## **22 Arboriculture - Signed Certificate of Compliance (Pre-occupation)**

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority

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

## **23 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, Biodiversity Net Gain Plan and drawing titled integral species provision (drawing no. 155994-STL-XX-XX-DR-A-PL-0090 PL-001) has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

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

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

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

## **24 Dwelling Access (Pre-occupation)**

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 Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

## **25 Housing Accessibility (Compliance)**

The development hereby approved shall include 47 dwellings constructed to meet the optional technical standards M4(2) in the Building Regulations Approved Document M and 5 dwellings constructed to meet the optional technical standards M4(3) in the Building Regulations Approved Document M.

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.

## **26 External and Internal Lighting (Compliance)**

The lighting forming part of the development shall be installed and operated in accordance with the approved lighting scheme (Lighting Scheme and Assessment for Bath Quays North by E3 Consulting Engineers, ref: 4795 REP04 P02 dated 24 July 2024 and External Lighting Proposals drawing no. SK20 REV P2).

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

## **27 Drainage Strategy (Pre-commencement)**

The development shall be implemented and maintained in accordance with the application stage Drainage Strategy (Proposed Drainage Statement, Bath Quays North Plots 6 & 7 ref: 0056119 dated 26 July 2024 by Buro Happold) and associated drainage plans.

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

## **28 Water Efficiency (Compliance)**

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

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

## **29 Precautionary Working Methods for Bats and Birds (Compliance)**

The development must proceed only in accordance with the 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

### **30 Visibility Splays (Compliance)**

The visibility splays shown on drawing number SK220; shall be keep clear of any obstruction to visibility 600mm above ground level and retained free from obstruction permanently thereafter.

Reason: To ensure visibility is maintained in the interests of highways safety in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

### **31 Plans List (Compliance)**

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

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

### **PLANS LIST:**

#### **1 Plans List:**

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

#### **Architectural**

|                                 |                                      |                 |
|---------------------------------|--------------------------------------|-----------------|
| Existing Site Topo              | 155994-STL-XX-XX-DR-A-PL-0002        | 13 January 2025 |
| Existing Site Elevations        | 155994-STL-XX-XX-DR-A-PL-0003        | 13 January 2025 |
| Proposed Site Plan Second Floor | 155994-STL-XX-XX-DR-A-PL-0012 PL-002 | 14 July 2025    |
| Proposed Site Plan Third Floor  | 155994-STL-XX-XX-DR-A-PL-0013 PL-002 | 14 July 2025    |
| Proposed Site Plan Fourth Floor | 155994-STL-XX-XX-DR-A-PL-0014 PL-002 | 14 July 2025    |

|                                                                             |                                      |               |
|-----------------------------------------------------------------------------|--------------------------------------|---------------|
| Proposed Site Plan Fifth Floor<br>14 July 2025                              | 155994-STL-XX-XX-DR-A-PL-0015 PL-002 |               |
| Plot 6 Plans Ground First<br>14 July 2025                                   | 155994-STL-XX-XX-DR-A-PL-0060 PL-002 |               |
| Plot 6 Plans Second Third<br>14 July 2025                                   | 155994-STL-XX-XX-DR-A-PL-0061 PL-002 |               |
| Plot 6 Plans Fourth Fifth<br>14 July 2025                                   | 155994-STL-XX-XX-DR-A-PL-0062 PL-002 |               |
| Plot 7 Plans Ground First<br>14 July 2025                                   | 155994-STL-XX-XX-DR-A-PL-0070 PL-002 |               |
| Plot 7 Plans Second Third<br>14 July 2025                                   | 155994-STL-XX-XX-DR-A-PL-0071 PL-002 |               |
| Plot 7 Plans Fourth Roof<br>14 July 2025                                    | 155994-STL-XX-XX-DR-A-PL-0072 PL-002 |               |
| Plot 7 Illustrative Proposed Elevation<br>003 11 August 2025                | 155994-STL-XX-XX-DR-A-PL-0081        | PL-           |
| Proposed Site Ground Floor Plan<br>23 October 2025                          | 155994-STL-XX-XX-DR-A-PL-0010 REV    | PL-003        |
| Proposed Site First Floor Plan<br>23 October 2025                           | 155994-STL-XX-XX-DR-A-PL-0011-       | REV PL-003    |
| Proposed Site Roof Plan<br>October 2025                                     | 155994-STL-XX-XX-DR-A-PL-0016-       | REV PL-003 23 |
| Plot 6 Stacked Plans<br>23 October 2025                                     | 155994-STL-XX-XX-DR-A-PL-0020-       | REV PL-003    |
| Plot 7 Stacked Plans<br>23 October 2025                                     | 155994-STL-XX-XX-DR-A-PL-0021-       | REV PL-003    |
| Context Street Elevations I<br>October 2025                                 | 155994-STL-XX-XX-DR-A-PL-0030-       | REV PL-004 23 |
| Context Street Elevations II<br>23 October 2025                             | 155994-STL-XX-XX-DR-A-PL-0031-       | REV PL-003    |
| Context Site Sections<br>October 2025                                       | 155994-STL-XX-XX-DR-A-PL-0036-       | REV PL-003 23 |
| 3D Street Views I<br>October 2025                                           | 155994-STL-XX-XX-DR-A-PL-0040-       | REV PL-004 23 |
| 3D Street Views II<br>October 2025                                          | 155994-STL-XX-XX-DR-A-PL-0041-       | REV PL-004 23 |
| Plot 6 Proposed Ground & First Floor<br>PL-003 23 October 2025              | 155994-STL-XX-XX-DR-A-PL-0060-       | REV           |
| Plot 6 Proposed Elevations Front & Rear<br>0065- REV PL-003 23 October 2025 | 155994-STL-XX-XX-DR-A-PL-            |               |
| Plot 7 Proposed Ground & First Floor<br>PL-003 23 October 2025              | 155994-STL-XX-XX-DR-A-PL-0070-       | REV           |
| Plot 7 Proposed Elevations I<br>23 October 2025                             | 155994-STL-XX-XX-DR-A-PL-0075-       | REV PL-004    |
| Plot 7 Proposed Elevations II<br>23 October 2025                            | 155994-STL-XX-XX-DR-A-PL-0076-       | REV PL-004    |
| Integral Species Provision<br>October 2025                                  | 155994-STL-XX-XX-DR-A-PL-0090-       | REV PL-001 23 |

Landscape

|                                                               |                 |                             |          |
|---------------------------------------------------------------|-----------------|-----------------------------|----------|
| Proposed Landscape General Arrangement Plan<br>09001 REV PL06 | 23 October 2025 | 155994-STL-XX-XX-DR-L-      |          |
| Proposed Landscape Masterplan<br>PL05                         | 23 October 2025 | 155994-STL-XX-XX-DR-L-09002 | REV      |
| Proposed Soft Landscape Site Plan<br>PL05                     | 23 October 2025 | 155994-STL-XX-XX-DR-L-09040 | REV      |
| Proposed Soft Landscape Details Plot 7<br>REV PL05            | 23 October 2025 | 155994-STL-XX-XX-DR-L-09041 |          |
| Proposed Soft Landscape Details Plot 6<br>REV PL05            | 23 October 2025 | 155994-STL-XX-XX-DR-L-09042 |          |
| Proposed Hard Landscape Plan                                  | 23 October 2025 | 155994-STL-XX-XX-DR-L-09060 | REV PL05 |
| Proposed Boundary Treatment Plan<br>PL05                      | 23 October 2025 | 155994-STL-XX-XX-DR-L-09080 | REV      |
| Proposed Planting Sections                                    | 23 October 2025 | 155994-STL-XX-XX-DR-L-09300 | REV PL05 |
| Proposed Tree Pit Detail                                      | 23 October 2025 | 155994-STL-XX-XX-DR-L-09402 | REV PL01 |
| Proposed Soft Planting Palette<br>PL05                        | 23 October 2025 | 155994-STL-XX-XX-SP-L-SP002 | REV      |

## Highways

|                                              |       |                 |            |
|----------------------------------------------|-------|-----------------|------------|
| Planning Condition Areas                     | SK220 | 23 October 2025 |            |
| Visibility Splay Pedestrian Crossing<br>2025 |       | SK100 REV A     | 23 October |

## Drainage

|                                                                    |                 |                          |     |
|--------------------------------------------------------------------|-----------------|--------------------------|-----|
| Below Slab Foul Water Draining Plans Plot 6<br>3101 P01            | 13 January 2025 | 0056119-BHE-XX-DR-C-     |     |
| Below Slab Foul Water Draining Plans Plot 7<br>3102 P01            | 13 January 2025 | 0056119-BHE-XX-DR-C-     |     |
| Foul Water Drainage                                                | 13 January 2025 | 0056119-BHE-XX-DR-C-3100 | P01 |
| Surface Water Drainage Plans                                       | 13 January 2025 | 0056119-BHE-XX-DR-C-3110 | P01 |
| Surface Water Drainage Plans Plot 6                                | 13 January 2025 | 0056119-BHE-XX-DR-C-3111 | P01 |
| Surface Water Drainage Plans Plot 7                                | 13 January 2025 | 0056119-BHE-XX-DR-C-3112 | P01 |
| Storm and Foul Water Drainage General Arrangement<br>DR-C-3150 P01 | 13 January 2025 | 0056119-BHE-XX-          |     |
| Drainage Typical Details 01                                        | 13 January 2025 | 0056119-BHE-XX-DR-C-3700 | P01 |
| Drainage Typical Details 02                                        | 13 January 2025 | 0056119-BHE-XX-DR-C-3701 | P01 |
| Drainage Typical Details 03                                        | 13 January 2025 | 0056119-BHE-XX-DR-C-3702 | P01 |

Drainage Typical Details 04  
13 January 2025  
Drainage Typical Details 05  
13 January 2025

0056119-BHE-XX-DR-C-3703 P01  
0056119-BHE-XX-DR-C-3704 P01

## **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## **3 Biodiversity Net Gain - Standard Informative**

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of

the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

#### **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](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

## **5 Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

## **6 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.

## **7 Highways Works Agreements Advice Note**

The Applicant is advised to contact the Council's Highways team as the development proposed involves work on the public highway (see: Condition 13). The Applicant must ensure they have obtained the necessary highways licenses and approvals under the relevant sections of the Highways Act 1980, prior to any work taking place on the public highway. It is likely that S278 and S38 (or hybrid) Highways Agreements will be required. The Council's Highways team can be contacted at:

[Highways@bathnes.gov.uk](mailto:Highways@bathnes.gov.uk)

Further information in relation to Highways licenses is available at the following Council website: <https://beta.bathnes.gov.uk/apply-highways-licence>

## **8 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>

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

**Item No:** 02  
**Application No:** 25/02735/FUL  
**Site Location:** Bath Fire Station Bathwick Street Bathwick Bath BA2 6PU



**Ward:** Bathwick      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Manda Rigby      Councillor Toby Simon  
**Application Type:** Full Application  
**Proposal:** Erection of fire station, offices and drill tower with revised access, car parking, landscaping and associated ancillary works following demolition of existing fire station, offices and drill tower  
**Constraints:** Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SSCI 200m Buffer, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,  
**Applicant:** Avon Fire And Rescue Service  
**Expiry Date:** 21st November 2025  
**Case Officer:** David MacFadyen  
To view the case click on the link [here](#).

## **REPORT**

### **Reason for Committee Decision:**

This application was referred for decision by the Council's Planning Committee by Bathwick Ward Councillor Toby Simon. This referral has been considered by the Chair and Vice Chair of the Planning Committee in accordance with the Council's Planning Scheme of Delegation. The Chair and Vice Chair of the Planning Committee have decided the application should be determined by the Planning Committee due to being a significant development by a public body, which is likely to attract considerable interest from the public. For these reasons, the ward members referral was accepted and it was deemed appropriate for the application to be reported to the Planning Committee for decision.

### **Site Background**

The application relates to Bath Fire Station which is located to the northern side of Bathwick Street, Bathwick ward, approx. 700m north-east of Bath city centre. The site was developed from a municipal waste landfill site in the 1930s and has been the fire station for Bath for almost a century.

The site comprises a main fire station building subject to rear extensions, before a large rear yard. The yard contains a six-storey drill tower clad in Bath stone, car parking and a forecourt area used for various operational purposes. There are single storey offices to the northern side. The fire station is two storeys, constructed from Bath stone ashlar and designed in a neo-classical style with art deco motifs. The ground floor contains 5 appliance bays arranged symmetrically across the Bathwick Street frontage.

The fire station and drill tower is recorded as an 'unlisted building of merit' within the Bathwick Character Area of the Bath Conservation Area. The building and drill tower is a locally listed building and non-designated heritage asset. A recent application for the building to be added to the National Heritage List for England at grade II was rejected by the Department for Culture, Media and Sport in September 2025. It is understood this decision is currently pending review by DCMS.

Bathwick is a Roman and medieval settlement located on the banks of the River Avon. The area has a rich history owing to strategic position nearby the river and has played an important role in the historic evolution of the city. Today the area is an inner eastern suburb of the city, benefitting from proximity to the city centre yet being a sheltered and tranquil area, with high quality natural environment, situated between the River Avon and Kennet and Avon Canal.

Bathwick Street (A36) is a major arterial transit route through the city. The fire station is strategically located on this key route, nearby Cleaveland Bridge. The adjacent bridge and former tollhouses are included on the National Heritage List for England at Grade II\* level. There are a multitude of other buildings and structures also featured on the list in the vicinity of the site, including the Church of St John the Baptist (Grade II) located opposite. Hedgemoor Park and Sydney Gardens located 300-400m east and west of the site are Grade II listed historic park and gardens.

The site is within the Bathwick Character Area of the Bath Conservation Area. It is also within the UNESCO Bath World Heritage Site which is double inscribed as 'City of Bath' and 'Great Spa Towns of Europe'.

The River Avon runs approx. 35m north of the site. The lower periphery of the site is within Flood Zones 2 and 3. The river is a Site of Nature Conservation Interest under Policy NE3 of the Local Plan. The river and some adjacent land are also designated and protected for contribution to landscape setting of the city under Policy NE2A of the Local Plan.

The site is approx. 2km from the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and Combe Down & Bathampton Down Mines Site of Special Scientific Interest (SSSI). There is good habitat connectivity between the bats SAC and the fire station site via the canal, river corridor and meadows.

The site is 1-1.2km from the Cotswolds National Landscape (formerly Area of Outstanding Natural Beauty) and Green Belt which follow the hillsides to the north and east of the site.

## **Planning History**

10/03246/FUL      Reconfiguration of first floor dormitory accommodation to provide individual bedrooms and the creation of two new window openings along the rear facades  
PERMITTED - 29.09.2010

06/04198/FUL      Alterations and additions to Bath Fire Station      PERMITTED      -  
27.02.2007

04/00802/AR      Provision of 3 no. internally-illuminated fascia signs      REFUSED      -  
09.07.2004

02/02872/FUL      Renewal of crittall windows to aluminium, enlargement of front door opening, provision of access ramp, replacement of crittall screen with timber stud clad and new windows at locality office      PERMITTED - 31.01.2003

## **Development**

The application seeks full planning permission for demolition of the existing fire station, offices and drill tower, to enable redevelopment of the site with a new fire station, associated offices and drill tower with revised access, car parking, landscaping and associated works.

The proposed fire station would be constructed roughly on the same footprint as the existing building. The access to the site and rear yard area would be relocated south, to enable development of a new ancillary accommodation and offices to the north. The proposed building would comprise a main range with 6 appliance bays fronting Bathwick Street and ancillary accommodation above. This would adjoin a part 3 storey, part single storey office block positioned level with the northern boundary of the site.

The new fire station would be transitional in architectural style, drawing some influence from the existing 1930s fire station and surrounding Georgian architecture, paired with simple modern design principles. The main appliance bay is symmetrical including

centrally positioned 'Bath Fire Station' signage, Avon Fire & Rescue emblem and flag pole. The exterior walls would use a combination of Bath stone ashlar and rough faced reconstituted stone blocks. The building would have flat roofs, with the northern office block 0.8m lower in height. Windows are tall rectangular openings with grey/brown aluminium frames. It is proposed to reuse the coat of arms from the historic fire station, located on the side of the building.

The new fire station would enable larger garage doors and 1 additional vehicle appliance bay at the front of the site. Internally 3 segregated contaminant zones of varying risk level would be operational at ground floor level. The ground floor would accommodate changing areas, kit rooms, drying rooms, offices and a gym. The first floor would host offices, meeting rooms and a roof terrace. The second floor would host further meeting rooms, offices, break and rest rooms as well as showers.

The roof of the fire station would accommodate plant and equipment including air handling units, air source heat pumps, condensers, air conditioning units and kitchen extract fans as well as solar PV panels. The single storey wing to the rear would have a sedum planted roof.

The new drill training tower would be relocated across the rear yard area to the southern boundary. It would be 2.2m lower than the current tower and would be open on three sides, with one closed side facing the neighbouring homes to the south. The tower would be clad with masonry including reclaimed Bath stone ashlar at the base and reconstituted stone-coloured blocks above. The tower would facilitate a range of training scenarios for firefighters.

Car parking provision includes 10 dedicated staff spaces (including one disabled bay), eight equipped with electric vehicle charging points, six flexible spaces for temporary vehicle needs, and three visitor parking spaces at the front of the site. A secure cycle parking structure is proposed adjacent to the southern boundary.

Landscaping proposals include proposed planting of 8 trees and a hedgerow on the embankment to the north and east, visible from Forester Avenue. At the front of the site, three planting beds are proposed in front of the building as well as hanging baskets. Block paving is proposed adjacent to the main entrance and a buff-coloured tarmac pedestrian route would provide a crossing of the frontage.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

### **Internal Consultation**

#### **Conservation Historic Environment, B&NES Council:**

Scope for revision -

The building was considered by Historic England to be of special architectural and historic interest and was recommended for listing at Grade II. The Department for Culture Media and Sport decision concluded however that the building was not sufficiently special to meet the high bar for listing. It is understood DCMS is reviewing this decision, however guidance is clear that unless or until the original decision is overturned, the original decision stands. The building is currently a locally listed non-designated heritage asset.

Despite being a non-designated heritage asset, the building is considered to be of national importance in terms of special architectural and historic interest. In weighing the application for total loss of the heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The parapet height of the main block has been reduced, resulting in a more harmoniously proportioned frontage.

The amended design of the windows above the appliance bays is also positive.

The concern remains that the northern block is overly dominant and that the design does not differentiate clearly enough between the northern and main blocks.

Ground floor facing material has been amended to 'textured masonry' - this is acceptable in principle, and the samples viewed the in-person meeting were satisfactory.

Drill tower - The revised design is an improvement and has responded to the main concerns raised. However, there is concern over the proposed use of reconstituted stone. This is not a suitable material for the tower, which will be a visually prominent aspect of the site in a number of surrounding views within the Conservation Area, World Heritage Site, and setting of Listed buildings. This should be amended to ashlar limestone. The drill tower is considered to cause less than substantial harm to the significance of the conservation area, at the lower end of the scale, due to introduction of a visually prominent structure which is primarily utilitarian in design.

#### **Archaeology Historic Environment, Bath & North East Somerset Council:**

The site does have archaeological potential relating to the WHS, but the proposal has only minor impacts on the significance of the WHS.

In order to mitigate any impacts it is advised that a condition is attached to permission (if granted) that ensures further analysis of boreholes to gain an understanding of any Roman/medieval deposits.

Planning conditions are advised.

#### **Landscape Advisor, Bath & North East Somerset Council:**

Conditions recommended

The TVIA conclusions are broadly agreed, subject to one caveat. The TVIA acknowledges that there would be some adverse landscape/townscape/visual effects due to the replacement of a building of merit with a replacement building of somewhat greater height and mass that would result in some erosion of views to hillsides, but I agree with the TVIA that these effects would generally be slight or negligible and at most only low-medium in a few instances. There would also be beneficial effects, at levels varying from slight to negligible.

The TVIA suggests that four factors would contribute to beneficial effects: I agree with the first two factors cited, namely that:

- o The proposals relate to a comprehensive high quality and sensitively considered replacement of an existing facility; and
- o The proposed replacement training tower is of reduced height.

The third factor cited is that:

- o The design includes an enhancement to the external/public realm along Bathwick Street

There is undoubtedly potential for such improvement, but at this stage there is a notable lack of hard and soft landscape design proposals for this part of the site, and it is hard to see how the provision of a red tarmac pedestrian footway can be construed as a significant improvement to the public realm.

The fourth factor cited is that:

- o additional tree planting is proposed within the site.

Whilst undoubtedly beneficial, this is an extremely minor factor, given that only 8 trees are proposed to be planted, the majority of which are only of small ultimate size.

The TVIA has considered effects on the site, on the immediate context, and on mid-range and more distant receptors and viewpoints. It has identified a range of adverse and beneficial effects. Notwithstanding the caveat set out above, I agree with the finding of the TVIA that there would be no adverse effects at levels that would give rise to concern when balanced against the wider benefits of the scheme.

The reduction in parapet height and changes to the façade of the primary building are welcomed and create a more harmonious architectural composition for this building. It is unfortunate, however, that this exacerbates the issue previously raised that the distinction between the primary building mass and the secondary building mass (the north block) is weak and would benefit from being more clearly expressed. It is noted that the options explored to address this issue have not as yet been successful. Whilst the issue is most evident in direct 90-degree views from the west side of the street, it is accepted that (as noted in the Update Report) in other views such as local views from the north, the secondary building mass is generally well screened by existing trees.

The re-design of the drill tower including the removal of the metal fins is considered to be an improvement, although the concerns expressed by the Conservation Officer regarding materials are shared in that given that the existing tower is a locally prominent landmark and that the new tower will similarly become a new local landmark, the use of natural stone for the full height of the tower rather than just for the base would provide a more appropriate response to its historic and townscape context.

The change in facing materials for the plinth of the secondary building and the rear elevation of the main building from brick to 'textured masonry' (split-faced Bath stone coloured masonry) is supported.

The changes to the design of the external space fronting the street including the replacement of red tarmac with buff-coloured asphalt to delineate the pedestrian route, block paving around the main pedestrian entrance and in-ground planting beds are welcome and represent an improvement to the public realm.

The changes to the design of the roof terrace will enable it to better fulfil its intended wellbeing function and are supported.

The soft landscape proposals are generally supported, although some minor refinements are required, which could be satisfactorily addressed via Condition. Full details of hard landscape design proposals, roof terrace details and refinement of soft landscape proposals can be secured via standard landscape design Condition.

### **Transportation and Highways, Bath & North East Somerset Council:**

No objection - Conditions recommended

There is clearly no objection to the principle of the development at this location, and the proposals seek to consolidate the site access arrangements and improve the pedestrian route across the site frontage along Bathwick Street.

It is noted that the access works will predominantly take place on private land, although the submissions do show that there would be "KEEP CLEAR" lining provided on the site frontage within the adopted highway. This would need to be agreed direct with the highway authority before any works are completed on site, and it is likely that a highway licence would be required to cover these minor works.

The site layout shows that there would be a clearly defined pedestrian route across the site frontage, and that this would continue across the front of the adjacent Ambulance Station. Part of this route would not fall within the site red line boundary and would need to be delivered by the adjacent site.

The scheme shows how the exit route from the Fire Station will be kept clear, and there are no concerns relating to the overall approach. The main vehicular access to the rear service yard and car parking will be moved to the south of the reconstructed building and this helps to rationalise the overall site access arrangements. It is noted that there would be a single accessible space provided to the front of the building for visitors with two other visitor spaces provided, and there are no significant concerns regarding this parking location. All other parking would be provided to the rear of the building. Electric charging spaces would be available to staff, and the overall car parking strategy would meet the operational requirements of the proposed Station. Appropriate and secure cycle parking will also be provided.

There will be a need for the project team to liaise with Traffic Signals colleagues to ensure that the appropriate "green wave" can be retained at the local traffic signals to the site. However, there does not appear to be a need to attach a planning condition relating to this technical operational requirement.



The planning submission includes a Travel Plan document, and it is recommended that the ongoing adherence and update of the Plan is secured as part of any planning permission.

A Construction Management Plan has been submitted regarding arrangements for the construction phase. There has been early liaison between the Applicant and the Highways team. The need for highways licenses remains, but the management proposals are considered to provide an acceptable approach. This working plan will be secured by condition.

**Environmental Protection, Bath & North East Somerset Council:**

No objection subject to conditions

A Plant Noise Impact Assessment has been submitted which adequately identifies sensitive receptors and proposed appropriate noise criteria. A compliance condition to secure the rating level of plant as part of the development is recommended. Subject to plant complying with Table 5.1 of Plant Noise Impact Assessment, dated 06/06/25, Environmental Protection are satisfied the amenity of neighbouring residents shall be safeguarded by the development.

The Construction Environmental Management Plan has been reviewed and is acceptable. A compliance condition is recommended relating to works undertaken in accordance with this plan.

**Arboriculture, B&NES Council:**

No objection - Conditions recommended

Pending comment on Arb Method Statement submitted 20th October. Compliance condition possible.

Previous comments: No arboricultural objection subject to conditions for the submission of an Arboricultural Method Statement and compliance.

It is noted that the submitted Tree Retention Plan drawing (Appendix C) currently shows a previous drainage layout (P02) which was amended under guidance to reduce impacts on Root Protection Areas ( RPAs) as detailed in the body of the report.

Pruning operations have been identified which would not require a separate S211 notice if consent is granted. I note that offsite trees ( G1 within the survey) are implicated and that prior consent from the owner will be sought.

T1 is an offsite London Plane forming part of the avenue of street trees. Precautionary measures to protect the tree should be discussed and agreed with Parks and Green Spaces who manage this tree.

**Ecology, B&NES Council:**

No ecological objection, subject to conditions

The ecological survey and assessment includes protected species surveys including bat preliminary assessment and further survey (where applicable) for bats, of buildings and trees.

- The findings of the ecological survey and assessment are accepted
- A series of method statements are included within the report and are supported. These will need to be adhered to and this must be secured by condition - this will avoid the need for a pre-commencement ecological construction management plan. The inclusion of the Ecology section within the submitted CEMP is also noted and supported.

This includes the BNG calculation using the statutory metric, which shows that the scheme can achieve a "net gain" but does not meet trading standards due to the loss of an area of grassland where replacement habitat of the same broad habitat or higher habitat distinctiveness cannot realistically be accommodated within the site.

- The baseline assessment and habitat plan are accepted - the proposed on-site provision are considered to demonstrate an acceptable solution to BNG provision within the site
- The deficit of 0.02 units that arises from trading rules not being met are proposed to be addressed via purchase of off-site units; this is supported

An external lighting strategy is provided along with plans showing lux level contours for light spill levels on the horizontal plane at ground level. The report and plans illustrate that external lighting is largely directed inwards and away from the river. Where light spill is likely, this will have impacts in the directions of the adjacent road or built areas. The river is mostly separated from the site by buildings which will effectively act as a solid screen (although depending on proposed positions, heights and directions of lamps and lighting, there may be some potential for light spill at heights above adjacent buildings due to differences in levels). Glazing on elevations facing towards the river is not excessive. The submitted lighting information does not include predicted lux levels on the vertical plane (as is often required), nor do calculations factor in the potential combined effects of internal and external lighting. In this case however the information submitted is considered sufficient to demonstrate that lighting from the development will not be capable of causing excessive light spill onto the River Avon due to the separation distance and other features/buildings (which will effectively screen lighting from the site) between the site and the river. Full details of detailed lighting design, lighting controls and usage should still be secured by condition to ensure the scheme fully complies with Policy D8 and minimises ecological impacts for habitats within and immediately adjacent to the site.

As identified in the submitted ecological reports and shadow Habitats Regulations Assessment (HRA), the site lies within 4km of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and consideration is necessary as to whether the scheme may give rise to significant effects on the SAC (or on supporting habitat to the SAC, or SAC bat activity).

The scheme is considered not to be capable of giving rise to a "likely significant effect" on the SAC (or supporting habitat to the SAC). Any credible risk of this is ruled out in this case, without the need for mitigation, because:

- the site itself does not support habitat of high suitability for SAC bats. SAC bats will not be relying on habitats at the site (which may be impacted, although are in any case being largely retained). - The nearby River Avon, which is considered to provide supporting habitat to the SAC, will also not be impacted by the development

- there will be no changes to bankside vegetation nor will there be harmful levels of light spill onto the River Avon arising from the development.

This conclusion also appears to be supported by the consultation response from Natural England (24th July) where it states: "Based on the submitted information, the proposed development is unlikely to result in light spill onto the River Avon corridor which would render this habitat inaccessible to SAC bat species".

It is therefore considered that the HRA does not need to progress to a full Appropriate 4 Assessment in this case.

### **Climate Policy, Bath & North East Somerset Council:**

No objection subject to s106 agreement for carbon offset payment and conditions

It is proposed to achieve a 71% regulated operational carbon emissions reduction with 4.89tCO<sub>2</sub> to be offset. This has been achieved through a fabric-first approach, with very good U-value and air permeability targets proposed, and through the inclusion of MVHR, ASHPs and roof-mounted solar panels. The proposal is also aiming to achieve BREEAM 'Excellent', with an aspirational target of 'Outstanding'.

The approach to improving the energy efficiency of the proposed development and reducing the carbon emissions is supported and the proposal to offset the residual emissions is accepted. The proposed offsetting amount of £60,191 is agreed.

An embodied carbon assessment for the proposed fire station has been prepared which estimates an upfront embodied carbon intensity of 540kg/CO<sub>2</sub>/m<sup>2</sup> for the substructure, superstructure and finishes and achieves 621kg/CO<sub>2</sub>/m<sup>2</sup> when the RICS contingency factor is applied for early-stage modelling. This meets the policy SCR8 requirements for 900kgCO<sub>2</sub>e/m<sup>2</sup> within the development for the substructure, superstructure and finishes which is welcomed.

### **Drainage and Flooding, Bath & North East Somerset Council:**

No objection subject to conditions

Use of infiltration has been ruled out due to unsuitable ground conditions, this is agreed.

Discharge direct to watercourse is not being actively considered due to third party land between the site and the river.

Discussions are being held with Wessex Water regarding connection to one of their dedicated surface water sewers, pending agreement this will be acceptable.

Site currently discharges surface water to foul, this flow will be fully removed on redevelopment. A discharge rate of 30.1 l/s is proposed. Given the constraints of the site and the removal of flows from the foul system this rate will be accepted by the LLFA pending confirmation of acceptability from Wessex Water. Checks will be needed to ensure that the receiving sewer has capacity for this flow.

A robust solution to prevent surface water discharging to the highway is required, whilst linear drains are currently shown they are in two sections with a gap between, preference for be for a continuous run along the frontage at the transition between public highway and private hardstanding.

Conditions are requested regarding final approval of the surface water drainage design.

### **Contaminated Land, Bath & North East Somerset Council:**

The site investigation stated that a number of underground tanks were present on site. The investigation and risk assessment and/or remedial strategy should provide further information regarding these features and detail how the underground tanks are to be dealt with to ensure there are no on-going or future risks to human health or the environment.

The site investigation and risk assessment undertook 4 number rounds of gas monitoring over a 2 month period. The number and duration falls below the recommended frequency and duration within CIRIA 665. The previous site investigation report for the Ambulance site proposed development included gas monitoring. Does the consultant have reliance on this earlier monitoring and consider that it is suitable for inclusion within the gas risk assessment? The consultant should provide further risk assessment to justify the monitoring undertaken and include the further rounds of monitoring, if relevant or justify the gas regime risk further or undertake further rounds of gas monitoring to confirm the gas regime and the recommendations.

The Consultant should review the Landgas & Groundwater Monitoring Record Sheets within the Appendix of the report as there appears to be different recordings for BH01.

I also recommend that the risk assessment includes a site plan showing the proposed development site boundary, in addition to the exploratory holes and any areas of concern/potential contamination sources on site including underground storage tanks.

A remedial strategy will be required to ensure that hardstanding or soft landscaping remedial capping is constructed. The strategy should also detail how any unexpected contamination will be dealt with and whether any remedial measures are proposed with regard to the underground storage tanks referenced in the report.

It is also noted that the Conceptual Site Model on Page 44 has not been scanned properly, it looks liked information is missing. The borehole logs have not been scanned properly nor the site investigation figure.

Taking account of the findings and recommendations of the 2022 Phase II Ground Investigation Interpretative Report, I recommend that the investigation report is updated to provide further information regarding underground storage tanks on site and further gas

monitoring to ensure an adequate set of data for the assessment or further risk assessment justifying the monitoring data and recommendations.

I recommend that the following contaminated land conditions be placed on the application to ensure that the additional information in relation to the risk assessment is completed in addition to provision of a remedial strategy.

I would also recommend that the Environment Agency be consulted with respect to the proposed development and the submitted Ground Investigation Interpretative Report and risks to Controlled Waters.

### **Environmental Monitoring Officer, Bath & North East Somerset Council:**

The applicant has submitted an Air Quality Assessment (referenced J10/15959A/10/01, June 2025).

The air quality assessment has reviewed the impacts of the construction and operational phases of the development. The overall approach to the air quality assessment is acceptable.

#### **Operational Phase**

The applicant has considered the baseline conditions and has confirmed that there will be no changes in the operational traffic from the development and determined that the development will not have a significant impact on air quality.

#### **Constructional phase**

1) The assessment of the construction dust shows the impacts have a medium risk from demolition and a low risk from earthworks, construction and track out without mitigation. The report confirms that with appropriate mitigation (as detailed in Appendix 4 of the assessment) in place these would not be significant.

2) The applicant has also submitted a construction phase plan version 3 (RMS-PL-021, July 2024) for the development which includes some information on dust mitigation. Although the report says the "Dust, noise and vibration must be kept to its lowest possible levels, using all appropriate and practicable control measures.", no site-specific details of these measures are given.

I would therefore recommend that either the document is updated to make it clear what measures are being taken to prevent dust nuisance to the surrounding properties or that a Construction Environmental Management Plan (CEMP) is submitted.

Therefore, if planning permission is granted for this site. I would recommend conditions relating to compliance with a CEMP and gull management in the event of permission being granted.

### **External Consultation**

#### **Historic England:**

Bath Fire Station is an unlisted building of merit in Bath Conservation Area. Its demolition and replacement would result in a small degree of harm to the conservation area. Potentially, a small level of harm to the World Heritage Site might also result if further piling is required. This harm should be balanced against the public benefits of the proposals.

Bath fire station has a degree of historical value. It was one of the last public buildings completed before the Second World War, and played a role in fighting the fires of the Bath Blitz. It was also a rare public building of the period designed by a female architect.

The building also holds aesthetic value. It is probably the last of the long tradition of classical buildings in the city before the period in which modernism dominated the architectural scene. The symmetrical main block, fronting Bathwick Street, is essentially Palladian in massing, albeit with Art Deco detailing. The building survives well externally. There is a degree of refinement in the interplay of horizontals and verticals and in the proportions of the building. The double setback of the flanking wings works well in a Palladian manner. There are also some nice details: the ribbing at cornice level, repeated in the column capitals; the quasi-pediment that embraces the central flagpole; and the central coat of arms.

The freestanding drill tower is a subtle thing, with a series of setbacks in the manner of the Cenotaph or Bankside power station or the towers of several inter-war town halls. From a few viewing points - Forester Avenue, for example - it has the presence of a church tower, but it is not generally prominent.

Bath Fire Station is identified as an unlisted building of merit in the conservation area appraisal.

The contribution of the fire station to the setting of listed buildings in the area is very limited. The heritage consultants for the scheme have identified a minor contribution to the setting of Cleveland Bridge (grade II\*). Due to the obtuse angle of the fire station when viewed from the bridge, this is small.

As a public building in the conservation area, the fire station makes a contribution to the interest of the Bath conservation area. However, the contribution is quite modest. This northern part of Bathwick Street is something of an afterthought in the development of this part of Bath. While it contains a number of heritage assets, it is fair to say that it is less than the sum of its parts.

The site is included within the potential area of Bathwick Roman settlement and cemetery, so is of potential archaeological interest. Given the more than four metres of relatively unstable made ground above this, archaeological evaluation is problematic. Archaeological evaluation of boreholes should be undertaken. Roman archaeology is one of the attributes of outstanding universal value (OUV) of the dual-inscribed Bath World Heritage Site.

Impact

The demolition of the fire station would entail the total loss of a non-designated heritage asset and an unlisted building of merit within the conservation area.

The replacement building would be larger. It would also be largely of Bath stone, and has been designed to relate to the form of the 1930s fire station. It is not as sympathetic and refined as the design of the existing fire station. The even number of bays in this essentially classical elevation, the lack of a further setback of the upper storey of the flanking wings, and the use of brick to the ground floor of the left wing in this Bathonian context are problematic. The attempt to make the building look symmetrical by dividing the much larger left hand wing in two with a vertical glazed strip does not work; massing and recession need to be used to provide a real architectural distinction between the two blocks.

The replacement of the existing fire station with the proposed design would therefore result in harm to the conservation area. The level of harm would be very low, given the limited contribution of the northern end of Bathwick Street to the character of the conservation area.

There may also be a small degree of harm to Cleveland Bridge (grade II\*) by means of harm to its setting. It would be helpful if a CGI could be produced of the view of the fire station as existing and as proposed from Cleveland Bridge in winter with the leaves not on the trees so that this impact can be fully assessed.

The extra piles needed for the new building could potentially have a small impact on the Roman archaeology of the site and hence the OUV of the WHS, given that Roman archaeology is one of the attributes of OUV. Careful consideration should be given to using the existing piling grid in order to avoid this impact.

The proposal would entail the loss of a non-designated heritage asset, causing a small degree of harm to the conservation area and potentially to the setting of Cleveland Bridge. Refinements to the design of the new fire station would help to minimise this. If further piles are required, there might be a very low level of harm to the Bath WHS, but every effort should be made to avoid this.

Your authority will need to weigh the harm against the public benefits of the proposal. Central to these will be the public interest in a well-functioning and centrally-located fire station serving Bath.

You will be aware that an application has been made to list the fire station. This letter has been written on the current basis that the building is not listed. Clearly if it were to be listed an application for listed building consent for its demolition and replacement would become necessary, and the relevant policies of the National Planning Policy Framework - not cited here - would apply.

Historic England has concerns regarding the application on heritage grounds.

### **Natural England:**

Based on the submitted information, the proposed development is unlikely to result in light spill onto the River Avon corridor which would render this habitat inaccessible to SAC bat species.

We note that a Shadow HRA is due to be submitted. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

[the Council's Ecologist has screened out the likelihood of effects on SAC species and has not made an appropriate assessment - Natural England have not been re-consulted.]

## **C20 Society:**

### **Objection**

Overall, we consider the Bath Fire Station to be a building of considerable historic interest as a fire station built to assist in the country's preparation for WWII and completed by Molly Gerrard (née Taylor), a woman practicing architecture when very few women were able to. The building is also of architectural interest as a refined, 1930s, classicising fire station, which survives very well externally. The Society has submitted a listing application for Bath Fire Station to Historic England. This application is being assessed at the time of writing.

As per NPPF 216, a balanced judgement will be required having regard to the scale of any harm or loss of a non-designated heritage asset, and the significance of the heritage asset. Given the proposed complete loss of the existing heritage asset, and the subsequent total loss of its heritage significance, we urge the LPA to reject this application. While the applicant's heritage statement argues at paragraph 8.33 that the demolition of the fire station will 'not, however, result in a total loss of significance', we disagree with this assessment. The retention of the elevation crest, and introduction of a 'history wall' display inside the building, does not make up for the total demolition of the fire station. We disagree with the assessment in paragraph 8.34 that the harm resulting from the proposals are at the 'lower end of the scale of substantial harm'. The complete (beyond only a single small crest, and some sliding poles), demolition of the NDHA that is Bath Fire Station is, in the Society's assessment, classified as at the highest end of substantial harm.

Bath Fire Station is a well-designed, high-quality contextual building with high historical interest, and which contributes with merit to the Bath Conservation Area and City of Bath World Heritage Site. We strongly object to this proposal to completely demolish this historic building of interest.

## **Bath Preservation Trust:**

BPT are, in principle, supportive of the provision of appropriate up to date facilities for the fire service in the city; however, in its current form we believe the application lacks comprehensive justification and sufficient accompanying evidence as to why the principal elevation of the main building could not be retained with contemporary facilities applied to the rear.



The additional detail provided in the full planning application also raises concern relating to the design and height in relation to the location of the development, in the immediate setting of the Georgian City. This does not appear to have been satisfactorily addressed in the Heritage Impact Assessment.

These factors therefore do not allow for a full consideration of the scheme, including the balancing of cumulative harm to the historic environment against the public benefits of the scheme.

### **Designing Out Crime Officer, Avon and Somerset Police:**

I note that Page 7 of the Sustainability statement contains a safety and security paragraph setting out that a suitably qualified security specialist has assessed this proposal and made recommendations to enhance the security of the site, which will be implemented into the building design where feasible to secure the "Hea 06 Security of Site and Building" credit. The following points are mentioned;

Fixed point CCTV system to monitor external areas of the building.

Access Control Systems.

Emergency panic alarm 'lockdown' button.

Manual keypad-protected cycle storage space, refuse store and substation.

2400mm high security mesh perimeter fencing.

Suited lock to all doors without a specific access control type.

I believe that these recommendations are suitable and proportionate based on the supporting papers within this submission. I have no further comment at this time.

### **Local Consultation**

#### **Cllr Toby Simon, Bathwick ward:**

"Without expressing a view on the merits of the application, I think this should be considered by the Committee in view of its salience on the street scene, its strategic importance to the City and the fact that the applicant is an Authority on which the Council is represented by councillor colleagues."

### **Public Consultation**

The application was advertised with 18 neighbouring addresses directly notified, by site notice displayed at the site and a press advert published in the local newspaper. The application was also listed on the weekly list of planning applications published by the Council and listed on the Planning section of the Council website.

The deadline for public consultation responses was 14th August 2025.

A total of 16 responses were received with 4 objections and 12 support comments.

A summary of grounds of objection is as follows:

- o Loss of historic building harmful to architectural and historic interest relating to pioneering fire station design by a female architect;
- o Poor location for fire station due to congestion on Bathwick Street and A36 through city;
- o Frontage of site dangerous for pedestrians to cross;
- o Land contamination and stability issues at the site from historic municipal tip use will cause high construction costs;
- o As a heritage city, efforts need to be made to retain the historic fabric generally rather than restricting conservation efforts to the well-known Georgian areas and buildings in the centre;
- o The drill tower is a notable local landmark, integral to the look of the Bathwick Estate and dear to those of us who live here;
- o Disappointing that so little care has gone into the design and appearance of the proposed new building, the new drill tower is entirely there for utility, not for appearance and the station itself has no stature;
- o If we are to lose a handsome piece of vernacular architecture, a building that helps tell the story of our town and one that includes a significant local landmark, can it not be replaced by something with a little more ambition?
- o There is no doubt that a new Fire Station is needed providing up to date facilities for the efficient, safe and comfortable operation of an vital service in Bath, but not on this site. If a new location is wanted, somewhere between the Upper and Lower Bristol Roads, near to a river crossing, might be a good starting point.

A summary of grounds in support is as follows:

- o The building is in poor condition and the firefighters deserve a new building as their workplace;
- o The design is well thought-out to maximise the space and facilities provided whilst carefully considering Bath's unique aesthetic of it's beautiful buildings;
- o New development will be an asset to the community;
- o This fire station is crumbling a new station would make the response time so much quicker;
- o While I value the preservation of heritage and historic landscape, I also believe that the strength of our civil services—and the infrastructure required to support them—must take precedence in certain cases;
- o Relocating the station to a site outside the city, simply to preserve the current building, would compromise emergency response times;
- o A modernization or retrofit of the current structure would not address its fundamental limitations—especially the incompatibility of the façade and layout with modern fire engines and equipment;
- o Archival images and historical information about the existing station should be preserved and displayed within the new facility, so that the legacy of the current building is honoured even as we move forward;
- o Having attended one of the recent open days I have seen first hand how the movement of the building is effecting its condition and how the old accommodation is not supportive of a modern fire service. This rebuild is needed;
- o I see this application as an important step in helping to protect the world heritage city;
- o The current building is not fit for purpose with old heating, failing electrics and leaking roofs. If the station stays as it is then it will need many thousands of pounds spent

but this will be a short-term fix and not best use of the public money. The new plan is sensitive to the environment, fitting with the surrounding buildings and makes best use of the space available.

## **POLICIES/LEGISLATION**

### **National Legislation:**

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

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

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

There is also a duty placed on the Council under section 72 of the Planning (Listed Buildings and Conservation Areas) Act, that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **National Policy:**

National Planning Policy Framework (Dec 2024) and the National Planning Practice Guidance (March 2014) must be awarded significant weight in decision making.

### **Local Plan:**

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

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

The Local Plan for Bath and North East Somerset comprises:

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

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

DW1 District-wide Spatial Strategy

SD1 Presumption in favour of Sustainable development

SCR7 Sustainable Construction Policy for New Build Non Residential Development

SCR2 Roof Mounted/Building Integrated Scale Solar PV

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  
 HE1 Historic Environment  
 NE2 Conserving and Enhancing the Landscape and Landscape Character  
 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  
 PCS3 Air Quality  
 PCS5 Contamination  
 LCR1 Safeguarding Local Community Facilities  
 LCR2 New or Replacement Community Facilities  
 LCR7B Broadband  
 ST1 Promoting Sustainable Travel  
 ST7 Transport Requirements for Managing Development and Parking Standards  
 CP13 Infrastructure Provision  
 B1 Bath Spatial Strategy  
 B4 The World Heritage Site and its setting  
 BD1 Bath Design Policy

### **Supplementary Planning Documents and relevant planning guidance:**

Bath & North East Somerset Transport & Development SPD (2023)  
 Bath & North East Somerset Sustainable Construction SPD (2023)  
 Bath & North East Somerset Planning Obligations SPD (2023)  
 The Setting of the City of Bath World Heritage Site SPD (2013)  
 Locally Listed Heritage Assets SPD (2020)  
 Bath City-wide Character Appraisal SPD (2005)  
 Bathwick Character Appraisal for the Bath Conservation Area (2015)  
 City of Bath and Great Spa Towns of Europe World Heritage Site Management Plan 2024 to 2030

### **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. The declarations have directly informed the preparation and content of planning policies adopted within the Local Plan Partial Update (2023).

## **Low Carbon and Sustainability Credentials**

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

## **LOW CARBON AND SUSTAINABLE CREDENTIALS**

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

## **OFFICER ASSESSMENT**

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise as set out at Section 38(6) of the Planning Act 2004 and para. 2 of the NPPF.

## **Public Emergency Services Instructure**

Para. 101 of the National Planning Policy Framework (NPPF) states that:

"To ensure faster delivery of other public service infrastructure such as health, blue light, library, adult education, university and criminal justice facilities, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development."

Policy LCR1 (Safeguarding Local Community Facilities) of Local Plan states that:

"Development involving the loss of land and/or building(s) valued as a community facility will only be permitted provided:

- 1) there is adequate existing local provision of facilities of equivalent community value; or
- 2) alternative facilities of equivalent local community value will be provided in the locality; or
- 3) the proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the locality."

Policy CP13 (Infrastructure Provision) of the Local Plan states that:

"The Council will work in partnership with adjoining authorities, local communities and relevant agencies and providers to ensure that social, physical and green infrastructure is retained and improved for communities."

Delivery of Policy CP13 is supported by the Infrastructure Delivery Programme which will set out Infrastructure requirements and estimated costs, and suggested delivery mechanisms and phasing schedules for infrastructure delivery.

The Council's latest draft Infrastructure Delivery Plan (Feb 2024) was prepared as part of the evidence base for the Local Plan Options consultation last year. Whilst work on the Local Plan has been reset following national planning reforms, the evidence base prepared for infrastructure needs and community facilities remains relevant.

The need for a new fire station in Bath was reflected in the Draft Infrastructure Delivery Plan. It was stated that:

"The existing fire station in Bath is in need of replacement as it is nearing the end of its economic life and no longer fit for purpose to meet the requirements of a modern fire rescue service."

The essential duty of the fire and rescue service to respond to fires, road traffic collisions and other emergencies, to meet the needs of growing communities in Bath and North East Somerset is recognised by the Local Planning Authority. The fire services' Service Plan has identified the need for improved facilities in Bath due to the constraints, condition and quality of existing facilities. These have been observed first hand on site visits.

It is acknowledged that the existing buildings have various operational shortcomings, structural defects and are in poor condition, apparently having lacked investment and maintenance over recent years, possibly in part because of a long term vision for redevelopment opportunities.

Redevelopment would deliver a series of benefits for the fire service and community. The proposals would provide upgraded facilities and accommodation for fire fighters, leading to improved performance, morale and outcomes in their essential work. The health and safety as well as wellbeing of fire fighters at work would be improved by updated building layout, use of modern contaminant management systems and modernisation. Staff retention may be improved for the service as a result. The city would benefit from a public safety perspective through redevelopment. The proposals would deliver energy, carbon emissions and running cost benefits for the fire service and better value for money for taxpayers. The proposals would address structural issues with the current building and futureproof the site for 21st century fire and rescue needs.

These benefits are highly relevant given policy requirements that local planning authorities give significant weight to the importance of new or upgraded public and emergency service infrastructure. The proposals are in accordance with such objectives, and this factor weighs significantly in favour of proposed redevelopment.

It is not considered that the development conflicts with Policy LCR1 given that there would be no permanent loss of community facilities or services provided from the site.

The fire service have applied for temporary planning permission (application reference: 25/03246/FUL) to operate from a temporary fire station in Twerton/Oldfield Park whilst construction is on-going at Bathwick Street. However, the temporary site in Twerton is allocated in the Local Plan for office/employment use and is located further from the city centre and communities east of Bath. It is therefore not a feasible or preferable alternative for a new fire station. However, the temporary proposals in this location would ensure continuity of emergency services during redevelopment. The proposals would not result in any loss of public services and following completion would lead to an overall improvement in the quality of public services in the locality in accordance with Policy LCR1.

The Applicant has undertaken a process assessing various options for redevelopment including doing nothing, refurbishment, relocation and redevelopment as well as remain with redevelopment. Remaining and redevelopment offers benefits for emergency response time, with most of the city accessible within the target 8-minute response time from Bathwick Street. A new purpose-built fire station will provide the least compromise in terms of facilities addressing current shortcomings and futureproofing for 21st century emergency needs. Residents in this area are familiar with the fire service and generally accepting of their presence (for almost 90 years) which will not be straightforward if relocating. A new building will also offer improved energy and sustainability performance, with lower operational carbon emissions and running costs for the fire service.

Refurbishment will lead to compromises and still result in harm to heritage given the operational needs. Regarding relocation and redevelopment, the Local Planning Authority is aware of the shortage of land available for development in Bath. This particularly applies given the target 8 minute response time generating the requirement for a city centre site. The Applicant will struggle to compete with commercial developers for any available sites on the open market. Council land is also highly constrained and predominantly earmarked for strategic priorities. The Local Planning Authority is accepting that the Applicant has followed a reasonable process given current site constraints and accepts the benefits offered by redevelopment of the site.

The principle of the provision of upgraded public and emergency service infrastructure receives support from para. 101 of the NPPF and policy CP13 of the Local Plan. The numerous benefits for the service and their work protecting the community are required to be given significant weight in favour of proposals for enhanced emergency service infrastructure.

## **Heritage & Conservation**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Para. 202 of the NPPF states that:

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

Para. 207 of the NPPF states that:

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

Para. 208 of the NPPF states that:

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

Para. 212 of the NPPF states that:

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

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

"Within the scope of Core Strategy Policies B4 and CP6, development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance".

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



The site is within the Bathwick Character Area of the Bath Conservation Area. It is also within the UNESCO Bath World Heritage Site which is double inscribed as 'City of Bath' and 'Great Spa Towns of Europe'.

The fire station is located on Bathwick Street, nearby Cleaveland Bridge. The adjacent bridge and former tollhouses are included on the National Heritage List for England at Grade II\* level. There are a multitude of other buildings and structures also featured on the list in the vicinity of the site, including the Church of St John the Baptist (Grade II) located opposite. Hedgemoor Park and Sydney Gardens located 300-400m east and west of the site are Grade II listed historic park and gardens.

The fire station itself dates from 1938 by local architect Molly Gerrard (nee Taylor). It comprises main fire station building subject to rear extensions, before a large rear yard. The yard contains a six-storey drill tower clad in Bath stone, car parking and a forecourt area used for various operational purposes. There are later single storey offices to the northern side. The fire station is two storeys, constructed from Bath stone ashlar and designed in a neo-classical style with art deco motifs. The ground floor contains 5 appliance bays arranged symmetrically across the Bathwick Street frontage.

The building is a 'locally listed' building and a non-designated heritage asset. The drill tower notably features on the front cover of the Council's Locally Listed Heritage Assets Supplementary Planning Document. The site is also entered on the B&NES Historic Environment Record and recorded in the Bathwick Character Area Appraisal for the Bath Conservation Area as an 'unlisted building of merit' (Townscape Features Plan, pg. 37).

A recent recommendation by Historic England for the fire station and drill tower to be added to the National Heritage List for England at Grade II level, was rejected by the Department for Cultural, Media and Sport in September 2025. The minister (Baroness Twycross) noted that the building is not particularly innovative and has alterations and replacements. Whilst it was acknowledged there is some historical interest particularly in relation to the female architect of the fire station, this was not sufficiently special to meet the high bar for listing.

It is understood the Department for Cultural, Media and Sport has accepted a request to review their listing decision. Guidance states that the review process allows requests to overturn a listing decision only when there is significant evidence to indicate that a decision has been wrongly made. There is no timescale available for the review process. Guidance states that unless or until the original decision is overturned, the original decision stands. Therefore, the fire station remains a 'locally listed' building and a non-designated heritage asset. If the fire station was to become a listed building, listed building consent would be required for works including demolition. Further consideration of the proposals against different national and local planning policies would be required. The planning application would need to be reassessed against different policies if not already decided.

The development would result in loss of the existing 1938 fire station and drill tower. Based on the current situation, this would cause the loss of a non-designated heritage asset which must be assessed against para. 216 of the NPPF that reads:

"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."

Policy HE1 (Historic Environment) of the Local Plan states in relation to non-designated assets that:

"Proposals affecting non-designated heritage assets, including unscheduled archaeology, unlisted buildings and local parks and gardens, should ensure they are conserved having regard to their significance."

The current proposals for demolition and development of a new fire station would have direct effects on the heritage asset and the scale of harm would be high given the asset would be lost entirely. The only aspects of retention are the re-use of some Bath stone on the proposed drill tower and the carved stone coat of arms from the front of the current fire station would be displayed on the side of the new fire station. There would also be historic building recording work undertaken and filed with the Historic Environment Record as well as images recording the history of the site displayed within the new fire station.

Historic England have acknowledged the replacement of the existing fire station with the proposed design would result in harm to the conservation area. The level of harm would be very low, given the limited contribution of the northern end of Bathwick Street to the character of the conservation area. There may also be a small degree of harm to Cleveland Bridge (grade II\*) by means of harm to its setting. The extra piles needed for the new building could potentially have a small impact on the Roman archaeology of the site and hence the OUV of the WHS, given that Roman archaeology is one of the attributes of OUV. Careful consideration should be given to using the existing piling grid to avoid this impact.

The Council's Conservation Officer has assessed loss of the non-designated heritage asset as posing less than substantial harm to the character and appearance of the Bath Conservation Area. The proposed replacement fire station is considered also to result in less than substantial harm to the character and appearance of the Bath Conservation Area. The proposal has potential to cause a very low level of less than substantial harm to the significance of the World Heritage Site through harm to Roman archaeology at the site. The Council's Conservation Officer has advised that there would be no harm to the overall significance of surrounding Listed buildings through change in their setting.

In accordance with para. 216 of the NPPF, when reaching a balanced judgement over the harm associated with loss of the existing fire station, it is relevant that the fire service and project architects have undertaken feasibility work in relation to repurposing the existing building. Refurbishment and alteration have been ruled out because the existing building cannot be altered in a manner which would meet operational needs, without still posing harm to its historic architectural interest.

The fire service requires 6 appliance bays to enable the water response unit to be stored alongside other appliances and enable efficient response times. The new garage doors are wider and taller than existing, to enable easier manoeuvring of vehicles and futureproofing for larger vehicles that are likely to become necessary. Given the

importance of symmetry within the street elevation architecture, the need for additional and larger openings means that the historic fire station cannot feasibly be altered to meet these needs without undermining architectural interest in the building. There are also structural issues with the buildings and wider site that must be resolved, and rebuilding will be more viable and efficient.

The Applicant has demonstrated that the level of harm posed is necessary to maintain and expand the fire services essential public safety operations from the site. Loss of the fire station and drill tower have been deemed the only feasible option. A balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset. Non-designated assets are acknowledged to be of the lowest echelon of historic significance. They are typically only of local significance, although this is somewhat of an exceptional case where national interest is felt to be met by both Historic England and the Council's Conservation Officer. However, ultimately the buildings remain unclassified and protected only at local, non-designated level. The application must be decided based on current circumstances, in accordance with relevant statutory and policy provisions.

As a result of demolition of the fire station, the development has been assessed to pose a low degree of harm to the Bathwick Character Area of the Bath Conservation Area. The Conservation Area is a heritage asset of national significance. Both Historic England and the Council's Conservation Officer have attributed harm to the appearance, character and significance of the Conservation Area rated at less than substantial level. It is acknowledged that the harm would be very low, given the limited contribution of the northern end of Bathwick Street to the character of the Conservation Area.

Bathwick is known to have Roman archaeological potential which forms part of the Outstanding Universal Value of the world heritage site. The site is included within the potential area of Bathwick Roman settlement and cemetery, so is of potential archaeological interest. Further archaeological investigation is ongoing and will be reported imminently. This has returned evidence of only 18th / 19th century remains that pose minimal archaeological constraint to the development. It is likely that harm to Roman archaeology can be ruled out and this can be safeguarded by planning conditions as necessary.

It has been confirmed that whilst in proximity of several listed buildings and structures, the development would not have a harmful impact on the setting of any listed building or structure. Cleveland Bridge is the most significant (Grade II\* listed) structure in the vicinity. Whilst the fire station has some limited visibility from the bridge, there is not a strong connection between the sites. The loss of the fire station within this setting would result in a change in character in some views, but would not have a harmful impact on the significance of Cleveland Bridge.

The proposed fire station would be built on approximately the same footprint as the existing building, albeit with larger scale and massing, reflective of increased facilities and accommodation provided. The design takes influence from both the existing fire station and wider context. The use of a symmetrical main appliance bay fronting Bathwick Street is influenced by the existing fire station. The simple, pared back rectilinear style and detailing also reference the existing building. The use of vertical rectangular windows, pilasters and Bath stone ashlar reference the Neoclassical Georgian architecture of the surroundings. The proposed fire station design is considered contextually appropriate.

However, the size and scale of the northern block is considered over competitive and undermines some of the prominence and symmetry of the main appliance bay. The architectural detailing also fails to achieve the intricacy, craftsmanship and quality of the historic fire station. The proposed drill tower is more utilitarian in design than the historic drill tower. The drill tower uses some inauthentic materials including reconstituted stone blockwork for efficiency. These aspects of the redeveloped fire station detract from the character, appearance and historic significance of the Conservation Area. The harm posed through design and materials is rated at less than substantial level.

In accordance with para. 215 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Less than substantial harm has been identified to the Conservation Area because of demolition of the historic fire station and drill tower which is an unlisted building of merit and because of the impact of the new fire station and drill tower as discussed above. This harm must therefore be weighed against public benefits of the proposals.

It is identified that the project would have several public benefits. The new fire station and improved facilities would contribute positively to the essential work of the emergency services ensuring public safety and protecting other historic buildings and heritage assets in the world heritage site from fire damage. The new fire station would provide improved working conditions and health and safety for firefighters by improved management of contaminants in the workplace. The new building would introduce updates to facilities in response to current social practices, with more inclusive facilities, improved privacy, promoting better wellbeing, staff moral and retention. The new building would have reduced operational carbon emissions in comparison to the existing site which would reduce the environmental impact of development and offer lower running costs for the fire service which is ultimately funded by the public. The proposals would generate a net gain for biodiversity, include planting of several trees and introduce improved landscaping and pedestrian legibility at the front of the site. The construction phase would be associated with creating employment opportunities and economic growth associated with the construction activity.

These benefits are numerous and receive substantial weight in assessment. The benefits are deemed sufficient to outweigh the loss of the historic fire station as a non-designated heritage asset, as well as the harm posed to the Conservation Area through loss of the unlisted building of merit and detrimental impact of the redeveloped fire station. Therefore, the development is found to be compliant with heritage legislation and policies.

### **Landscape, Townscape, Design & Local Character**

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

Policy NE2 (Conserving and Enhancing the Landscape and Landscape Character) of the Local Plan states that:

1. Development will be permitted where it:

- a) conserves or enhances local landscape character, landscape features and local distinctiveness
- b) incorporates green space within the scheme that positively contributes to creating a high quality environment by enhancing landscape character and biodiversity and providing sustainable public access and other landscape benefits
- c) is demonstrated that the whole scheme, including hard landscape and planting proposals, will contribute positively to the local area including reference to relevant existing landscape assessments supplemented by any additional assessments
- d) conserves or enhances important views particularly those to significant landmarks and features and take opportunities to create new local views and vistas.

2. Development should seek to avoid or adequately mitigate any adverse impact on landscape.

3. Proposals with potential to impact on the landscape / townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

4. Great weight will be afforded to conserving and enhancing landscape and scenic beauty of designated Areas of Outstanding Natural Beauty (AONBs), and with particular reference to their special qualities.

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

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

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

2. How the height and scale of proposed development has respected, responded and positively contributed to the character of Bath, its heritage and the values associated with it, and important views.

3. How the proposals maintain the significance, integrity and authenticity of the World Heritage Site
4. How the proposals preserve or enhance the character or appearance of that part of the conservation area.

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

A Townscape Visual Impact Assessment with visually verified montages has been prepared to support the application. A range of viewpoints have been tested including near and middle-distance views, with longer range visibility scoped out. The viewpoints have been agreed with the Council's Landscape Advisor, however photography is undertaken in summer conditions which is not best practice but is due to project timescale constraints.

The Townscape Visual Impact Assessment acknowledges adverse landscape and townscape visual effects due to replacement of the existing historic fire station and drill tower, with a larger building. The conclusion of slight or negligible and at most only low-medium effects has been accepted by the Council's Landscape advisor.

It has been confirmed that the Townscape Visual Impact Assessment has considered effects appropriately and the assessment and outcomes can be relied on. It has identified a range of adverse and some beneficial effects. The Council's Landscape Advisor has confirmed the development would not result in adverse effects at levels that would give rise to concern when balanced against the wider benefits of the scheme.

Whilst the proposed fire station is larger, the new drill tower is approximately 2.2m shorter. There has been some critique of the secondary mass of the northern block and how this relates to the primary range in near townscape views. Whilst the design of the new drill tower has improved during the application process, concerns remain over proposed out of keeping external materials, taking account of the height and prominence of this structure. These aspects pose some residual adverse effects, generally at the lower end of the scale given limited range of visibility on Bathwick Street and of the drill tower from the surrounding public viewpoints.

Architecturally, the proposed fire station is found to achieve an acceptable design for an important civic building within a sensitive townscape context. As a public project, the redevelopment is unlikely to be capable of meeting standards of detailing, craftsmanship and quality present in the 1930s building. There must be a degree of realism over efficiency needed to deliver this type of project in the modern context, accounting for current economic challenges and the wide range of issues such a development must now address (transport, environmental impacts, noise, energy and sustainability, ecology, biodiversity, drainage etc.).

As demonstrated in the TVIA, the site is not highly visible or especially prominent within the townscape. The most significant views are from Bathwick Street itself. In this context, the site is viewed in relative isolation, except for the adjacent ambulance station. It is screened by mature street trees which will soften and embed any development.

In relation to scale, the proposed building would be 2m taller than the current fire station. Whilst this is larger than the adjacent single storey ambulance station, the wider context to the north and south on Bathwick Street includes 3 - 4 storey buildings. The proposed building would not appear out of context or of excessive height overall. The use of flat roofs helps to minimise the impact of the building and reflects the form and design of the historic building.

The proposed design blends traditional influences of the 1930s fire station and Georgian townscape, with modern simplicity and clean lines. This is an acceptable approach which is forward thinking whilst acknowledging the past. The use of symmetry in the main appliance bay range reflects the character of the existing fire station and provides a well-ordered elevational arrangement. The central signage, parapet emblem and flagpole are important features, contributing civic pride and presence to the design. The detailed execution and quality of these details will be important and shall be secured by planning condition.

The use of natural Bath stone ashlar for walls is essential to assimilate the building in the Bathwick Street streetscape. Sparing use of a rough faced reconstituted stone as a secondary ground level material and for the rear is acceptable. This reflects the rustication found on adjacent Georgian buildings and provides some differentiation of the main entrance and lower status rear. Again, the quality of external materials is also highly important to the architectural success of the project and shall be secured by planning condition.

The proposals incorporate some modest enhancement to the landscape setting on Bathwick Street. Soft planting beds have been introduced at either end of the proposed fire station. Block paving is proposed at the main pedestrian entrance and a new pedestrian route across the frontage identified by buff coloured tarmac. 8 small trees would be planted on the embankment to the north and east of the site. These proposals provide moderate improvements to the public realm, landscape and townscape context.

The scale, form and detailing of the training drill tower have progressed during the application process. The tower is 2.2m lower than the existing historic tower which will moderately reduce visibility. The removal of metal fins and introduction of open sides when compared with the previous design, help to reduce massing and visual impact. The band coursed base adds some localised interest. The inclusion of blind window detailing on the southeast side and fire service emblems to the top generate interest in the structure. The proposed materials for the upper cladding are reconstituted Bath stone coloured block work. This aspect of proposals is disappointing and has been driven by efficiency rather than architectural and landscape. The colour of the structure will remain inkeeping in middle and longer views. However, in local views such as from Forester Avenue, the masonry will lack the subtle natural variation in colour and texture of limestone. This will be out of character and will have an adverse effect on local character. Whilst detrimental, the harm posed would not be of sufficient severity or magnitude to warrant refusal in isolation.

Overall, some conflict is identified with Policy NE2 in relation to adverse impact of larger fire station and revised drill tower design. The scheme incorporates some soft and hard landscaping which would be beneficial at local level when compared with existing. The new fire station is mixed in success, prioritising internal accommodation and layout needs

over architectural composition in some areas. The impact on the streetscene is limited by the isolated nature of the building and presence of street trees. Other aspects such as the transitional architectural style, symmetry of the main appliance range, pilaster and rectilinear detailing as well as use of Bath stone ashlar provide a good response to the context. The development has regard for Bath Design Values in accordance with policy BD1 and overall, respects the character and appearance of the area and provides an acceptable design as required by policies D1, D2 and D5.

## **Access, Transport & Highways**

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

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

Para. 115 of the NPPF states that:

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

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

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

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

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

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



Given established use of the site as an emergency services fire station, the Council's Highways Officers have confirmed there is no highways objection to redevelopment of the site for the same use.

Minor changes to access arrangements are proposed, relocating the main vehicle access to the south. The Bathwick Street frontage is entirely tarmacked and level with the carriageway in any event. Therefore, the revised access will not affect the adjacent road network and only changes circulation on the private site.

The application Transport Statement reviews the site access arrangements and the potential impact of the scheme. There are no significant concerns regarding the approach, and the submission demonstrates that appropriate visibility is available at the site vehicular access point. A highways license would be needed for changes to road markings. A 'green wave' system has been used for the emergency services to enable fast navigation of the adjacent road junctions at Cleaveland Place and Sydney Gardens. This should be continued following redevelopment to enable efficient emergency response times.

The introduction of a defined pedestrian route in buff coloured tarmac across the frontage is welcomed. This will provide a more legible route for pedestrians across the long frontage. The section in front of the Ambulance station will be delivered separately by the adjacent service and liaison has begun over this.

Except for a disabled bay and two visitors bays at the front, all other car parking would be located at the rear of the site. The area to the rear of the site will allow turning space for all vehicles that need to access the facility. It is proposed to introduce new staff cycle parking located to the south side of the building. Showers and lockers are being introduced at ground floor level, as well as elsewhere within the building. An existing 2022 - 2030 Travel Plan has been submitted with the application. Targets and update of the Plan would be secured by condition. Given the sensitive location on the highway network, a Construction Management Plan has also been provided. This has been reviewed and confirmed as acceptable by Highways officers. Construction works would be required to be undertaken in accordance with included measures by condition.

Subject to planning conditions referenced above, the development will enable staff to use a range of sustainable and active travel modes and will avoid severe impacts on the road network and any unacceptable impact on highway safety. The development accords with relevant policies relating to transport and access and is therefore acceptable in this regard.

## **Neighbouring Amenity**

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

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

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

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

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

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

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

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

The site at Bathwick Street has been a fire station for almost 90 years. The proposals for redevelopment would not change use of the site. The general characteristics and everyday use of the fire station will remain comparable with the established context and would be compatible with the location on a major road (A36).

It is noted that there has been consultation with the community, and the fire service appears to maintain a good relationship with neighbours. Despite concerns over other aspects of redevelopment, public consultation on the application has not returned concerns over the impact of redevelopment to neighbouring living conditions and amenity. There have been 4 objections, and these mostly relate to heritage and adaptation of the current building, architectural design, traffic and ground conditions.

The new fire station will be larger than the current buildings at the site. There is a greater concentration of height and massing at the northern boundary when compared with the existing context, where only single storey offices are in this position. This will cause additional impact to neighbouring sites to the north which include Horton House on Forester Avenue.

Horton House is a development of 16 flats located below the fire station, fronting the river to the north. The building includes entrances and garages at ground floor which helps to offset the relationship with the fire station. There is approximately 18m between the proposed building and the south side of Horton House.

The proposed fire station would be 3 storeys and 12m in height at the front of the site. At the rear, the building reduces to 1 storey and 4m in height. The tallest part of the proposed fire station would align with the western side of Horton House. Most south facing windows in Horton House directly face the 1 storey part of the proposed building. This would help to reduce impacts to south facing windows at Horton House.

There is likely to be a change in outlook from south facing windows at Horton House associated with the three-storey part of the building, located to the south west. There is also likely to be some change in daylight sunlight experience at certain times of day. The first-floor apartment in the western end of the building will be most affected. It is understood this apartment is served by west facing windows which will help to mitigate the impact to overall amenity and living conditions. Overall, the impact to neighbouring amenity through impact on light and outlook is not found to be of a magnitude or severity that would warrant the refusal of planning permission.

A roof terrace for use by staff is proposed located over the 1 storey roof at the rear of the building. This could facilitate northerly views towards windows at Horton House. To mitigate this, a 1.8m high metal privacy screen is proposed along the northern side of the terrace. This would restrict overlooking towards neighbouring properties and preserve neighbouring amenity. This screen must be secured by planning condition to ensure privacy at neighbouring properties.

The drill tower is proposed to be relocated from the northern side the fire station yard, to the southern side. The proposed drill tower would be 16.6m in maximum height, compared with the current tower which is 18.8m. The proposed tower would cast its shadow west, north and finally east. This would affect the fire station site itself and the adjacent street rather than overshadowing surrounding houses and gardens. The tower has been designed to be closed, with no windows or openings facing the nearest adjacent houses 67-68 Forester Avenue. The tower would only be used sporadically during daytime hours for essential training purposes. The usage will be comparable to the existing tower and will not harm amenity of neighbouring occupiers.

The new fire station will require a variety of noise generating plant and equipment including air handling units, air source heat pumps, condensers, air conditioning units and kitchen extract fans. A Noise Assessment has been submitted with the application which confirms that subject to mitigation, the development will reduce noise to acceptable levels at neighbouring properties. The Council's Environmental Protection Officer has reviewed the assessment and accepts the results. They have recommended a planning condition securing compliance with the noise levels stated in the assessment is applied to the permission. Subject to this condition, the development will not cause disturbance to neighbours through noise pollution.

Overall, taking account of light, outlook, noise and other pollution impacts, officers are satisfied that the development will safeguard acceptable standards of amenity for all

neighbouring residents and uses. The proposals are found to accord with policies D6, PCS1 and PCS2, and are acceptable as a result.

## **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. 193 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.

There are several trees on and adjacent to the site. An Arboriculture Report has been submitted with the application, including tree survey which identifies street trees (London Plane) at the front of the site, an Ash and some Sycamore at the north and east boundaries on the embankment with Forester Avenue.

It is proposed to retain all trees at the site and provide protection during construction works. An Arboricultural Method Statement has been provided and is being reviewed by the Council's Arboricultural Officer. There is no arboricultural objection to the development subject to conditions securing protective method, planting and compliance.

The scheme also includes planting of 8 new trees on the embankment to the north and east of the site. These include hawthorn, hazel and cherry. Full details will be secured as part of a detailed landscape scheme condition.

Planning conditions are recommended to secure protection and compliance in accordance with the method statement as well as the detailed landscaping and maintenance. Subject to this measure, the application is found to accord with Policy NE6.

## Ecology & Biodiversity

Para. 180 of the NPPF outlines that:

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

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

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

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

For designated sites and other important habitat, this means:

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

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

o The necessary compensatory measures can be secured.

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

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

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

c) provision of replacement habitat creation and bespoke measures.

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

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

b) for UK Priority Habitats (not covered by Clause 4), where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat; and where impacts have been minimised; and where it can be demonstrated that it is possible to replace and/or offset the loss to at least equivalent or greater ecological value

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

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

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

5. In all cases:

- a) Firstly, any harm to the nature conservation value of the site should be avoided where possible before mitigation and as a last resort compensation are considered and
- b) secondly, compensatory provision of at least equal nature conservation value is made for any outstanding harm, and
- c) Thirdly, Biodiversity Net Gain will be delivered and managed in perpetuity (minimum of 30 years) through the appropriate means e.g. a legal agreement
- d) Then, as appropriate:
  - (i) Measures for the protection and recovery of priority species are made.
  - (ii) Provision is made for the management of retained and created habitat features.
  - (iii) Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological corridor.

For protected species this means:

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

- (i) subject to the legal tests afforded to them, where applicable; and
- (ii) otherwise, unless the need for and benefits of the proposed development clearly outweigh the loss; and
- (iii) where impacts have been minimised; and
- (iv) it can be demonstrated that it is possible to mitigate and compensate for any loss

\*Note: wholly exceptional reasons mean, for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."

The application is accompanied by an ecological survey and assessment, including protected species surveys with bat preliminary assessment and further survey (where applicable) for bats, of buildings and trees. The findings of the ecological survey and assessment have been reviewed and accepted by the Council's Ecologist. A series of method statements are included within the report and are supported. These will need to be adhered to during demolition and construction and would be secured by condition. This will avoid the need for a pre-commencement ecological construction management plan. The inclusion of the Ecology section within the submitted CEMP is also noted and supported.

As identified in the submitted ecological reports and shadow Habitats Regulations Assessment (HRA), the site lies within 4km of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and consideration is necessary as to whether the scheme may give rise to significant effects on the SAC (or on supporting habitat to the SAC, or SAC bat activity).

The initial "screening stage" of HRA, also known as a "test of likely significant effect" is the first stage of an HRA and is carried out to understand whether there is any credible risk of "likely significant effects" to the SAC, or whether this risk can be quickly but confidently ruled out. If the risk of a "likely significant effect" on the SAC cannot be quickly ruled out then full Appropriate Assessment must be undertaken. The following points are considered relevant as part of this process:

The site contains habitat that has been identified as offering some suitability for foraging bats, such as the grassland and trees on banks along the boundaries of the site. However, these are not of particular value in meeting foraging needs of SAC bats, nor do habitats at the site form part of a linear vegetated feature that could be relied upon by SAC bats as part of a network of flight routes. This can be seen by aerial photography and knowledge of local linear features and habitats that are known to support such use (eg the River Avon).

It is also noted that SAC bats are known to be active in the area and to use the nearby River Avon, so they may well pass through the site and opportunistically use the habitats present for foraging or navigating. Reference is made in submitted documents to previous surveys in 2021 (available on the application file) in which a single pass for greater horseshoe bat at the site was recorded. However, habitats and conditions present at the site cannot be considered as "supporting habitat" to the SAC or likely to be used by bats in such a way that SAC bats rely upon them.

Furthermore, the above points are supported by the submitted shadow HRA (at least with regard to greater horseshoe bat) where it states (paragraph 3.1.7): "During the bat surveys undertaken by SWTC in 2025, no recordings of greater horseshoe bat were made, and the site is not considered to be of value to greater horseshoe bats (Chambers, A. (2025). The habitats present do not comprise suitable foraging or commuting habitat for this species due to their composition, location, lack of connectivity to suitable off-site features within the wider landscape as a commuting resource, and existing levels of lighting". The same would be considered true for other SAC bat species (lesser horseshoe and bechstein bats).

The site also lies approximately 30-40m from the River Avon which is a designated Site of Nature Conservation Interest (SNCI) and is considered to provide supporting habitat to the SAC. Therefore the risk of impacts from the development on the River Avon must also be considered.

The separation of the site from the River by at least 30m, with screening effects from buildings between the site and the river, reduce the risk of significant impacts from light spill. External lighting is inward facing (away from the river). The submitted lighting report and lux level contours also provide confidence that the development will not give rise to ecologically unacceptable light spill levels onto the River Avon. o There will be no direct impacts on vegetation along the banks of the River Avon.

As a result of the factors above, it has been confirmed by the Council's Ecologist that the scheme is not capable of giving rise to a "likely significant effect" on the SAC (or supporting habitat to the SAC). Any credible risk of this is ruled out in this case, without the need for mitigation. It is therefore considered that the HRA does not need to progress to a full Appropriate Assessment in this case.



This conclusion also appears to be supported by the consultation response from Natural England (24th July) where it states: "Based on the submitted information, the proposed development is unlikely to result in light spill onto the River Avon corridor which would render this habitat inaccessible to SAC bat species".

An external lighting strategy is provided along with plans showing lux level contours for light spill levels on the horizontal plane at ground level. The report and plans illustrate that external lighting is largely directed inwards and away from the river. Where light spill is likely, this will have impacts in the directions of the adjacent road or built areas.

The river is mostly separated from the site by buildings which will effectively act as a solid screen (although depending on proposed positions, heights and directions of lamps and lighting, there may be some potential for light spill at heights above adjacent buildings due to differences in levels). Glazing on elevations facing towards the river is not excessive.

The submitted lighting information does not include predicted lux levels on the vertical plane (as is often required), nor do calculations factor in the potential combined effects of internal and external lighting. In this case however the information submitted is considered sufficient to demonstrate that lighting from the development will not be capable of causing excessive light spill onto the River Avon due to the separation distance and other features/buildings (which will effectively screen lighting from the site) between the site and the river. A condition will be applied securing a final lighting design.

The BNG calculation shows that the scheme can achieve a "net gain" but does not meet trading standards due to the loss of an area of grassland where replacement habitat of the same broad habitat or higher habitat distinctiveness cannot realistically be accommodated within the site. Therefore, offsite units are required and will need to be secured as part of a biodiversity gain plan by condition. It is understood the Applicant has engaged with offsite providers with habitat banks within the district.

Subject to planning conditions for wildlife protection in accordance with the submitted method statements, biodiversity net gain, lighting and ecological compliance, the development shall avoid harm to ecology and biodiversity, in compliance with Policies NE3 and NE3A of the Local Plan.

## **Contamination and Ground Conditions**

Policy PCS5 (Contamination) of the Local Plan states that development will only be permitted on land either known to be or strongly suspected of being contaminated, or where development may result in the contamination of land or the release of contaminants from adjoining land, provided:

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

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

The developer has provided Phase 1 and Phase 2 Ground Investigation Reports which have been reviewed by the Council's Contaminated Land Scientific Officer. They have noted that the site investigation stated that a number of underground tanks were present on site. The investigation and risk assessment and/or remedial strategy should provide further information regarding these features and detail how the underground tanks are to be dealt with to ensure there are no on-going or future risks to human health or the environment.

The site investigation and risk assessment undertook 4 number rounds of gas monitoring over a 2 month period. The number and duration falls below the recommended frequency and duration within CIRIA 665. The previous site investigation report for the Ambulance site proposed development included gas monitoring. It is suggested that further monitoring or justification is necessary to confirm the regime and the recommendations with regards to ground gas safety.

A remedial strategy is likely to be required to ensure that hardstanding or soft landscaping remedial capping is constructed. The strategy should also detail how any unexpected contamination will be dealt with and whether any remedial measures are proposed with regard to the underground storage tanks referenced in the report.

The Applicant has confirmed that they will provide further information to address these issues. If this is provided and confirmed to be acceptable prior to permission being granted, compliance conditions securing implementation, verification reporting and reporting of unexpected contamination can be applied. As is currently the case, this information is not available. Therefore, the full pre-commencement conditions relating to submission of acceptable Investigation and Risk Assessment, Remediation Scheme and subsequent verification report will be necessary. These conditions are required to be pre-commencement to safeguard against risks of contamination during construction and operational phases. Subject to safeguarding conditions, the Local Planning Authority can rule out significant harm or risk of significant harm to human health and the environment.

## **Flood Risk & 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."

Despite being located adjacent to the River Avon, the site is at higher level, and the majority is in Flood Zone 1 at low risk of flooding. The lowest part of the embankment that leads down to Forester Avenue at the outer periphery of the site is Flood Zone 3.

The average ground level of the fire station buildings and yard area is circa 25.8mAOD-26.0mAOD. The present day, undefended flood level at the site, for the 1 in 100 years event is 21.43mAOD. If a 20% adjustment is made for climate change, the maximum flood level becomes 22.34mAOD. The lowest external ground level within the proposed development is 25.443mAOD where the site adjoins Bathwick Street. Therefore, the development has been arranged to be located on part of the site which is at lowest risk of flooding. The development will be located several metres above predicted flood levels, and the development is not predicted to be at risk of flooding. This is compliant with policy CP5.

The Council's Drainage and Flooding team have been consulted on the application and raised no objection subject to implementation in accordance with the submitted Drainage Strategy. They note that infiltration has been ruled out due to unsuitable ground conditions which is agreed. It will not be possible to discharge direct to watercourse due to private land between the site and the river. Discussions are being held with Wessex Water regarding connection to one of their dedicated surface water sewers, pending agreement this will be acceptable. This follows the drainage hierarchy and is compliant with policy SU1.

Site currently discharges surface water to foul, this flow will be fully removed on redevelopment. A discharge rate of 30.1 l/s is proposed. Given the constraints of the site and the removal of flows from the foul system this rate will be accepted by the LLFA pending confirmation of acceptability from Wessex Water. Checks will be needed to ensure that the receiving sewer has capacity for this flow.

A robust solution to prevent surface water discharging to the highway is required. Whilst linear drains are currently shown, they are in two sections with a gap between. The LLFA preference is for a continuous run along the frontage at the transition between public highway and private hardstanding.

A condition is recommended to ensure agreement of Wessex Water is secured for surface water discharge to their network (or an alternative drainage scheme outlined) prior to works commencing. Subject to these measures, the proposals accord with national and local policy and guidance, and the development would not increase local flood risk or place vulnerable uses at risk of being affected by flooding.

## **Sustainable Construction**

Policy SCR7 (Sustainable Construction Policy for New Build Non-Residential Buildings) of the Local Plan requires that new build non-residential major development will maximise carbon reduction through sustainable construction measures. Through the submission of an appropriate energy assessment having regard to the Sustainable Construction

Checklist SPD all planning applications will provide evidence that the standards below are met.

Major development is to achieve a 100% regulated operational carbon emissions reduction from Building Regulations Part L 2013 (or future equivalent legislation), following the hierarchy set out below.

- o Minimise energy use through the use of energy efficient fabric and services
- o Residual energy use should be met through connection to a low- or zero-carbon heat network if available.
- o Maximise Opportunities for renewable energy to mitigate all regulated operational emissions.
- o Residual carbon emission that cannot be mitigated on site should be offset through a financial contribution to the council's carbon offset fund

The application has been submitted with a Sustainable Construction Checklist in accordance with the requirements of the Sustainable Construction Checklist Supplementary Planning Document (2023).

The supplied Sustainable Construction Checklist sets out that the new fire station will achieve a 71% regulated operational carbon emissions reduction with 4.89tCO<sub>2</sub> to be offset. This has been achieved through a fabric-first approach, with highly performing building fabric and high air permeability targets proposed, and through the inclusion of a mechanical ventilation heat recovery system, air source heat pumps and roof-mounted solar panels. Despite not being local policy requirements, the proposal is also aiming to achieve BREEAM 'Excellent' standard, with an aspirational target of 'Outstanding' referenced.

The approach to improving the energy efficiency of the proposed development and reducing the carbon emissions is supported and the proposal to offset the residual emissions is accepted. The proposed offsetting amount of £60,191 is agreed and will be secured by s106 agreement between the Applicant and the Council.

## **Other Matters**

### **Planning Obligations and Community Infrastructure Levy**

The development will be associated with a financial contribution of £60,191 towards the Council's Carbon Offsetting Fund to be secured by s106 agreement with the Council prior to permission being granted.

As a Sui Generis use, the fire station would not be chargeable development for community infrastructure levy.

### **Public Sector Equalities Duty**

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

This has been taken into account both in relation to the application and decision making process as well as when assessing the impacts and merits of the development itself.

Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process are set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required. These measures have been implemented in accordance with the Council's adopted Statement of Community Involvement prior to and during processing of this planning application. The fire service have provided a bespoke Statement of Community Involvement detailing consultation and involvement in the project.

In relation to the development itself, it is considered that the development will reduce inequalities, advance equal opportunity and foster good relations with those sharing protected characteristics in a variety of forms. As an example, the development includes a lift providing access to all floors of the fire station. This will be beneficial to staff and visitors to the fire station that have disabilities and represents an improvement in accessibility over the current fire station which does not have step free access. The provision of a new fire station which will improve the fire services responses to emergencies will serve all ages, genders, races, people with disabilities, and other protected characteristics. The development fundamentally protects people without discrimination and advances equality of opportunity in the city.

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

## **Planning Balance & Conclusion**

Demolition of the 1930s fire station and drill tower would result in loss of a non-designated heritage asset and therefore heritage harm. A balanced judgement is required by national policy where non-designated assets are implicated. Public benefits must also exist to outweigh harm posed to designated heritage assets, including associated less than substantial harm associated with demolition and redevelopment to the Bath Conservation Area.

In this case, there are numerous, highly beneficial consequences for the public associated with provision of a new fire station. Enhanced infrastructure and facilities for emergency services are required by national policy to be given significant weight by the Council in decision making. This is due to the essential daily work of the emergency services benefiting public safety. The new fire station would provide improved facilities, contributing to faster response times and ultimately better public safety. Within Bath, the fire service

play an important role in protecting other historic buildings and heritage assets of higher significance, including the world heritage site, from fire damage. Fire fighters and other service staff would benefit through improved working conditions, benefits for health, safety and wellbeing of staff at work and their wider lives. The development would also reduce operational carbon emissions and running costs, include tree planting and landscape improvements, achieve a net gain for biodiversity and create employment opportunities and economic growth during construction.

On balance, these benefits are sufficient to outweigh heritage harm associated with loss of the historic fire station and harm posed to the conservation area. The development will have some adverse impact to landscape and townscape character of the area. However, there are also positive aspects of the design. When viewed in the round, the benefits of redevelopment are found to outweigh adverse impacts. Other impacts of development such as to neighbouring amenity, transport, trees, ecology, sustainability, environmental protection, human health, archaeology and drainage, can be appropriately managed and mitigated by planning conditions.

Following assessment, despite some harm posed by heritage, landscape and townscape impacts, the policy weight in favour of enhanced facilities for emergency services and other public benefits of the development, are sufficient for the development to be acceptable overall. Officers are satisfied that on balance the scheme represents sustainable development, and residual impacts can be mitigated by conditions and a s106 agreement. No material considerations have been identified that would outweigh policy and considerations in favour, and refusal of planning permission is not justified. The application is therefore recommended to be permitted, with authority delegated to officers to enable completion of a s106 agreement to secure planning obligations and to impose necessary conditions as suggested below. This is subject to the caveat that the application shall be re-assessed if the heritage status of buildings at the site materially changes before permission is granted.

## **RECOMMENDATION**

Delegate to PERMIT

## **CONDITIONS**

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

1. A financial contribution of £60,191 towards the Council's Carbon Offsetting Fund.

B) Subject to the prior completion of the above agreement and providing there has been no material change in circumstances relating to addition of buildings at the site to the National Heritage List for England, delegate authority the Head of Planning to PERMIT the application subject to the following conditions (or other such conditions as may be appropriate):

### **1 Standard Time Limit (Compliance)**

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

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

## **2 Biodiversity Gain Plan (Pre-commencement)**

No development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, including a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment (Biodiversity Gain Assessment for Bath Fire Station by Somerset Wildlife Trust Consultancy dated June 2025 report reference: AB061 ) and calculation and shall include the following:

In all cases:

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

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.

9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
10. Proposed costs and resourcing, and legal responsibilities.

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

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

### **3 Ground Contamination Investigation and Risk Assessment (Pre-commencement)**

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with the Environment Agency's 'Land contamination risk management' (LCRM) and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.



#### **4 Remediation Scheme (Pre-commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

#### **5 Archaeology Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide analysis of existing borehole data and further boreholes to be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policies HE1 and B4 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works including demolition.

## **6 Historic Building Recording (Pre-commencement)**

Prior to commencement of demolition, Historic Building Recording shall be undertaken in accordance with the submitted Written Scheme of Investigation (Written Scheme of Investigation for Level 3 Historic Building Recording for Bath Fire Station document ref: 18142 October 2025 by Bristol & Bath Heritage Consultancy Ltd). A copy of the completed Historic Building Record report shall be submitted to the Local Planning Authority, local Historic Environment Record (HER) and OASIS online database of archaeological projects, prior to occupation of the development.

Reason: The development involves demolition of a building of historic significance which is a non-designated heritage asset. Recording of the building prior to demolition is necessary to document the building, its history, architecture, features and historic significance that will be lost following development, so that an understanding of the local architectural, social and cultural value of the site is preserved in accordance with Policy HE1 of the Bath & North East Somerset Local Plan. This is a pre-commencement condition because the recording must be undertaken prior to demolition and commencement of development in order to be an accurate record of historic significance.

## **7 Water Company Approval (Pre-commencement)**

No development shall commence (excluding ground investigations, site preparation and demolition), until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should presented for approval prior to commencement.

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. This is a condition precedent because it is necessary to understand whether the discharge rates are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

## **8 Detailed Drainage Strategy (Pre-commencement)**

No development shall commence, except demolition, ground investigations and remediation, until a detailed drainage design based on the application stage Flood Risk Assessment / outline Drainage Strategy (Drainage Strategy & Flood Risk Assessment for Planning - Bath Fire Station Redevelopment document ref: AFRS12-CDY-ZZ-ZZ-RP-C-0014 by Craddys dated 3rd July 2025) (demonstrating that 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) has been submitted to the Local Planning Authority and given written approval. The design is to include plans, structure details and calculations demonstrating performance of the system at the critical 1:1, 1:30 and 1:100+climate change events. The submission also needs to demonstrate how the proposed drainage system will be maintained to perform to the design standard for the life 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.

#### **9 Arboriculture - Submit Revised Arboricultural Method Statement (Pre-commencement/Compliance)**

No development shall take place 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. All tree protection measures included in the approved Method Statement and Protection Plan shall be implemented prior to the commencement of development (including demolition but excluding ground investigations) and retained as agreed for the duration of construction works on site.

The final Method Statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority on completion of the development. Precautionary measures to protect the offsite London Plane tree identified as T1 must be discussed and agreed with the Council's Parks and Green Spaces (Denise Hart) who manage this tree, prior to method being included in the Detailed Arboricultural Method Statement with Tree Protection Plan.

Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should"). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

#### **10 Wildlife Protection - Pre-works Checks and Method (Pre-commencement/Compliance)**

Prior to commencement of development (including demolition, ground works, site preparation or vegetation clearance), a suitably qualified professional Ecologist shall be appointed as Ecological Clerk of Works. The appointed Ecologist shall attend site prior to commencement of works and shall carry out pre-works checks and update surveys (as applicable); specify and oversee precautionary working methods; and provide a toolbox talk to site workers/site manager.

The development shall thereafter be carried out only in accordance with the Method Statements as detailed in Section 4 of the application stage Ecological Assessment (Ecological Assessment v2 dated July 2025 by Somerset Wildlife Trust Consultancy). All

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

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

### **11 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 masonry, walls, roofs, windows, doors, spandrel panels, plant enclosures, railings etc. 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.

### **12 Sample Panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials (natural Bath stone ashlar, cast stone blocks rough faced and ashlar) to be used has been erected on site, reviewed and approved in writing by the Local Planning Authority. 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.

### **13 Landscape Design Proposals (Bespoke Trigger)**

No development beyond slab level shall take place until full details of both hard and soft landscape proposals, a programme of implementation and a maintenance strategy have

been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

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

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

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

Thereafter, the approved hard and soft landscape scheme 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.

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

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

#### **14 Design Details Strategy (Bespoke Trigger)**

No development beyond slab level shall take place until a strategy providing full details of construction methodology, form and materials of architectural details including approved fire station signage, emblem, flagpole and retained coat of arms as well as drill tower emblems, has been submitted to and approved in writing by the Local Planning Authority. The approved design details strategy shall be implemented prior to occupation of the development and retained thereafter.

Reason: To ensure that the development incorporates detailing which contributes to high quality, interesting architecture, inkeeping with the craftsmanship and historic character of the site, reflecting Bath design values and preserving the character and appearance of the area as required by section 12 of the National Planning Policy Framework and policies D1, D2, D5 and BD1 of the Local Plan.

### **15 Privacy Screen (Bespoke Trigger)**

Prior to installation of the roof terrace privacy screen as shown on drawing no. AFRS12-BDP-XX-XX-EL-A-200002 P12 and page 14 of the Supplementary Planning Report by BDP dated 13th October 2025, detailed drawings and specifications for the privacy screen shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be a minimum of 1.8m in height from the finished floor level of the roof terrace. The privacy screen shall be installed in accordance with the approved details prior to first use of the roof terrace area and retained thereafter.

Reason: To preserve privacy and amenity of neighbouring homes to the north of the site as required by section 12 of the National Planning Policy Framework and policy D6 of the Local Plan.

### **16 External Lighting (Bespoke Trigger)**

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

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

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

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

### **17 Verification Report (Pre-occupation)**

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework.

### **18 Bicycle Storage (Pre-occupation)**

No occupation of the development shall commence until secure and weathertight bicycle storage for at least 12 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority (drawing no. AFRS12-BDP-XX-XX-PL-A-080002 P07 - Cycle Parking Strategy). The bicycle storage shall be retained permanently thereafter and only used for cycle parking.

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.

### **19 Bin & Recycling Storage (Pre-occupation)**

No occupation of the development shall commence until the refuse store (identified on Proposed Site Plan drawing no. AFRS12-BDP-XX-00-PL-A-200101 P19) is constructed in accordance with the approved details. Thereafter, the store shall be used solely for the purpose of storage of bins, waste and recycling. Bins and recycling containers 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).

### **20 SCR7 Non-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 SCR7.

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

1. Table 3 or Table 3.2 (if proposal has more than one building type)
2. Table 5 (updated)
3. Building Regulations Part L post-completion documents for renewables;
4. Building Regulations Part L post-completion documents for energy efficiency;
5. Microgeneration Certification Scheme (MCS) Certificate/s

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

## **21 Ecological and Biodiversity Net Gain Compliance Report (Pre-Occupation)**

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

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

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

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

## **22 Arboriculture - Signed Certificate of Compliance (Pre-occupation)**

No occupation of the development shall commence until a signed certificate of compliance with the Arboricultural Method Statement and tree protection plan by the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority

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

## **23 Contaminated Land - Unexpected Contamination (Bespoke trigger)**

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



submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework.

#### **24 Construction Management Plan (Compliance)**

All works on site in connection with the development hereby approved including demolition and construction phases, shall be undertaken in accordance with all measures stated in the application stage Construction Environmental Management Plan (Construction Environmental Management Plan CEMP Bath Fire Station, Second Issue dated 19 September 2025 by Paul Rice Willmott Dixon) and Construction Logistics Plans (drawing nos. AFRS12-BDP-XX-00-PL-A-200101 P10 and AFRS12-BDP-XX-00-PL-A-200101 P10). This shall cover work by all contractors and sub-contractors.

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.

#### **25 Noise Emissions (Compliance)**

The cumulative noise rating level of any plant installed associated with the development hereby approved shall not exceed the limits detailed at Table 5.1 of the application stage Plant Noise Impact Assessment (Plant Noise Assessment for Bath Fire Station document reference: AFRS12-MAL-XX-XX-RP-U-000007 by Mach Group dated 6th June 2025).

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with policies PCS1 and PCS2 of the Bath and North East Somerset Placemaking Plan.

#### **26 Travel Plan (Compliance)**

The development hereby approved shall operate in accordance with all measures contained within the application stage Travel Plan (Bath Fire Station Travel Plan 2022 - 2030).

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

#### **27 Gull Management Plan (Compliance)**

The development hereby approved shall be constructed and operated in accordance with all measures contained within the application stage Gull Management Plan for Bath Fire Station by Avon Fire & Rescue dated 7th October 2025.

Reason: To prevent nuisance and environmental issues caused by gulls in accordance with policies D5, D6 and PCS1 of the Bath and North East Somerset Placemaking Plan.

## 28 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 has been based on the following list of plans:

|                                         |                                  |                     |
|-----------------------------------------|----------------------------------|---------------------|
| Site Location Plan                      | AFRS12-BDP-XX-XX-PL-A-910000 P03 | 10 July 2025        |
| Existing Site Plan                      | AFRS12-BDP-XX-XX-PL-A-910001 P04 | 10 July 2025        |
| Existing Floor Plans                    | AFRS12-BDP-XX-XX-PL-A-200201 P05 | 10 July 2025        |
| Existing Elevations                     | AFRS12-BDP-XX-XX-PL-A-200202 P05 | 10 July 2025        |
| Demolition Ground Floor Plan            | AFRS12-BDP-XX-00-PL-A-040001 P05 | 10 July 2025        |
| Demolition Scoping Plan                 | AFRS12-BDP-XX-00-PL-A-040002 P01 | 10 July 2025        |
| Proposed Second Floor Plan              | AFRS12-BDP-XX-02-PL-A-200101 P16 | 10 July 2025        |
| Proposed Roof Plan                      | AFRS12-BDP-XX-03-PL-A-200101 P15 | 10 July 2025        |
| Car Parking Strategy                    | AFRS12-BDP-XX-XX-PL-A-080004 P05 | 10 July 2025        |
| Cycle Parking Strategy                  | AFRS12-BDP-XX-XX-PL-A-080002 P07 | 10 July 2025        |
| Refuse Strategy                         | AFRS12-BDP-XX-XX-PL-A-080001 P06 | 10 July 2025        |
| Security Strategy                       | AFRS12-BDP-XX-XX-PL-A-680001 P07 | 10 July 2025        |
| Proposed Site Plan Ground Floor         | AFRS12-BDP-XX-00-PL-A-200101 P19 | 20 October 2025     |
| Proposed Site Plan First Floor          | AFRS12-BDP-XX-01-PL-A-200101 P18 | 20 October 2025     |
| Proposed Front & Rear Elevations        | AFRS12-BDP-XX-XX-EL-A-200001     | P11 20 October 2025 |
| Proposed Side Elevations                | AFRS12-BDP-XX-XX-EL-A-200002 P12 | 20 October 2025     |
| Proposed Elevations Wall Recess Details | AFRS12-BDP-XX-XX-EL-A-210002     | P03 20 October 2025 |
| Proposed Plans & Elevations Drill Tower | AFRS12-BDP-XX-XX-PL-A-260000     | P02 20 October 2025 |
| Proposed Landscape Scoping Plan         | AFRS12-BDP-XX-XX-PL-A-940001 P05 | 20 October 2025     |
| Proposed Soft Landscaping Plan          | AFRS12-BDP-XX-XX-PL-L-940002     | 20 October 2025 P04 |
| Proposed Sections I                     | AFRS12-BDP-XX-XX-SE-A-200001 P09 | 20 October 2025     |

## **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

## **3 Biodiversity Net Gain - Standard Informative**

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

#### **4 Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

#### **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.

#### **6 Highways Licence Advice Note**

The Applicant is advised to contact the Council's Highways team as the development proposed involves work on the public highway that may require highways licenses and approvals under the relevant sections of the Highways Act 1980, prior to any work taking place on the public highway. The Council's Highways team can be contacted at:

Highways@bathnes.gov.uk

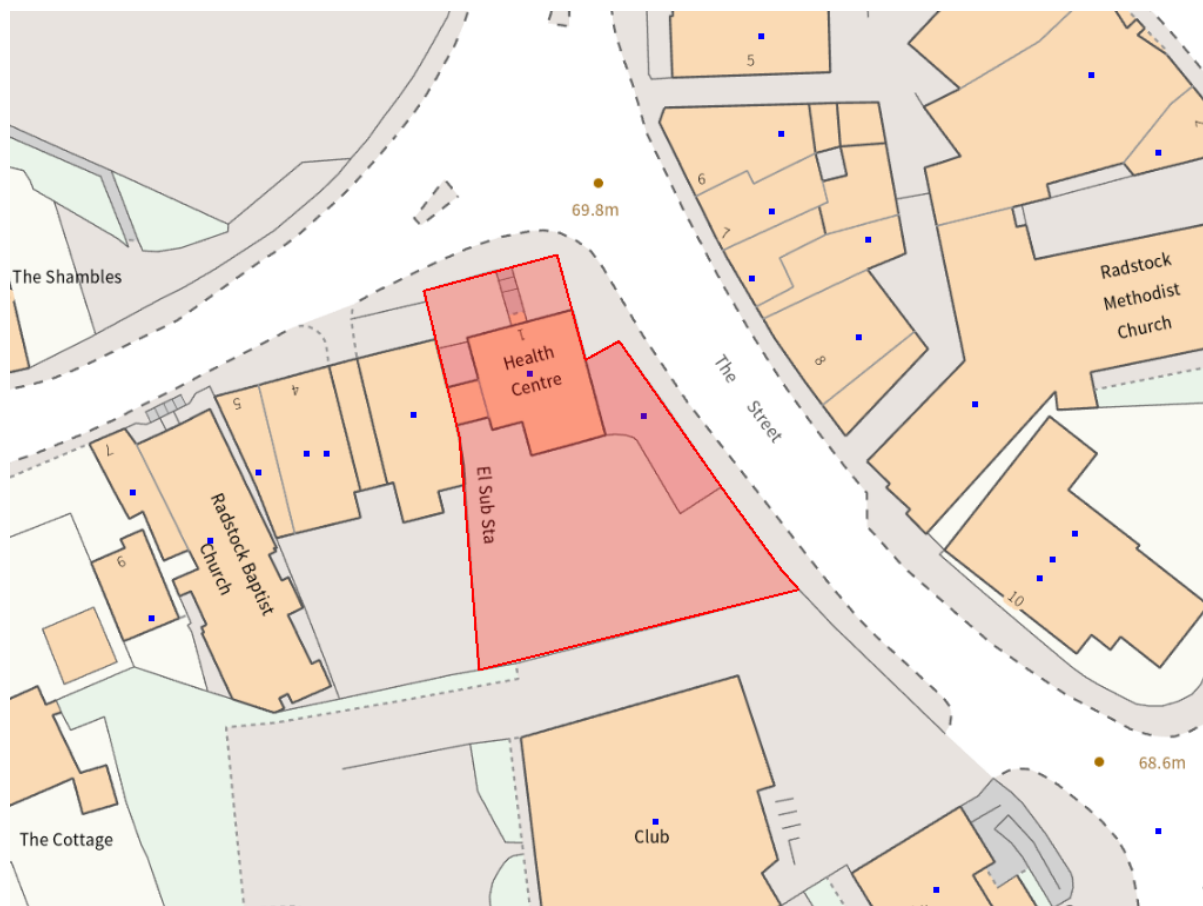
Further information in relation to Highways licenses is available at the following Council website: <https://beta.bathnes.gov.uk/apply-highways-licence>

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.

**Item No:** 03  
**Application No:** 25/01546/FUL  
**Site Location:** Leigh House Trust Health Centre 1 Wells Road Westfield Bath And North East Somerset BA3 3RN



**Ward:** Radstock      **Parish:** Radstock      **LB Grade:** N/A  
**Ward Members:** Councillor Chris Dando      Councillor Lesley Mansell  
**Application Type:** Full Application  
**Proposal:** Change of use from Office and Storage (E) to a large House of Multiple Occupancy (HMO) (sui generis)  
**Constraints:** Agricultural Land Classification, Coal - Standing Advice Area, Conservation Area, Policy CP12 Bath City Centre, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Woodland Strategic Network Policy NE5, SSSI - Impact Risk Zones,  
**Applicant:** RCL Developments  
**Expiry Date:** 12th June 2025  
**Case Officer:** Christine Moorfield  
To view the case click on the link [here](#).

## **REPORT**

This application is for the change of use from Office and Storage (E) to House of Multiple Occupancy (HMO) (C4).

The plans indicate 10 bedrooms and a self contained managers flat over the three floors. It is noted whilst the 'managers flat' indicates a one bed self contained unit access to the unit is via the communal staircase so the unit cannot be used independently.

The property is a substantial stone built building located within central Radstock. The property is set up marginally from the main street with steps up to a central main entrance. To the side of the property is an off street parking area and access to the basement of the property.

The property is within the Radstock Conservation Area.

Radstock Town Council opposed this proposal and the application has been requested to go to committee by the Chair of the Planning Committee Cllr Ball for the following reasons:

While it appears to be policy compliant and the two Radstock Councillors haven't called this in, Councillor Jackson's arguments have swayed me. Given the local sensitivities surrounding this issue, I believe it would be best to refer this to the committee for further consideration.

## **HISTORY**

DC - 96/02481/FUL - PER - 24 September 1996 - Change of use from clinic to offices for registered charities

DC - 98/03004/OUT - PER - 17 December 1998 - Extension and alterations to form new disabled access, lift and multi-purpose meeting/seminar room as amended by revised plans dated 14th December 1998.

DC - 25/00489/TC5 - EXEMPT - 6 February 2025 - Large False Acacia - remove.

DC - 19/04946/CONSLT - NOOBJ - 7 February 2020 - Removal of public payphone service. (Kiosk at Wells Road Radstock BA3 3SA).

DC - 25/00489/TC5 - EXEMPT - 6 February 2025 - Large False Acacia - remove.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Cllr Jackson commented as follows:

Lady Waldegrave must be turning in her grave re application 25/01546/FUL which was built to house the first GP in Radstock in the 1880s and ought to be a listed building. Or a non listed historic building.

However, it is directly on the ward boundary, the A367 I would be grateful, therefore, if you would send details to Westfield Parish Council.

Westfield PC have not commented.

Radstock Town Council Response:

RESOLVED: to OPPOSE the application with the following comments:

- Oppose the change of use to residential within Radstock Town Centre as the site is a prime

employment site and would be economically detrimental to the area.

- There is a lack of office and employment space within Radstock town Centre. The previous use of the building of poor-quality offices and not marketed to full potential for rental for several years.
- There is a potential for use as alternative retail or commercial purposes as situated within the town centre.

#### **DRAINAGE**

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

#### **ECONOMIC DEVELOPMENT**

The marketing undertaken was adequate to meet the basic marketing guidelines as required. Further investment in the property would be needed in order to make the property attractive to the current office market and modern requirements. In this instance, it is possible that the property doesn't meet the needs of the market in it's current state.

One letter of comment:

You have mentioned in the application that the accommodation is suitable and useful for students studying at Bath College and Bath Dance College. I would like to make it clear that this accommodation is not suitable for 16-18 years old students and no consultation regarding this has been made.

#### **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

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

CP6: Environmental Quality

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

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric D5: Building design

D6: Amenity

HE1: Historic environment

**LOCAL PLAN PARTIAL UPDATE:**

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



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

H2: Houses in multiple occupation

NE3a: Biodiversity Net Gain

SCR9: Electric Vehicles Charging Infrastructure

ST7: Transport requirements for managing development

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

Transport and Development Supplementary Planning Document (January 2023)

The Houses in Multiple Occupation in Bath Supplementary Planning Document (January 2022)

**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 the proposed change of use to a large HMO.

The building is a substantial stone-built property under a tiled roof. The proposal is to convert the building into a large HMO. The plans indicate 4 bedrooms at basement level with a shower room. 3 bedrooms two with ensembles and one shower room at ground floor level. 3 bedrooms and a shower room along with a self-contained managers flat is indicated at first floor level. It is noted that the self-contained flat has to be accessed by the communal staircase it is not therefore capable of independent occupation as it does not have its own access.

Externally the only alterations indicated are the recladding and rendering of an existing single storey flat roofed extension at the rear of the property.

Permissions granted in the 1990s refer to the property as changing use from a clinic to offices for registered charities. It appears the building is in good structural condition, although internal refurbishment is required. It is arranged over three floors with an approximate internal floor area of 280sqm.

The principle of this proposed change of use is primarily dependant on whether the loss of offices within this central location is justifiable and the HMO use must be seen to comply with the criteria as set out in the Councils SPD for HMOs and relevant policies.

Loss of office space within central Radstock

CORE POLICY SV1 states.

...New employment floorspace will be focussed at:

- the Westfield Industrial Estates, Midsomer Norton Enterprise Park and Bath Business Park in Peasedown St John
- Old Mills in Paulton (Local Plan Policy GDS.1 V4)
- Midsomer Norton and Radstock Town Centres

POLICY ED1B: of the placemaking plan relates to the Change of Use & Redevelopment of B1(a) Office to Residential Use.

(This policy is relevant as Radstock is a Town Centre as listed in Policy CP12)

ED1B Criteria 3. Outlines strong economic reasons to resist the loss of such accommodation and states

Strong economic reasons will exist if:

- a the site is within the Bath Central Area, the Bath City Riverside Enterprise Zone, Somerdale, or a town centre listed in Policy CP12, or on a site that has been granted permission since 2011; and
- b the loss of the space would be a significant loss to strategically important office accommodation in B&NES and significantly harm the Council's ability to plan positively for economic development.

In assessing whether strong economic reasons exist, consideration will be given to:

- the quality of the office space (existing or permitted) to be lost or not implemented compared to alternative, available premises in the locality, and whether these are suitable for any displaced existing occupiers;
- the need to retain the space in the context of the achievement of strategic Core Strategy targets set out in B1, KE1 and SV1;
- current market signals and forecasts (to ensure the long-term targets of Core Strategy policies B1, KE1 and SV1 remain justified throughout the plan period);
- in the case of a mixed-use residential led site granted permission since 2011, whether the premises are critical to the sustainability of the permission and whether implementation remains viable, and realistic in light of market signals.

Therefore, in line with these policies there is a presumption against the loss of office floorspace within Radstock Town Centre.

POLICY CP12: relates to Centres and Retailing and states

The centres within the hierarchy of shopping centres set out below and as defined on the Policies Map will be maintained and enhanced: City Centre Bath City Centre Town Centres Keynsham Town Centre, Midsomer Norton Town Centre, Radstock Town Centre District Centres Moorland Road, Bath Retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture and tourism uses will be primarily located within, or where appropriate, adjoining the centres in the identified hierarchy of centres as required by Policy CR1. Centres will also be the focus for higher density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking. Uses which contribute to maintaining the vitality, viability and diversity of centres within the hierarchy will be encouraged.

Active ground floor uses will be maintained and enhanced.

In this instance it is of note that the building does not have an active street frontage as the property is set up from the public footway. Its street frontage is, in terms of appearance a residential unit with bay windows sited either side of the front door.

It is also noted that the property is within a sustainable location, and this proposal is for 'higher density forms of residential development'.

The site is adjacent to the boundary of the Shopping Area which is subject to POLICY CR3:

Primary Shopping Areas and Primary Shopping Frontages. This policy is not relevant in this instance given the fact the property is outside the identified area and does not have an active street frontage.

In principle the loss of office space in this central location is resisted by Policy however, there are matters which if relevant to a specific site may render such a use acceptable in this location.

In support of this application the applicants have provided information in respect of the viability of this property as an office/commercial building.

Marketing information from Carter Jonas states:

The property, formally a dentist, was sold by my firm in the 1990's - with myself managing the instruction - to a Trust trading as a Limited Company, which then entered receivership last year. I was asked again to sell the building in August / September 2024. On this occasion, there were three tenancies within the property, sharing utility costs but not contributing meaningfully to repairs. The property had been allowed to fall into disrepair by the owners who also failed to invest in the building to any material extent.

The building was originally built as a house. It has been in commercial use in more recent years.

Unfortunately, due to the lack of maintenance over a prolonged period it has been allowed to deteriorate and latterly presented a health and safety hazard as well as failing to comply with legislation for continued occupancy.

Unsurprisingly no commercial interest was received during our marketing as it was plain to all, that any form of commercial use would not sustain the level of repairs needed. All offers received were from residential developers.

The property is situated in an elevated position over 3 floors - all accessed via steps up to individual floors. From there, the space is cellular. Nowadays, almost all office occupiers require open plan space on a single level with good access. This building has neither open plan nor a material volume of space on one level.

Around the same time as the marketing of this building, we also had a building on Bath Business Park at Peasedown. That building, being modern, open plan and in good condition sold immediately to an office investor who was aware of Leigh House but did not bother to look at it.

The loss of this building to residential use will not have any impact on the Radstock office market. I am absolutely certain that even assuming good condition, this building would not receive any interest from office investors. With the works required undertaken, it would be beyond any reasonable expectation that this building would be occupied again as an office.

Research shows a number of other suitable office properties available within the area and particularly within Radstock:

-Wells Road, Radstock, (Next-door to Leigh House) Office. This unit has been on the market for 3 years and still available.

-2a Fortescue Road

-11 Fortescue Road

- 12 Fortescue Road

-1 Market Place

-Cobblers Way Unit 3C

-Cobblers Way Unit 3E

-2 properties in High Street Midsomer Norton

-Space at Paulton House, Paulton

Overall, this property is both unsuitable for ongoing and future use as an office due to its layout. It is also unviable to be refurbished for use as an office.'

In addition a letter from Sam Chivers Estate Agents dated 14th August 2025 states:

My initial advice would be to consider the appropriate commercial demand for this style of property. In my opinion the appeal would be fairly limited as access into the property is not suitable for all, there are many steps and different floor levels. I also feel that the property would be limited to private services rather than retail, which as a local agent I know is in low demand.

We as an agency have been advertising an office space in Westfield, Radstock: Unit 3E, Cobblers Way, Radstock BA3 3BX. It has been available for just under a year with low interest levels, it is still available as I write this report.

I am aware of a similar style building to that of Leigh House, on Frome Road, Radstock being the former premises of "Fosseway Press" which has been advertised by the commercial agent Steven Lee of Frome for at least a year without success.

Considering precedent, there have been two similar commercial premises which have been taken the same way as you intend for Leigh House, these being the following.

"Hope House, 10 The Street, Radstock, BA3 3PL". Formerly a doctor's surgery and now with planning granted, successfully converted into eight apartments. A similar age to Leigh House.

Planning application reference: 21/05698/FUL

"1 Riverside Cottages, Radstock, BA3 3PS". Formerly offices and now with planning granted, successfully converted into five apartments. A similar age to Leigh House.

Planning application reference: 21/05595/FUL.

The Radstock Town Centre Regeneration Action Plan August 2023 indicates 2 options for this site, offices or 3 residential units. At the time both options were considered to be hampered by lack of parking. This situation has now been superseded by the Highways SPD which stipulates maximum standards and the sustainable location would be a material consideration.

The Councils Economic development team were consulted and concluded the marketing as carried out for these premises was reasonable to show the limited demand for such accommodation. It was considered that the layout of the building is such that it is unlikely to be able to provide commercial/office floorspace which meets today's standards.

In the light of the above it is considered that a robust argument has been put forward which indicates that given the nature of the accommodation provided within this building a commercial office use is not likely to be secured and as such the loss of this building to a large HMO use is not seen to harm the viability and vitality of the town centre.

Large HMO use in this location:

Policy H2 of the Placemaking Plan provides the following criteria to be considered when determining an application for change of use to an HMO;

- i) Where there is high concentration of existing HMO's, further changes of use to HMO use will not be supported as they will be contrary to supporting a balanced community.
- ii) The HMO use is incompatible with the character and amenity of established adjacent uses.
- iii) The HMO use significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion.
- iv) iv) The HMO use creates a severe transport impact.
- v) v) The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type.
- vi) vi) The development prejudices the continued commercial use of ground/lower floors.

The SPD includes the following criteria which advises change of use will not be permitted where.

Criterion 1: It would result in any residential property (C3 use) being 'sandwiched' between two HMOs; or

Criterion 2: Test: HMO properties represent more than 10% of households within a 100-metre radius of the application property.

Following a GIS search, the conversion of this property into an HMO would not result in 'sandwiching' between other HMO certified properties and therefore complies with Criterion 1.

Looking at Criterion 2, the change of use of the property to an HMO does not represents more than 10% of households. In this instance based on Council data this permission would result in 1 in 38 residential properties within a 100 metre radius of the site being HMOs, equating to 2.6%.

Policy CP10 supports housing mix in line with national policy, where a mix of housing types and households are encouraged in the interest of community cohesion.

This is supported by HMO policy H2 and the SPD, which aim to direct new HMO development to areas of lower concentration.

Therefore, a large HMO in this location is seen to be acceptable and compliant with the Policies referenced above.

#### Impact on residential amenity

This is a three storey property on a corner plot and is within a predominantly mixed commercial/residential area. The submitted scheme indicates adequate space for refuse/recycling and bike storage within the site. The property benefits from a curtilage and therefore, there is space for these storage facilities within the site.

This is a large building, and the density of use increases the impact that the HMO use could have on the amenity of neighbours. Of note is the 'management' unit within the premises which could provide a level of supervision given the size of this unit. The self-contained managers flat can only be accessed via the communal staircase and is therefore an integral part of the HMO permission sought. It is also noted that no objections

to the proposals have been received and given the town centre location of the building the change of use would be unlikely to cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of privacy, noise, traffic or other disturbance. The proposal is seen to accord with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

### Character and Appearance

The proposals do not include any major external alterations to the building. The only additional features required are the recladding and rendering of the existing single storey rear extension and provision of stores for bins and bicycles. The proposals by reason of their design, siting, scale, massing, layout and materials is likely to be acceptable and contribute and respond to the local context and maintain the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, and D4 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

### Highways

The means of access and parking arrangements are as existing. Two off street parking spaces exist but given the central location of this property the parking provision would comply with the Councils maximum standards within the SPD. The existing access and parking area 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.

### Conservation Area

The necessary site notice has been erected on site.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case where no alterations to the external appearance of the building are proposed the change of use is considered to at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

### Drainage and flooding

No objection has been raised to this proposal subject to all drainage works complying with building regulations approved document part H.

### Ecology:

As no building works and or extensions are proposed in respect of this change of use and no priority habitat is impacted, BNG is not applicable.

## 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. Any application will be assessed against the policies as identified and these will be given full consideration.

## HMO Standards

The Councils SPD for HMOs requires single bedrooms to have a minimum Gross Internal Floor Area (GIA) of 6.51 sqm.

The Councils SPD require new HMOs to have a band rating of C or above. The proposal must comply with the Councils SPD criteria particularly in relation to EPC rating and floor areas.

The plans indicate the floor areas are acceptable and information is provided in respect of the building achieving an EPC rating of C or above. Subject to conditions the proposal is seen to comply with the councils SPD for HMOs.

## PLANNING BALANCE AND CONCLUSION

Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "any other material considerations". Furthermore, 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.

In this situation there are material considerations in respect of the specifics of this property which are considered to weigh in favour of permitting this development. In accordance with paragraph 11(c) of the NPPF, planning permission should be approved without delay.

## CONCLUSION

The applicants have submitted information to support the change of use of this building to a large HMO. The information is considered sufficient to show that given the specifics of this building, its domestic layout and location set up from the street with no street frontage, securing a business use will be unlikely and therefore, the loss of this accommodation will not significantly harm the vitality or viability of the town centre. The proposal is seen to comply with development plan policies and therefore, the proposal is recommended for permission.

## RECOMMENDATION -PERMIT

## RECOMMENDATION

PERMIT

## CONDITIONS

### 1 Standard Time Limit (Compliance)

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

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

## **2 Plans List (Compliance)**

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

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

## **3 Bin and Bicycle Storage (Pre-occupation)**

No occupation of the property as an HMO shall commence until the bicycle and bin stores as shown on the approved plans have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The stores shall be retained permanently thereafter.

Reason: To secure adequate off-street provision for bins and bicycles to promote sustainable transport and protect residential amenity in accordance with Policy D6 and ST7 of the Bath and North East Somerset Local Plan and the Local Plan Partial Update.

## **4 EPC rating C or above (Compliance)**

Prior to the commencement of the use of this building as an HMO (Class C4) a certificate indicating that the necessary works have been completed to confirm that the dwelling has an EPC rating of C or above shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the building complies with the Councils adopted SPD requirements for new HMOs to have an EPC band rating of C or above.

## **PLANS LIST:**

1 2025/LEIGH/01, 02, 03, 04, 05, 06, 07, 08,10, 11, 13 and 14 all dated 17/04/2025

## **2 Biodiversity Net Gain - Exempt/Not required**

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

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity



Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

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

### **3 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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **4 Community Infrastructure Levy - General Note for all Development**

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

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

## **Community Infrastructure Levy - Exemptions and Reliefs Claims**

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

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

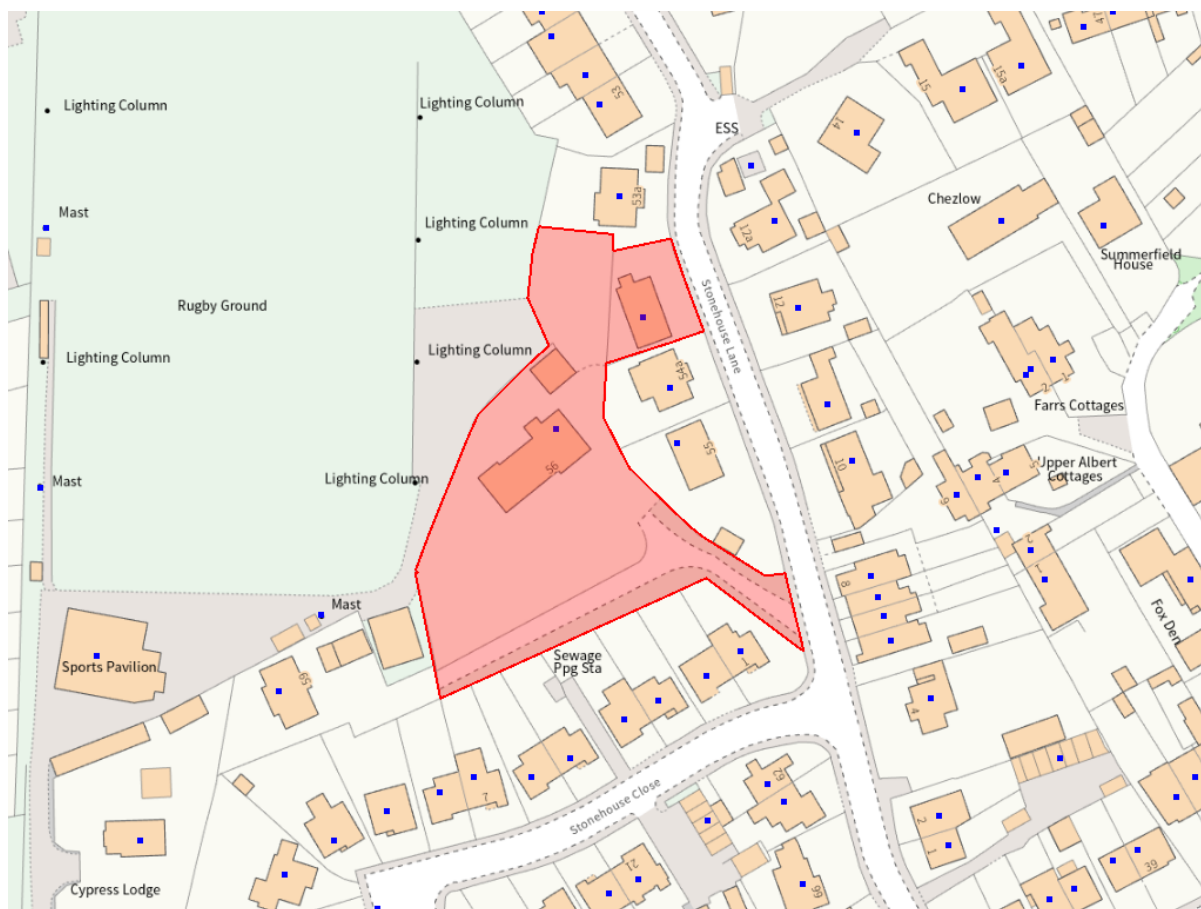
### **5 Responding to Climate Change (Informative):**

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.

### **6 Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

**Item No:** 04  
**Application No:** 25/01499/FUL  
**Site Location:** 56 Stonehouse Lane Combe Down Bath Bath And North East Somerset BA2 5DW



**Ward:** Combe Down      **Parish:** N/A      **LB Grade:** N/A  
**Ward Members:** Councillor Bharat Pankhania      Councillor Onkar Saini

**Application Type:** Full Application

**Proposal:** Erection of 6 no. 2-3 storey dwellings and associated access, drainage and hard/soft landscape works following demolition of 2 no existing houses

**Constraints:** Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Contaminated Land, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,

**Applicant:** Continental Trade (Bath) Ltd

**Expiry Date:** 1st August 2025

**Case Officer:** Christopher Masters

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

## **REPORT**

Details of location and proposal and Relevant History:

The application refers to a plot of land forming the curtilage of two dwellings which are located within the Bath World Heritage Site.

Planning permission is sought for the erection of 6 no. 2-3 storey dwellings and associated access, drainage and hard/soft landscape works following demolition of 2 no existing houses

Relevant Planning History:

20/00642/FUL - Erection of a single storey extension to side and rear containing dining, living and playroom spaces and roof balcony following demolition of existing conservatory. Alterations to existing roof to create new bedroom, bathroom and laundry room. Replacement windows and new render wall finish to existing house. Permitted 16.03.2020

(Appeal) 17/00045/RF - DISMISSED - 10 November 2017 - Erection of single storey dwelling

(Appeal) 17/00056/RF - DISMISSED - 10 November 2017 - Construction of subterranean dwelling with above ground garden room, entrance hall, garage and associated works.

17/00152/FUL - REFUSED - 10 March 2017 - Construction of subterranean dwelling with above ground garden room, entrance hall, garage and associated works.

16/03702/FUL - REFUSED - 27 September 2016 - Erection of single storey dwelling

13/01038/FUL - PERMIT - 5 March 2015 - Erection of 3no dwellings with two garages and amendments to existing access drive

10/04900/FUL - PERMIT - 28 March 2011 - Erection of 1 new detached dwelling (Resubmission)

10/00264/FUL - WITHDRAWN - 11 March 2010 - Erection of 2 new detached dwellings

Prior to this the application site was historically used as a quarry which was granted permission to be infilled in 1970. The site was then known as The Old Quarry Caravan Site. Permission was granted in 1972 for the erection of three dwellings but these properties were not built. Subsequent permissions were granted for three dwellings at the site. These properties were never built. An application was submitted in 1975 to build a single dwelling which was subsequently refused on the basis that its siting was considered to harm the amenity of the occupiers of Stonehouse Close.

The existing 56 Stonehouse Lane was constructed following a subsequent application which was granted permission in 1975.

## **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses :

Arboriculture - No arboricultural objection to the proposed tree losses subject to clarification of numbers lost. The current indicative landscape strategy fails to provide sufficient space for larger long-lived trees to be planted to mitigate for tree losses on site so off site contributions may be necessary.

Contaminated Land - Based on the information submitted at this stage, the age of the reports and the revised site area and development scheme, The Contaminated Land Team recommend that conditions are applied to the application to ensure that appropriate up to date investigation, risk assessment and a remedial strategy and verification measures are completed as part of the development.

Drainage and Flooding - Further information relating to the surface water drainage of the property is required.

Ecology - No objection subject to conditions.

Highways - Having reviewed the submission and the Transport Statement (TS); subject to the recommended planning conditions, the highway authority raises no objection to the planning application.

Urban Design - Additional information has been provided, but compliance with design Policies D1, D2 and D7 has still not been demonstrated.

Representations Received :

One letter of support and two general comments have been received in addition to letters of objection from 29 individuals.

The case officer has read and considered the comments on this application in full, but for efficiency they have been summarised below with the assistance of Artificial Intelligence.

Support:

The proposal's SCR6 compliance with good levels of insulation, triple glazed windows, ASHP, MVHR and solar PV is welcomed. An evaluation of the embodied carbon impact of the construction of these homes versus retention of the existing homes would be appreciated.

General:

The area is characterised by mostly single and two storey dwellings.

The environmental impact of demolition should be considered.

Policy CP9 (affordable housing) should be considered.

The proposed building heights (up to 3 storeys) seem consistent with the Bath Building Heights Strategy for zone 5, but concerns were raised about the non-traditional roofs not matching the local character.

## Objection:

### 1. Overdevelopment and Density

- o The proposal is considered a significant overdevelopment of the site, with too many dwellings for the available land.
- o The density and massing of the proposed buildings are out of character with the surrounding area, which is primarily bungalows and two-storey houses.
- o The number of proposed dwellings exceeds what the site can reasonably accommodate, leading to cramped plots and insufficient garden/amenity space.

### 2. Height, Scale, and Visual Impact

- o The proposed houses (especially three-storey units) are too tall and will dominate the skyline, overshadowing existing homes.
- o The scale and bulk of the new buildings are not in keeping with the established character of Stonehouse Lane and Stonehouse Close.
- o The design and rooflines are incongruous with the local architectural style.

### 3. Design and Character

- o The design is not sympathetic to the local context, with references to developments (e.g., Mulberry Park) that are not comparable.
- o The proposal does not respect established building lines, garden sizes, or the rhythm of the street scene.
- o Fears that approval would set a precedent for further inappropriate development.

### 4. Harm to Residential Amenity

- o Numerous concerns about loss of daylight and sunlight to neighbouring properties, especially to primary living spaces and gardens.
- o The proximity and height of new buildings will create overbearing walls, leading to a sense of enclosure and loss of open outlook.
- o Shadow diagrams and daylight assessments are considered inadequate or misleading by objectors.
- o The impact on residents' wellbeing due to loss of light, privacy, and tranquil garden spaces.
- o Concerns about noise, dust, and disruption during prolonged construction phases.
- o New windows and patio doors will directly overlook neighbouring gardens and living spaces, leading to a loss of privacy.
- o The separation distances between new and existing dwellings are insufficient.
- o Concerns about the impact of raised gardens and new boundary treatments (e.g., 3m hedges) on privacy and maintenance.

### 5. Parking and Traffic

- o Inadequate on-site parking provision for the size and number of dwellings, likely to cause overspill onto already congested streets.
- o Increased traffic and parking demand will exacerbate existing problems, especially with new double yellow lines reducing available parking.
- o Safety concerns due to increased vehicle movements and access points close to existing homes.

### 6. Environmental and Ecological Impact

- o Removal of mature hedges and green space, leading to loss of wildlife habitat and biodiversity.
- o The development is seen as unsustainable, with demolition of existing homes and increased hard landscaping.
- o The biodiversity report indicates a net loss of Biodiversity on site

#### 7. Drainage, Infrastructure, and Contamination

- o Existing drainage systems are already under strain; additional dwellings may overload them.
- o Concerns about the adequacy of proposed drainage solutions and the risk of flooding or contamination.
- o The site has a history of landfill and potential contamination, with insufficient investigation or mitigation detailed.

#### 8. Other Specific Issues

- o Potential for new dwellings to be used as HMOs, increasing occupancy and associated impacts.
- o Concerns about boundary disputes, maintenance of new hedges/fences, and accuracy of site plans.
- o Impact on property values and the character of the World Heritage Site.
- o Late submission of revised documents and lack of clear, accurate, or complete information in plans and reports.
- o Perceived lack of meaningful consultation with neighbours and insufficient response to objections.
- o Requests for site visits by planning officers and committee members to fully appreciate the impact.

### **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

#### **CORE STRATEGY:**

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

B4: The World Heritage Site and its Setting

CP5: Flood Risk Management

CP6: Environmental Quality

CP10: Housing Mix

SD1: Presumption in favour of sustainable development

#### **PLACEMAKING PLAN:**

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

B1: Bath Spatial Strategy  
BD1: Bath Design Policy  
D1: General urban design principles  
D2: Local character and distinctiveness  
D3: Urban fabric  
D4: Streets and spaces  
D6: Amenity  
D7: Infill and backland development  
D10: Public realm  
HE1: Historic environment  
LCR9: Increasing the provision of local food growing  
SCR2: Roof-mounted/ building integrated scale solar PV  
SCR5: Water efficiency  
SU1: Sustainable drainage policy

#### LOCAL PLAN PARTIAL UPDATE:

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

D5: Building design  
H7: Housing accessibility  
NE1: Development and green infrastructure  
NE3: Sites, species, and habitats  
NE3a: Biodiversity Net Gain  
NE5: Ecological networks  
NE6: Trees and woodland conservation  
PCS5: Contamination  
SCR6: Sustainable Construction Policy for New Build Residential Development  
ST1: Promoting Sustainable Travel  
ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

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



## NATIONAL POLICY:

The updated National Planning Policy Framework (NPPF) was published in December 2024 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

The main issues to consider are:

- Principle of Development
- Design, Character and Appearance
- Residential Amenity
- Highways safety and Parking
- Drainage and Flooding
- Contaminated Land
- Trees
- Ecology
- Sustainable Construction and Renewable Energy

## PRINCIPLE OF RESIDENTIAL 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.

## DESIGN, CHARACTER AND APPEARANCE:

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

The site occupies a suburban location within Combe Down, outside of the Bath Conservation Area. The character of Stonehouse Lane and Stonehouse Close is derived from the prevalence of detached and semi-detached houses occupying spacious plots

with gardens to the front and rear, with most being constructed of Bath stone or reconstituted stone.

In general, houses in Stonehouse Close are two storeys with shallow pitched roofs and attached garages. Stonehouse Close has a predominantly urban character, in contrast to Stonehouse Lane which has a distinct localised character, being relatively green and spacious and more akin to a 'village' ambience than a 'city' ambience. In Stonehouse Lane, houses are of more mixed appearance with a variety of roofing materials and shapes.

It is noted that within the immediate vicinity most buildings have a shoulder height of 2 storeys, although a number of 3 and even 4 storey buildings do exist in the surrounding context. The Bath Building Heights Strategy recommends that in this area buildings should have a shoulder height of 2 storeys and that one additional setback storey is generally acceptable.

Policy D7 of the Placemaking Plan sets out that backland development shall be supported where:

- a. It is not contrary to the character of the area
- b. It is well related and not inappropriate in height, scale, mass and form to the frontage buildings
- c. There is no adverse impact to the character and appearance, safety or amenity of the frontage development
- d. It is not harmful to residential amenity as outlined in Policy D.6.

Policy D7 also sets out that Policy D7 of the Placemaking Plan sets out that infill development can be supported where the development has regard to the character and quality of the surrounding townscape and reflects the form, pattern and grain of this existing development or otherwise enhances the character.

In this instance the proposed development can be considered to read as a pair of infill dwellings which principally relate to Stonehouse Lane and a cluster of 4 backland dwellings located on the land behind which was formerly a quarry prior to being utilised for residential purposes.

The scheme would involve demolition of a single dwelling (56 Stonehouse Lane) on the backland portion of the site as well as a further dwelling (54 Stonehouse Lane) on the infill portion.

Although the existing dwellings do not diminish the character of the area, they lack significant architectural or historic merit to warrant opposition to their removal.

Considering the infill portion of the site first, the two detached dwellings proposed would be two stories in height with dual pitched roofs. They are of a similar scale to No 53a following the same eaves line. The houses are of a predominantly traditional form being formed of rubble Bath stone elevations beneath a dual pitched roof with a gable facing the street. The units include appropriate contemporary detailing, most notably the rear single storey rear projections. The units respect the building line of Stonehouse Lane and are set in from the site boundaries. Appropriate landscaping is proposed given the constraints of

the plots which front onto an established street. By virtue of their massing, height, form and materials units 1 and 2 read as being of an appropriate scale and design for their respective plots. It is subsequently considered this part of the development responds positively to the character and quality of the surrounding townscape by reflecting the form, pattern and grain of surrounding development and shall constitute a positive addition to the street scene.

The backland portion of the development would be accessed via the existing access lane and comprises four houses arranged around a common courtyard. It is acknowledged that as it has been decided to limit the areas of public realm to the access road and courtyard there is limited scope for communal landscaping. Whilst the landscape strategy is indicative only, it is clear the positioning of the proposed dwellings on this portion of the site also constrains the available space for new tree planting or greening which shall result in the development having a relatively 'hard' urban character. As noted by the Arboricultural and Urban Design Officers, it is considered this design choice diminishes the ultimate character and quality of the proposal.

The design of the dwellings on plots 3-6 have been amended during consideration of the application, as it was considered that the design initially proposed lacked grounding within the surrounding context and therefore appeared alien within their surroundings.

The design as now proposed remains contemporary in character but appropriately references architectural cues found in the vicinity. The proposed houses have a stepped roof profile, being one, two and three storeys high and respond appropriately to the prevailing use of gabled roof forms and Bath Stone as the principal walling material which defines the character of the surrounding area.

It is considered the proposed design as amended successfully alludes to the former industrial use of the site as a quarry as well as the form of the existing dwelling which has timber cladding, Bath Stone as well as low pitched roofs and flat roofs at ground floor level.

The units proposed on plots 3-6 would have a height of approximately 9m. It is understood that they would be set down by approximately 500mm from the existing level, which sits lower than the surroundings due to having been a former quarry as shown in the submitted site section drawings.

The submitted drawings show that the maximum height of the dwellings would be comparable to that of 53a Stonehouse Lane as well as the dwellings on Stonehouse Close. As demonstrated by the submitted site section drawings the maximum height of plot 6 would be 1.5m taller than the ridge of 54a Stonehouse Lane. Plot 3 would be 0.8m taller than the ridge of 55 Stonehouse Lane (no taller than its chimney). The heights of the proposed dwellings accord with the Bath Building Heights Strategy in that they would have a shoulder height of two stories with a visually differentiated 'setback storey' above.

It is notable that historically planning permissions have been granted for three dwellings on this part of the site.

The proposed dwellings within this part of the development are of a generous size and benefit from adequate outdoor private amenity space. It is therefore considered they are of

an appropriate height and scale and do not constitute overdevelopment of the site. The proposals respond appropriately to the existing pattern, layout and density of development within the area.

Accordingly, the quantum of development is considered to be appropriate and represent an efficient use of land.

Overall, following amendment it is considered that the development proposed on plots 3 - 6 responds appropriately to the character of the area. The dwellings are well related and not inappropriate in height, scale, mass or form to the surrounding frontage buildings. Consideration of amenity impacts is given in the relevant section below.

Overall, 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 (2014), policies D1, D2, D3, D4 and D7 of the Placemaking Plan (2017), Policy D5 of the Local Plan Partial Update (2023) and part 12 of the NPPF.

#### WORLD HERITAGE SITE:

The proposed development is within the Bath World Heritage Site; therefore, consideration must be given to the effect the proposal might have on the outstanding universal value of the World Heritage Site. In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal value of the 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.

A number of concerns have been raised by third parties regarding the potential impact of the scheme on the residential amenity of adjoining occupiers. Each concern is addressed in turn below.

##### Natural light / overshadowing

It is noted that plots 1 and 2 will be located north of 54a Stonehouse Lane and south of 53a Stonehouse Lane. The southern elevation of 53a Stonehouse Lane contains no windows. Given their siting to the north of 54a these plots will not cause a loss of light or overshadow that property. The footprint and positioning of the two units is such that they will not significantly overshadow adjoining external private amenity spaces.

Plots 6 and 3 occupy the eastern portion of the site and are positioned approximately 12.5 m from the west of nos. 54a and 55 Stonehouse Lane. A daylighting and shadow response has been provided in response to the concerns raised.

The BRE Good practice guide on Site planning for daylight and sunlight identifies a number of procedures for assessing the impact of development upon existing buildings. The simplest of which is to identify in a section drawing the angle between the centre of the lowest existing window in the facing window wall and that subtended by the new development i.e. roof line. It goes on to say that if this angle is less than 25 degrees from horizontal, for the whole of the development, then it is unlikely the development will have a substantial impact upon the diffuse skylight enjoyed by the building.

The submitted document includes sectional diagrams which demonstrate that the proposed dwellings located on plots 3 and 6 shall sit comfortably below a 25 degree angle drawn from the notional ground floor sill level of 54a and 55 Stonehouse Lane. This indicates the development would not significantly impact the levels of natural light experienced by occupiers of 54a and 55 Stonehouse Lane.

Sun Path and Shadows modelling has also been undertaken by the applicant. The proposed development lies to the west of 54a and 55 Stonehouse Lane and therefore is anticipated to have greatest potential for impact in the afternoon / evening. The modelling has been submitted for the Spring Equinox (March 21st). This is considered suitable as it provides a median point between the summer and winter solstice which is when lighting conditions would be at their extremes.

It is also the date referred to within BRE guidance which recommends that to provide an acceptable level of amenity, at least half of the garden or open space should receive at least two hours of sunlight on the 21st March.

The submitted modelling demonstrates that less than 50% of the rear garden areas of 54a and 55 Stonehouse Lane would be overshadowed between 09.00 and 14.30. After this time, which is when the greatest potential for impact is anticipated, the modelling shows that the boundary hedge would be what causes shadow across the gardens. This is as per the current situation and as such it can be concluded the proposed development would not significantly overshadow the adjoining dwellings or their outside amenity space.

As a result, it can be confidently stated that the development will not unacceptably overshadow or have a significant impact upon the levels of natural light enjoyed by occupiers of 54a and 55 Stonehouse Lane.

Plots 4 and 5 would occupy the western extent of the site closest to the existing rugby pitch. The closest existing residential dwellings are located approximately 25.5m to the south. Given their positioning and degree of separation from surrounding dwellings these units would not overshadow or reduce the levels of natural light from which any existing dwelling benefits.

Given the site layout, the internal arrangements of the proposed dwellings as well as the positioning of their windows and separation distances which would exist between each of the proposed dwellings, it is considered each of the proposed dwellings would benefit from acceptable levels of natural light internally and within their external amenity areas.

Overbearing impact

Concern has been raised that the proposed development would be overbearing, particularly as a result of its height and proximity to neighbouring properties.

Taking plots 1 and 2 first, it is noted that there are no windows in the southern elevation of 53a Stonehouse Lane, and two ground floor windows in the north elevation of 54a Stonehouse Lane. The proposed dwellings would be positioned such that they broadly respect the front and rear building lines of the existing dwellings, particularly above ground floor level.

Whilst there would be an increase in the height of the walling fronting the north elevation of 54a Stonehouse Lane, given the existing context and outlook from the ground floor windows in the north elevation of that dwelling already face a gable wall at close proximity, it is not considered the construction of plots 1 or 2 would have a significantly greater impact in terms of being overbearing or restricting outlook.

The units proposed on plots 3-6 would have a height of approximately 9m. It is understood that they would be set down by approximately 500mm from the existing level, which sits lower than the surroundings due to having been a former quarry as shown in the submitted site section drawings. Full details of finished floor levels shall be secured by condition.

The submitted drawings show that the maximum height of the dwellings would be comparable to that of 53a Stonehouse Lane as well as the dwellings on Stonehouse Close. As demonstrated by the submitted site section drawings the maximum height of plot 6 would be 1.5m taller than the ridge of 54a Stonehouse Lane. Plot 3 would be 0.8m taller than the ridge of 55 Stonehouse Lane (no taller than its chimney).

It is particularly important to note that the dwellings on plots 3-6 are positioned such that their three storey elements sit centrally within the site with the lower elements closest to the site boundaries. As such the proposal steps away from the neighbouring properties such that there is a considerable degree of separation between the tallest elements of the proposal and neighbouring properties. Variations in the height and elevational treatment across the individual dwellings aids in reducing the perceived dominance and massing of the units. As demonstrated above, the proposal would not significantly reduce natural light for adjoining properties or cause unacceptable levels of overshadowing, this further demonstrates that the positioning and scale of the proposed dwellings is appropriate and shall not have an overbearing impact. Accordingly, given the scale, design and positioning of the proposed homes it is not considered the proposed development would appear significantly overbearing from surrounding properties.

## Privacy

Taking plots 1 and 2 first, it is noted that the windows of these dwellings are principally located on the east and west elevations with respective outlook in those directions. The closest residential dwellings to the east are nos. 12 and 12a Stonehouse Lane which are located approximately 22m to the east on the opposite side of Stonehouse Lane. Given the degree of separation between the existing dwellings and the proposed development no significant loss of privacy shall occur.

Westward outlook from plots 1 and 2 is over the adjoining sports field. Accordingly, no loss of privacy shall occur from the positioning of these windows.

It is noted that both plots 1 and 2 contain first floor windows in their north and south elevations which serve circulation spaces as well as bathrooms / en-suites. These are shown on the submitted plans as being obscurely glazed. This shall be secured by condition. As such, no overlooking or loss of privacy shall occur from the construction of these units.

Plots 3 and 6 occupy the eastern portion of the site. There are no windows above ground floor level in the eastern elevation. The ground floor windows of the eastern elevation front onto the proposed 3m tall boundary hedging between Plot 6 and Nos 54A and 55 Stonehouse Lane, but no specific planting proposals or specifications have been provided at this stage, and there is no indication as to how many years would be required for the hedging to attain its intended height or how it would be managed and maintained in the interim or in the long term. An interim boundary treatment shall be secured by condition. Subject to such a boundary treatment being provided, intervisibility shall not occur between the existing dwellings to the east and those proposed. Therefore, no outlook exists from plots 3 and 6 towards 54a and 55 Stonehouse Lane.

Outlook from plot 3 westwards towards plot 4 will not harm privacy due to the lack of windows in the eastern elevation of plot 4. Outlook from plot 6 westwards shall not result in unacceptable levels of privacy between plots 5 and 6 due to the positioning of the plots which means any views are at an oblique angle.

Outlook to the north of plot 6 is principally across the sports field and towards the rear gardens of plots 1 and 2. These views will be filtered by the proposed tree planting and boundary treatments. Outlook from plot 6 is therefore not considered to significantly prejudice the levels of privacy plots 1 and 2 would benefit from.

Outlook from plot 3 southwards towards the rear of nos. 1-5 Stonehouse Close will not significantly diminish the levels of privacy enjoyed by these properties given the degree of separation and intervening boundary / landscaping features.

It is noted that the degree of separation and intervening tree planting shall maintain acceptable levels of privacy between plots 3 and 6. Angled views would exist from the south elevation of plot 6 and north elevation of plot 3 towards 54a and 55 Stonehouse Lane. It is noted that at present the boundary is defined by hedging approximately 3m in height. The proposed landscaping scheme indicates this would be replaced. It is relevant to note that a replacement hedge would take time to become established. Even if the existing hedge were retained, such a feature could not be relied on to screen views in perpetuity. It is also relevant to note the existing dwelling on the site (56 Stonehouse Lane) benefits from a similar outlook to that of plot 6.

Overall, given the existing situation, angle of view, and degree of separation, it is considered that, on balance, the impacts of the development on the privacy of 54a and 55 Stonehouse Lane would not be of such a magnitude that it would represent a conflict with Policy D6. It will be necessary for an interim boundary treatment arrangement to be secured by condition given the proposed hedgerow shall take some time to establish and without an appropriate boundary treatment intervisibility would occur between the ground

floor windows of plots 3 and 6 and 54a and 55 Stonehouse Lane. If the hedgerow were removed in the future a different boundary feature which would provide appropriate levels of privacy could be constructed by either property under permitted development rights.

Overall, it is concluded the existing levels of privacy enjoyed by 54a and 55 Stonehouse Lane shall not be significantly impacted by the proposals.

Turning to plots 4 and 5 it is noted that the south elevation of plot 5, which faces south towards plot 4, contains no first floor windows. The only first floor window in the north elevation of plot 4 which is not proposed to be obscurely glazed is located at the eastern extent of the elevation such that it does not offer views into the rear external amenity space of plot 5. The proposed first floor terrace located on the western elevation of plot 5 shall be constructed with a privacy screen to prevent views towards plot 4. The positioning of the dwelling within plot 4 shall also ensure that the majority of its external amenity area is screened from view. As such, significant invisibility does not exist between plots 4 and 5.

Plot 4 contains no windows at first floor level in its eastern elevation. As such there is not intervisibility between plots 4 and 3. Given its siting and degree of separation from the existing dwelling to the west (59 Stonehouse Lane) and those to the south (nos.1-7 Stonehouse Close) it is concluded that the construction of this dwelling would not overlook or compromise the privacy of any existing dwelling. It follows that occupiers of this dwelling would also enjoy acceptable levels of privacy.

Plot 5 offers outlook to the north, east and west. Given the positioning of the other proposed dwellings, which would be situated such that window to window views are at an oblique angle, and the degree of separation from both existing and proposed residences, it is considered that the construction of this dwelling would maintain existing levels of privacy enjoyed by surrounding residents and provide an appropriate level of privacy for new and future occupiers.

As outlined above, all of the dwellings which form part of the proposed development are shown to benefit from appropriate boundary treatments which shall prevent intervisibility between the ground floor windows of existing and proposed dwellings. Where these shall take time to establish an interim arrangement shall be secured by condition.

## Noise

The site occupies a suburban location adjacent to a sports ground. Given the quantum and residential character of the development proposed it is not considered that any adverse noise impacts would arise from the development itself.

It is noted that a number of comments have been received raising concerns about the potential for noise, dust, and disruption to occur during the construction phase.

Construction works are inevitably disruptive to some extent. Such impacts are temporary and an inherent part of development. Given the nature and scale of development it is considered such impacts can be appropriately managed in this instance by securing compliance with a construction management plan. This would include details regarding Deliveries (including storage arrangements and timings) Contractor parking, Traffic



management, Working hours, Site opening times, Wheel wash facilities, Site compound arrangements, Measures for the control of dust and Temporary arrangements for householder refuse and recycling collection during construction.

A condition shall be attached to ensure the proposed ASHP does not generate unacceptable levels of noise.

#### Artificial Light

It is noted the adjoining sports field benefits from floodlighting. A number of the plots contain windows which face the sports field and could potentially be impacted by the existing floodlighting. It is noted that the impacts of the floodlighting on the existing hedgerow and surrounding residential properties (including 56 Stonehouse Lane) was considered acceptable under application 21/05200/FUL. Given the impacts of the floodlighting were found to be acceptable in terms of their ecological impact on the hedge which bounds the western extent of the site, it is considered the existing floodlighting shall not unacceptably impact the levels of residential amenity of future occupiers.

#### Space standards

In this instance the proposal is for two, four-bedroom homes and four, five-bedroomed properties.

All six of the properties exceed the minimum space standards and offer generous amounts of internal and external space. All habitable rooms are well served by natural light.

Overall, 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.

#### HOUSING MIX AND AFFORDABLE HOUSING:

Policy CP10 sets out that new housing development must provide for a variety of housing types and size to accommodate a range of different households.

In this instance the proposal is for two, four-bedroom homes and four, five-bedroomed properties.

Given the location of the development and the surrounding context it is considered that the proposed quantum and mix of sizes is acceptable.

Policy CP9 has regard to affordable housing. It states that affordable housing will be required as on-site provision in developments of 10 dwellings or sites of 0.5 hectare and above (the lower threshold applies).

The National Planning Policy Framework states that provision of affordable housing should not be sought for residential developments that are not major developments, other

than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

In this instance the site extends to approximately 0.35ha and is for 6 units. Therefore, the proposal does not exceed the 0.5ha or 10 unit thresholds. As such the scheme is not required to provide on-site affordable housing or a contribution in lieu.

#### HIGHWAYS SAFETY AND PARKING:

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

The application is seeking permission for the erection of 6 dwellings with the demolition of 2 properties along Stonehouse Lane in Bath. It is noted that a previous application has been made on this site for 3 dwellings under 13/01038/FUL, which was subsequently approved by the Council.

The TS details the layout of the site which includes replacing the existing dwelling of number 54 Stonehouse Lane with 2 dwellings, each with separate access points and off street parking facilities. The existing dropped kerb which serves the current dwellings is proposed to be altered in order to facilitate separate parking facilities for the dwellings. In relation to the location of the access points, suitable visibility is deemed to be provided and given the surrounding residential dwellings, which contain similar parking and access arrangements from the highway, this layout would not impact the area or highway network.

The existing dwelling of number 56 is proposed to be demolished and replaced with 4 dwellings, utilising the existing short access road from the highway. Minor alterations to the access road are proposed which include to remove the wall which in order to improve the visibility to and from the highway. The improved visibility splays comprise of 2 m x 18.4 m or 2.4 m x 14.7 m to the north; and 2 m x 15 m or 2.4 m x 13.7 m to the south, as shown in Appendix D. It is noted that these measurements fall below the stopping sight distance (SSD) for a 20mph road, as set out in Manual for Streets. On balance, given that the residential nature of the area would provide low vehicle speeds these measurements are accepted. It is noted that the proposal would be an improvement to the existing access arrangements and the previous consent contained within the former application. The short access road would be shared with the 4 dwellings and the existing adjacent dwelling. The road is proposed to be upgraded to an adoptable standard which would allow the future residents to benefit from the existing refuse collection from the Council. The Swept Path assessments contained within Appendix C (plan number SK01 Rev A) shows suitable access and turning can be provided for a refuse vehicle and plan number DN SK02 Rev A shows suitable access for a fire tender. It is noted that comments from the Council's waste team have been provided regarding the access lane. No issues were raised for access and collection given the Swept Path Analysis plans provided.

It is noted that if the road was unable to be adopted by the Council, in order for the future properties to benefit from the Council's collection service, the waste storage boxes and bin

would need to be presented at the corner of Stonehouse Lane, which may cause access issues, unless a private company was employed to carry out this service. Should planning permission be granted, the applicant will have to enter into a highway licence agreement to facilitate the works.

The Transport and development SPD sets out that each dwelling is required to provide secure weatherproof storage for a minimum of four bicycles. This shall be secured by condition. The SPD also sets out that in outer Bath vehicular parking for three bedroomed dwellings and greater should not exceed 1.5 spaces per dwelling. In this instance it is acknowledged the development would in reality be served by 10 spaces, which represents one additional space over the prescribed maximum. On balance it is not considered that this would warrant refusal of the scheme as the aims and requirements of Policy ST7 would be fulfilled.

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

#### DRAINAGE AND FLOODING:

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

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

Surface water must be managed to prevent water from flowing onto the public highway and adjacent land.

In this instance the site is not identified as being at risk from any sources of flooding.

It is noted that the proposal will increase the impermeable area on this plot of land. A drainage strategy detailing how surface water will be managed can be secured by condition. The drainage strategy will need to demonstrate Sustainable Drainage techniques and prove that surface water is adequately managed through the SuDS hierarchy.

Subject to appropriate details being secured by condition, 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.

#### CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination.

The application is accompanied by a number of reports submitted in relation to previous application on the site. The reports submitted are over 10 years old and were commissioned in relation to a different scheme extending over a smaller area of the site. It is necessary that an updated land quality risk assessment is undertaken to bring the assessment up to date and ensure it is relevant with respect to the proposed development scheme. The land quality assessment report update should include review of any relevant investigation reports that the client has reliance on and include recommendations for further investigation and risk assessment where appropriate and include the submission of a remedial strategy for the site.

Based on the information submitted at this stage, the age of the reports and the revised site area and development scheme, the Council's Contaminated Land Officer recommends that conditions are applied to ensure that appropriate up to date investigation, risk assessment and a remedial strategy and verification measures are completed as part of the development.

#### TREES:

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

A site visit indicated that the most significant trees on the site are two sycamores growing along the north western boundary. These have been heavily reduced within the last year. A notable magnolia is currently growing to the front of 54 Stonehouse Lane.

An arboricultural report has been submitted with the application which states under the Arboricultural Impact Assessment that all trees and groups are to be removed. Given the condition and significance of the existing trees on site their removal is considered acceptable subject to compensatory replacement tree planting provision in accordance with the fixed number replacement system which in this case requires 11 replacements as prescribed by the Planning Obligations Supplementary Planning Document (2023).

As noted above the proposed landscaping scheme is lacking in quality. It is anticipated that the proposed trees are unlikely to reach full height or maturity given the lack of sufficient growing space for some of the larger trees listed in the indicative 'open space trees', and that most of the planting is shown within private gardens serving the new dwellings.

Whilst the layout fails to provide sufficient space for larger long-lived trees, on balance it is not considered that this would warrant refusal of the application.

## ECOLOGY:

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

The submitted ecological report "Ecological Appraisal and Biodiversity Net Gain Assessment" (Noctua Ecology, 15th Aug 2025) provides appropriate level of survey and assessment for the site and its conclusions and recommendations are accepted and appropriate. All the wildlife protection measures described in the report, to be carried out during site preparation and construction, including working methods and timing of works for avoidance of harm to wildlife such as reptiles, nesting birds, and with particular attention to bats and the bat roost in the eastern-most building, must be carefully adhered to and inbuilt features and the bat loft will need to be incorporated during construction. Pre-works checks and obtaining an EPS licence will also be necessary prior to commencement. The scheme should therefore also proceed only once an Ecological Clerk of Works (who must be a suitably experienced professional ecologist and licenced bat worker) has been appointed. This and the ecological protection mitigation and enhancement measures can be secured by condition.

Bat roost and bat mitigation, and consideration of the "three tests" of the Habitats Regulations

A bat roost for brown long-eared bat is present on the site (within Building B2 as identified in the ecological report) and the scheme will require a European Protected Species (EPS) Licence and the LPA must consider the "three tests" of the Habitats Regulations and be satisfied prior to issuing any consent, that these tests can be met and an EPS licence would be obtained. I.e (i) that the conservation status of the affected species will not be harmed; (ii) that there are no ecologically preferable alternative solutions; and (iii) that there are "imperative reasons of over-riding public interest" ("IROPI").

Test 1 - The action authorised will not be detrimental to the maintenance of the population of the species.

The proposed bat mitigation and compensation scheme includes provision of a replacement bat roost in the form of a dedicated roost loft space, which is welcome and supported, as well as other measures including integrated bat roost features. Sensitive lighting design is recommended for the scheme and is considered to be deliverable for small scale development of this nature comprising housing (designed with moderate glazing) within an urban location - details can therefore be secured by condition. The proposed mitigation scheme is suitable for the affected species and this would appear likely to remain the case if a higher conservation status of roost was thought to be present than that assessed (eg use by higher numbers, or more frequent use). In consideration to the first of the above tests of the Habitats Regulations, it is considered that provided the proposed mitigation scheme as described in the ecological report, and the recommended sensitive lighting design are secured by condition and carefully adhered to, the conservation status of the affected species will not be harmed and this test would be met.

Test 2 - There is no satisfactory alternative.

At this time there is a considerable shortfall against the number of dwellings which are required within the district. It is acknowledged that schemes of this scale make an important contribution to housing delivery but can be susceptible to viability challenges. In addition, it is important that development makes an efficient use of land. Given its siting, in this instance it is necessary for the existing dwelling to be demolished in order to accommodate provision of two of the proposed dwellings. Given the above it is considered delivering a scheme with a reduced number of dwellings from that proposed would not be satisfactory. Accordingly, there is no satisfactory alternative other than what is put forward as the alternative scheme would result in a scheme which creates of one less additional residential dwelling.

Test 3 - 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. The proposal results in a densification of the site and an uplift of four additional dwellings. Furthermore, the proposed works shall provide jobs in the construction phase, albeit only for a short period of time. The test can be said to be passed.

Consideration to the Habitats Regulations - screening stage "test of likely significant effect" on the Bath & Bradford on Avon Bats SAC

The proposed development site lies not far from a component site of the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) which is approximately 270m to the south-east, beyond Firs Field open space (which is also a designated Site of Nature Conservation Interest). The SAC within this area of Bath includes below-ground features used by SAC bats (tunnels and bat mitigation within the combe down stone mines) - these areas do not fall within the designated SAC boundary and are also near to the site but the site lies beyond the boundary of these below-ground features. The site will therefore not directly impact the SAC or roost features of the SAC, but potential for impacts on SAC bats arising from changes to vegetation and levels of darkness at the site are a consideration.

SAC bats are known to be active within the area and will pass through urban environments on their way to foraging grounds, and would be expected typically to utilise the most suitable habitats available within the urban landscape of darker and more well-vegetated areas, with green linear features such as hedgerows and tree lines.

The proposed scheme comprises housing and in this respect is not dissimilar to the surrounding environment. Existing vegetation does not provide habitat conditions that are highly suited to SAC bats, but it should be assumed that SAC bats may pass through or near to the site and neighbouring land, as part of their navigation through the landscape within this area.

The proposed housing will impact existing vegetation but will not result in an overall permanent removal or reduction of habitat connectivity and offers some scope for improved habitat value through use of native species planting and increased plant and

therefore invertebrate diversity. Houses are mostly moderately glazed with larger extents of glazing mostly confined to the ground floor and beneath and extended canopy / roofed area, which will assist with light spill containment. A more extensive glazed area on an upper floor of unit 5 is shown with a balcony / screened area. Given the relatively small scale of development, site size and nature of development, it is considered that the scheme is capable of sensitive lighting design and light spill containment; this combined with the absence of high habitat suitability at the site for SAC bats it is considered the scheme is not capable of a "likely significant effect" - this risk can be ruled out and a full Appropriate Assessment is not required. Conditions should be used in any case to secure sensitive lighting design and high standards of light-spill containment for internal and external lighting, and to secure a landscape scheme that will provide habitat value.

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 baseline BNG assessment and habitat plan are accepted; proposals also seem appropriate and there is sufficient information at this stage to consider the scheme is capable of meeting mandatory requirements for delivery of 10% net gain for biodiversity. Final details are in any case required to be approved via a pre-commencement condition therefore should any further revisions be required these can be incorporated into BNG documents for submission at condition discharge stage.

#### HOUSING ACCESSIBILITY:

Local Plan Partial Update policy H7 requires 5.6% of dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing). The policy also states that 48% of the remainder of housing, after the M4(3)(2a) figure has been accounted for, must meet the M4(2) accessible and adaptable dwellings standard.

In this case there is no requirement for any of the dwellings to meet the M4(3)(2) standards. It has been confirmed that at least 3 of the 6 proposed dwellings shall meet the M4(2) standard and this shall be secured by condition. The proposals comply with policy H7 of the Local Plan Partial Update.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

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

In this case the submitted SCC shows that an air source heat pumps and solar panels are to be utilised within this development to achieve policy requirements of SCR6. The submitted SCC confirmed that prior to their amendment, all of the dwellings would have

achieved a space heating demand of less than 30kWh/m2/annum, with a total energy use of less than 40kWh/m2/annum therefore meeting these requirements of the policy. In addition, the Council's Climate Policy Officer has reviewed the submitted information and confirmed they are satisfied the submitted information demonstrates the total energy use of each of the six dwellings would be matched by on-site renewable energy.

Since the SCC was completed, amendments have been made to the design of the scheme. Correspondence from the energy consultant who prepared the Sustainable Construction Checklist confirms the amended design would not materially affect the space heating demand, total energy use or amount of renewable energy produced by the development.

It is a requirement of Policy SCR6 that as built data is provided by condition to demonstrate that the requisite standards have been met prior to occupation.

Given the correspondence provided confirms that the amended proposals would achieve the prescribed standards, and that the risk is born by the developer who would be unable to sell / occupy the dwellings if the thresholds are not met, it is considered that on balance there is sufficient information provided to be satisfied that the requirements of policy SCR6 of the Local Plan Partial Update would be met in this instance.

Policy SCR8 of the Local Plan Partial Update relates only to large scale new-build development (a minimum of 50 dwellings or a minimum of 5000m2 of commercial floor space). Such developments are required to submit an Embodied Carbon Assessment, having regard to the SCC SPD, which demonstrates a score of less than 900kgCO2e/2 can be achieved within the development for the substructure, superstructure and finished. As this development is not of such a scale an embodied carbon assessment is not required.

The embodied carbon of the existing buildings is nonetheless a material consideration. In this case the development proposes the demolition of two dwellings in order to facilitate the creation of six dwellings. This uplift in quantum could not be achieved if the existing dwellings were to remain in situ. It is considered the benefits of creating four additional dwellings (which along with the two replacement dwellings would all be constructed to high levels of energy efficiency) outweighs the environmental impacts of the demolition.

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). It is noted that these are shown on the relevant plans and shall be secured by condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.).

In this instance all of the proposed dwellings contain external amenity space which could be utilised for local food growing if desired by the occupants.



## PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

## OTHER MATTERS:

Numerous other matters have been raised, the most pertinent of which are the potential for the new dwellings to be used as HMOs; the potential impact on property values and concerns about boundary disputes, maintenance of new hedges/fences, and accuracy of site plans.

The site falls within the Article 4 Direction area which requires planning permission to be sought for changes from a C3 dwelling to a HMO. Any such application would need to be assessed on its merits if that came forward in the future. It is not a relevant consideration at this time.

Similarly, the planning system acts in the public interest. The impacts on the value of private property is not a material planning consideration.

Should permission be granted, responsibility for maintenance of boundaries and landscaping shall be that of the respective property owners unless otherwise set out within covenants in the property deeds.

Officers have been fully able to assess the application based on the documents provided. All plans offer sufficient clarity and have been drawn to an identified scale which allows any part of the drawing to be accurately measured. Whilst attention has been brought to the fact that some documents have been titled incorrectly when uploaded to the public file, this was as a result of administration errors from manually uploading each drawing for display on the public website. It is understood that these issues have been rectified in all instances where these errors have been brought to the attention of Officers.

It is noted that some representations have opposed submission of additional information and ongoing dialogue with the developer which is an inherent part of assessing any planning application. It should be noted that dialogue has also occurred with a number of

local residents. The NPPF sets out that "39. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible." In this instance such dialogue has resulted in amendments to the scheme being secured to address concerns which have been raised as well as additional information being provided which clarifies or further explains parts of the scheme. Interested parties have been consulted on all additional information submitted and any comments provided have subsequently been taken into account as demonstrated in the above report. Where comments have been found to warrant amendments or clarification these have been secured. In cases where amendments were not felt to be necessary the rationale as to why the development is considered acceptable in respect of that particular issue is set out above. Given the number of comments received it has not been appropriate to respond to objections individually throughout the application process.

A site visit was undertaken by Officers in considering the proposal.

## **CONCLUSION:**

Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "any other material considerations". Furthermore, 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".

In this instance the proposal is found to be compliant with the relevant planning policies as outlined above. As such, whilst the tilted balance as set out by Paragraph 11.d is engaged, it is not necessary for a balancing exercise to be undertaken. If it were, it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. The benefits include but are not limited to the creation of four additional dwellings in a highly sustainable location. The proposal is therefore recommended for approval.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

## **2 Plans List (Compliance)**

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

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

### **3 Biodiversity Net Gain Plan (Pre-commencement)**

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

In all cases:

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

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.

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

10. Proposed costs and resourcing, and legal responsibilities.

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

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

#### **4 Construction Management Plan (Pre-commencement)**

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

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

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

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

#### **5 Drainage Strategy (Pre-commencement)**

Prior to the commencement of any works on site, details of the provision for the sustainable disposal of surface water within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

## **6 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

## **7 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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

### **8 Existing and Proposed Levels (Pre-commencement)**

No development shall commence until details of the existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. A topographical plan of the site including spot levels;
2. The approved site plan including spot levels, finished floor levels and ridge 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 D6 of the Bath and North East Somerset Placemaking Plan. This is a pre-commencement condition because the ground levels have the potential to affect the overall impact of the development and could be altered by the initial site work.

### **9 Landscape Design Proposals (Bespoke Trigger)**

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

1. Proposed finished levels or contours
2. Means of enclosure
3. Hard surfacing materials
4. Minor artefacts and structures (eg street furniture, refuse or other storage units, signs, street lighting)
5. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

1. Planting plans.

2. Written specifications (including cultivation and other operations associated with plant and grass establishment).
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities.
4. Details of the species, planting size and location of eleven replacement trees.
5. Details including include proposed models and materials; numbers, positions, heights and fixings, and proposed long term maintenance of features to provide additional benefit to wildlife, including but not limited to: integral bat and bird boxes in all proposed dwellings; hedgehog homes; wildlife access points within fencing; and details of all other proposed features and habitats to benefit wildlife.

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 as well as the provision of replacement tree planting on site in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document, policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

#### **10 Garage Plans and Elevations (Bespoke Trigger)**

Prior to the erection of the garage building scaled plans and elevations showing the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be constructed 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.

#### **11 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.

### **12 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework.

### **13 SCR6 Residential Properties (Pre-occupation)**

Prior to occupation of the dwellings 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.

### **14 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

### **15 Bicycle Storage (Pre-occupation)**

Each dwelling shall not be occupied until secure, covered bicycle storage for at least 4 bicycles has been provided in accordance with details which have been submitted to and



approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

#### **16 Interim Boundary Treatments (Pre-occupation)**

Where new boundary treatments are proposed to comprise of hedging, details shall be submitted prior to occupation of the proposed dwelling(s) it serves, demonstrating how privacy for occupiers and adjoining occupiers shall be provided until the hedgerow is established such that it offers privacy within internal and external spaces of the dwelling(s). The interim measure shall thereafter be installed prior to the occupation of the dwelling and retained until the hedgerow becomes sufficiently established.

Reason: To safeguard the amenities of occupiers and adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **17 Air Source Heat Pumps (Compliance)**

The proposed air source heat pumps shall comply with the MCS Planning Standards or equivalent standards.

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

#### **18 Wildlife Mitigation Scheme (Compliance)**

Prior to commencement of works (including site preparation, vegetation removal or demolition works) a suitably experienced professional ecologist (licenced bat worker) shall be appointed as Ecological Clerk of Works. The appointed ecologist shall undertake all necessary pre-works checks and update surveys; provide on-site ecological supervision as required in accordance with the approved ecological mitigation and method statements; provide tool-box talks and ongoing guidance and instruction regarding ecological requirements to the applicant and construction team. The development hereby approved shall thereafter be carried out only in accordance with the wildlife protection, and ecological and bat mitigation compensation and enhancement measures, as detailed within Section 7 of the approved Ecological Appraisal and Biodiversity Net Gain Assessment by Noctua Ecology dated 15th Aug 2025. 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 in accordance with policies NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

#### **19 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.

#### **20 Housing Accessibility (Compliance)**

Three of the dwellings hereby approved shall be constructed to meet optional technical standards 4(2) in the Building Regulations Approved Document M.

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.

#### **21 Obscure Glazing and Non-opening Window(s) (Compliance)**

All windows shown on the approved plans as being obscured glass shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of occupiers and adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **22 Implementation of Landscaping Scheme (Compliance)**

All hard and soft landscape works including the replacement tree planting 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. The works shall be carried out to a reasonable standard and maintained in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice to promote successful establishment eg BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations.

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 and replacement tree planting 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 NE6, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

#### **23 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 Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

**24 External Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)**

No new external lighting shall be installed without full details of the proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and details of all measures to limit the use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

**25 Contaminated Land - Unexpected Contamination (Bespoke Trigger - requires approval of details only if unexpected contamination is found)**

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

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

**PLANS LIST:**

1 This decision relates to the following plans:

Received 29th August 2025

484.P.010 P3 SITE ROOF PLAN  
484.P.021 P3 PROPOSED SITE SECTIONS AA AND BB  
484.P.022 P2 SITE SECTIONS CC DD  
484.P.031 P3 PROPOSED SITE ELEVATIONS SE AND SW  
484.P.032 P3 PROPOSED SITE ELEVATIONS NE AND NW  
484.P.033 P3 PROPOSED SITE ELEVATIONS STREET VIEW  
484.P.310 P3 PLOT 3 GROUND PLAN  
484.P.311 P3 PLOT 3 FIRST AND SECOND FLOOR PLANS

484.P.321 P3 PLOT 3 SECTIONS PROPOSED  
 484.P.331 P3 PLOT 3 ELEVATIONS SW AND SE PROPOSED  
 484.P.332 P3 PLOT 3 ELEVATIONS NW AND NE PROPOSED  
 484.P.410 P3 PLOT 4 GROUND PLAN  
 484.P.411 P3 PLOT 4 FIRST AND SECOND FLOOR PLANS  
 484.P.421 P3 PLOT 4 SECTIONS PROPOSED  
 484.P.431 P3 PLOT 4 ELEVATIONS SW AND SE PROPOSED  
 484.P.432 P3 PLOT 4 ELEVATIONS NW AND NE PROPOSED  
 484.P.511 P3 PLOT 5 FIRST AND SECOND FLOOR PLANS  
 484.P.521 P3 PLOT 5 SECTIONS PROPOSED  
 484.P.531 P4 PLOT 5 ELEVATIONS NE AND SE PROPOSED  
 484.P.532 P4 PLOT 5 ELEVATIONS SW AND NW PROPOSED  
 484.P.610 P3 PLOT 6 GROUND PLAN  
 484.P.611 P3 PLOT 6 FIRST AND SECOND FLOOR PLANS  
 484.P.621 P3 PLOT 6 SECTIONS PROPOSED  
 484.P.631 P3 PLOT 6 ELEVATIONS NW AND NE PROPOSED  
 484.P.632 P3 PLOT 6 ELEVATIONS SW AND SE PROPOSED

Received 9th June 2025

1620-01 REV B LANDSCAPE STRATEGY  
 484 P001 P3 SITE PLAN  
 484 P013 P4 PLOTS 5 AND 6 BLOCK PLAN

Received 14th April 2025

LOCATION PLAN  
 26705-200-01 TOPOGRAPHICAL SURVEY  
 484.P.009 P2 SITE GROUND PLAN  
 484.P.011 P2 PLOTS 1 AND 2 BLOCK PLAN  
 484.P.012 P2 PLOT 3 AND 4 BLOCK PLAN  
 484.P.110 P2 PLOTS 1 AND 2 GROUND PLAN  
 484.P.111 P2 PLOTS 1 AND 2 FIRST FLOOR PLAN  
 484.P.121 P2 PROPOSED PLOT 1 SECTIONS  
 484.P.131 P2 PROPOSED PLOT 1 SW AND SE ELEVATIONS  
 484.P.132 P2 PROPOSED PLOT 1 NW AND NE ELEVATIONS  
 484.P.221 P2 PROPOSED PLOT 2 SECTIONS  
 484.P.231 P2 PROPOSED PLOT 2 SW AND SE ELEVATIONS SW AND SE PROPOSED  
 484.P.232 P2 PROPOSED PLOT 2 NW AND NE ELEVATIONS  
 84.P.509 P2 PLOT 5 LG AND BASEMENT FLOOR PLAN  
 484.P.510 P2 PLOT 5 GROUND PLAN

## **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### **3 Community Infrastructure Levy - General Note for all Development**

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

**Do not commence development** until you 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](http://www.bathnes.gov.uk/cil). If you have any queries about CIL please email [cil@BATHNES.GOV.UK](mailto:cil@BATHNES.GOV.UK)

#### **4 Responding to Climate Change (Informative):**

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

#### **5 Biodiversity Net Gain - Standard Informative**

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

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

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

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

## **6 Civil or legal consents**

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

## **7 Highway Works / Adoption**

In order to extend the vehicular access, Transport Development Management will require the Applicant to apply for a Section 184 licence under the Highways Act 1980. The applicant should be advised to contact the Highway Maintenance Team at [Highways@bathnes.gov.uk](mailto:Highways@bathnes.gov.uk) with regard to securing a licence for the amendment to an existing and/or creation of a new 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. More information can be found following this link: <https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/licences-and-permits/droppedkerbs>

In addition, the Local Highway Authority require a Section 38 agreement. The Local Highway Authority (LHA) requires the developer to enter into legally binding agreements to secure the adoption of the access road from Stonehouse Lane. Further information in this respect may be obtained by contacting the LHA ([Highways@bathnes.gov.uk](mailto:Highways@bathnes.gov.uk)).

## **8 Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

**Item No:** 05  
**Application No:** 23/04552/FUL  
**Site Location:** Central Garage 93 Bristol Road Whitchurch Bristol Bath And North East Somerset



**Ward:** Publow And Whitchurch      **Parish:** Whitchurch      **LB Grade:** N/A

**Ward Members:** Councillor Paul May

**Application Type:** Full Application

**Proposal:** Demolition of existing garage building and erection of a commercial unit (Use Class E) with two flats above (Use Class C3).

**Constraints:** Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Contaminated Land, Policy CP12 Centres and Retail, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

**Applicant:** Creo Properties Ltd

**Expiry Date:** 21st November 2025

**Case Officer:** Christopher Masters

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



## **REPORT**

The application refers to an existing vehicle repair garage (Use Class B2) located within the housing development boundary and local centre of Whitchurch.

Planning permission is sought for the demolition of the existing garage building and erection of a commercial unit (Use Class E) with two flats above (Use Class C3).

### **Relevant Planning History:**

22/00757/FUL - Withdrawn - 27 June 2022 - Demolition and replacement of existing garage repair building and Change of Use for new mixed-use development comprising two commercial units (Use Class E(c) and E(g) and two maisonettes (Use Class C3).

### **Reasons for Reporting to Committee**

The application has been reported to Committee as the Officer's recommendation is contrary to comments provided by South Stoke Parish Council. In line with the Council's Scheme of Delegation the application was referred to the Chair of the Planning Committee, who stated:

"Thank you for sending over the Chair Referral Form for application 25/02948/FUL at Tregonhawke, Packhorse Lane, South Stoke. I've taken a closer look at the application and, although it appears straightforward at first glance, I believe there are some underlying objection issues that need further examination.

Given the circumstances, I feel it would be prudent for the committee to review this matter. It's important to ensure that all aspects are thoroughly considered and any objections are addressed appropriately."

In addition, the Vice Chair commented:

"Having now read all the documentation on this Chair Referral Form for application 25/02948/FUL at Tregonhawke, Packhorse Lane, South Stoke I consider that there are matters raised by the parish that would benefit from open discussion and consideration at the planning committee."

### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Consultation Responses:

Conservation Historic Environment - 30/01/24. Central Garage is a single storey building fronting the A37 in the village of Whitchurch. It is not of historic value and therefore its demolition is not objected to. However, there are concerns with the size, scale, massing, design and materials of the replacement building and its impact on the setting of listed building and the wider streetscape.

Contaminated Land - 08/01/24. Taking account of the sensitive nature of the development (i.e. residential dwellings) and the potentially contaminative historical use of the site as a garage, it is advised that conditions are applied to any permission if granted.

Drainage and Flooding - 09/01/24. Further information relating to the surface water drainage of the property is required. The applicant has stated they wish to discharge surface water to Wessex water's public surface water sewer at 5L/s, we will require evidence that permission has been granted by Wessex water. We will need to see the calculations for the sizing of the surface water storage tank as well as details of how the SUDS attenuation tank will be maintained. Surface water must be managed to prevent water from flowing onto the public highway and adjacent land. In contrast to the design and access statement, the Environment Agency states that this site is at a medium risk of surface water flooding.

Ecology - 22/04/24. There is insufficient information in relation to the potential of the site for protected species. The scheme fails to demonstrate biodiversity net gain.

Environmental Protection - 07/01/24. The proposed development is located on a busy road and it should be necessary for the applicant to submit a noise assessment at this stage in order to demonstrate that acceptable internal noise limits for residential premises can be achieved in practice. In the event that this can be achieved, an appropriate condition should be applied, however this should be clarified prior to decision. A construction management plan should also be secured by condition to protect the amenity of nearby residents during construction.

Highway Authority - 04/01/24. The highway authority has no objection to the application proposal. However, there would be a need for a condition to ensure that the site parking is secured.

Wales and West Utilities - 18/12/23. Wales & West Utilities has pipes in the area. The apparatus may be affected and at risk during construction works. Should the planning application be approved the promoter of these works is required to contact Wales and West Utilities directly to discuss requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. The developer must not build over or enclose any of Wales and West Utilities plant or apparatus.

Whitchurch Village Council - OBJECT. 16/07/25. There is a lack of parking spaces for the two retail units, this would have a detrimental impact on road safety in this location and be detrimental to Policy ST7 & Policy No's WV4.2 - Traffic Impacts of Developments & WV4.3 Traffic & Safety. It would also be an overdevelopment of the site and have a negative impact on the listed building, Yew Tree cottage, which is situated at the rear of the site.

#### Representations Received:

Four letters of objection have been received. The concerns raised can be summarised as follows:

There is poor demand for small homes in the area.

There is a need for commercial units in the locality.

Commercial use of the site is viable. No attempts have been made to rent or sell the unit as a commercial property.

The access arrangements shall compromise highway safety.

It is unclear whether the development shall be compliant with policy SCR6 (Sustainable construction).

The proposal shall harm the setting of the adjacent listed property.  
 The building is a local landmark and of historic value.  
 The development does not respond to the character of the surrounding context.  
 The site has potential to be used as an "active travel hub" for the A37 travel corridor.  
 There shall be a loss of jobs / employment opportunities.  
 The dwellings shall overlook neighbouring properties resulting in a loss of residential amenity.  
 The land is not all within the applicant's ownership.  
 The site is likely to be contaminated.

## **POLICIES/LEGISLATION**

The Development Plan for Bath and North East Somerset comprises:

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

## **CORE STRATEGY:**

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

CP5: Flood Risk Management  
 CP6: Environmental Quality  
 CP10: Housing Mix  
 SD1: Presumption in favour of sustainable development

## **PLACEMAKING PLAN:**

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

CP12: Centres and Retailing  
 D1: General urban design principles  
 D2: Local character and distinctiveness  
 D3: Urban fabric  
 D4: Streets and spaces  
 D6: Amenity  
 D7: Infill and backland development  
 D10: Public realm  
 HE1: Historic environment  
 LCR1: Safeguarding local community facilities  
 LCR9: Increasing the provision of local food growing  
 RA1: Development in the villages meeting the listed criteria  
 SCR5: Water efficiency

#### LOCAL PLAN PARTIAL UPDATE:

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

- CR1: Retail Sequential Test
- CR2: Retail Impact Assessment
- DW1: District Wide Spatial Strategy
- D5: Building design
- ED2B: Non-strategic industrial premises
- NE1: Development and green infrastructure
- NE3: Sites, species, and habitats
- NE3a: Biodiversity Net Gain
- NE5: Ecological networks
- NE6: Trees and woodland conservation
- PCS5: Contamination
- SCR6: Sustainable Construction Policy for New Build Residential Development
- ST1: Promoting Sustainable Travel
- ST7: Transport requirements for managing development

#### SUPPLEMENTARY PLANNING DOCUMENTS:

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

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

#### NEIGHBOURHOOD PLANS:

The following Policies of the Whitchurch Village Neighbourhood Plan are pertinent to the determination of this application:

- Policy WV 1.1 - Village Design
- Policy WV 1.4- Heritage Assets and their Setting
- Policy WV 1.5- Retain employment in the village
- Policy WV4.2 - Traffic Impacts of Developments
- Policy WV4.3 - Traffic & Safety

#### NATIONAL POLICY:

The updated National Planning Policy Framework (NPPF) was published in December 2024 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

#### LISTED BUILDINGS:

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

## LOW CARBON AND SUSTAINABLE CREDENTIALS

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

## OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development
- Character and Appearance
- Heritage Impacts
- Residential Amenity
- Highway Safety and Parking
- Drainage and Flooding
- Contaminated Land
- Ecology
- Sustainable Construction and Renewable Energy
- Other Matters

## PRINCIPLE OF DEVELOPMENT:

The site is within the Housing Development boundary of Whitchurch where the principle of residential development is acceptable subject to other material planning considerations discussed below.

Policy CR1 (Sequential Test) of the Local Plan states that "Retail and other main town centre uses (including commercial leisure) should be located within the centres identified on the Policies Map and in Core Strategy Policy CP12."

Policy CP12 sets out that the centres within the hierarchy of shopping centres will be maintained and enhanced. The policy sets out that retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture and tourism uses will be primarily located within, or where appropriate, adjoining the centres in the identified hierarchy of centres as required by Policy CR1. Centres will also be the focus for higher density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking. Uses which contribute to maintaining the vitality, viability and diversity of centres within the hierarchy will be encouraged. Active ground floor uses will be maintained and enhanced.

The proposed development contains a Class E element with an active ground floor shopfront. The site is within the designated Local Centre of Whitchurch. The proposed use shall maintain the vitality, viability and diversity of the Local Centre and is therefore supported.

Policy WV 1.5 of the Whitchurch Village Neighbourhood Plan states that proposals for the redevelopment or change of use of redundant land or the ground floor of buildings in employment or service trade use to non-employment uses will only be permitted if the existing use is no longer economically viable and the site has been marketed for freehold or leasehold at a reasonable price for at least a year without restriction. Following negotiations the scheme has been amended so as to incorporate a 93m<sup>2</sup> commercial unit (Use Class E). The proposal accords with Policy WV 1.5 of the Whitchurch Neighbourhood Plan.

Similarly, Policy ED2B of the Local Plan Partial Update sets out that loss of industrial premises is inappropriate because of the significant loss and lack of supply of industrial land. The policy requires applicants seeking to challenge this presumption to provide compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for industrial and warehousing uses, by reference to: a) whether the existing premises are being used productively, or if not, the viability of reusing vacant premises or developing allocated land for industrial use, b) the level of interest in the existing premises following a marketing period of 12 months, on reasonable terms, during a sustained period of UK economic growth, c) general market signals of demand across the District and in relation to the locality i.e. the relevant settlement(s), d) the availability and quality of alternative premises.

Limited substantive information has been presented by the applicant regarding what attempts have been made to operate the premises for industrial purposes since acquiring the site.

Notwithstanding this, the site is currently vacant and whilst it appears the garage operated without complaint, the premises by virtue of its size and siting are generally unsuitable for industrial uses.

The scheme as proposed has been amended to include a commercial unit at ground floor level which shall maintain an employment use on the site along with an associated active frontage. The use of the premises for Class E purposes would be more compatible with neighbouring uses, which includes residential units, than the previous industrial use.

On balance, it is not considered that economic harm or material erosion in the supply of industrial land within the district would occur from the loss of this low quality industrial space. The proposal accords with the aims of Policy ED2B of the Local Plan Partial Update.

#### DESIGN, CHARACTER AND APPEARANCE:

Policies D1, D2 and D3 of the Placemaking Plan and Policy D5 of the Local Plan Partial Update have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm

local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Policy D7 has specific regard to infill development such as that proposed and sets out that infill development can be supported where:

- a. Development has regard to the character and quality of the surrounding townscape
- b. New development reflects the form, pattern and grain of this existing development or otherwise enhances the character.
- c. Infill development on corner plots gives careful consideration to both the primary and the return frontage in relation to height scale, massing and design and relates well to the treatment of corner plots within the local context

Central Garage is a single storey building fronting the A37 in the village of Whitchurch. It is not of architectural value and therefore its demolition is not objected to.

Considerable amendments have been made to the design of the building during the course of the application.

The building proposed would be formed of rendered walls beneath a tiled roof being two storeys in height with a third floor of accommodation in the roofspace. The articulation of elevations and roofscape including the proposed shopfront, windows, dormers and stairwell details are considered appropriate for the context and would not harm local character and distinctiveness.

The surrounding area is characterised by buildings of varying scale. Whilst it would be taller than those in the surrounding vicinity by approximately 1m, it is not considered the building would appear incongruous within the street scene because of this.

On balance it is considered that the development responds appropriately to the character and quality of the surrounding townscape and reflects the form, pattern and grain of existing development in the vicinity.

It is noted that the building itself is set in from the boundaries of the site and would occupy approximately 43% of the site area. Both dwellings would benefit from outdoor amenity space and the parking / frontage area would include landscaping. As such, it is not considered the proposed development constitutes overdevelopment of the site.

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 D7 of the Placemaking Plan, policy D5 of the Local Plan Partial Update and part 12 of the NPPF.

#### HERITAGE IMPACTS:

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

There is a duty placed on the Council under Section 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.'

Section 16 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Paragraph 212 of the NPPF sets out specifically that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Central Garage is a single storey building fronting the A37 in the village of Whitchurch. It is not considered to be of historic or architectural value by Officers and therefore its demolition is not objected to.

The site sits adjacent to Yew Tree Cottage which is understood to date from the 17th Century and is of value as an example of the rural housing which characterised the settlement prior to its urbanisation in the 20th Century.

Existing buildings in the vicinity are principally characterised as being two-storey (ranging from 8.5 -9m). These have to a degree marred the setting of the listed building already.

Considerable amendments have been made to the design of the building during the course of the application. However, the proposed building remains of a greater height than the other buildings in the vicinity as well as being positioned closer to the heritage asset. Given the submitted plans show the building would be approximately 10m tall (4.1m taller than Yew Cottage), and positioned 5m from the listed building, the difference in height is likely to be appreciable and it is therefore held that the proposed building, by virtue of its scale, would have an adverse impact on the setting of the listed building.

To use the language of the NPPF this harm would be quantified as 'less than substantial'. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This shall be done in the Planning Balance section at the end of this report.

#### RESIDENTIAL AMENITY:

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



The proposed development comprises of two, two-bedroomed, two storey dwellings and a commercial unit. Both dwellings benefit from adequate indoor accommodation and outdoor amenity space. Given the orientation of windows, the degree of separation from neighbouring properties and the urban context of the site it is not considered that the proposal shall significantly harm the amenity of neighbouring occupiers by virtue of increased overlooking or loss of privacy. Similarly, the scheme shall afford occupiers with acceptable levels of privacy and natural light.

Concern has been raised by the Environmental Protection Team that the proposed development is located on a busy road which poses a risk of unacceptable noise disturbance for residential occupiers. The internal noise limits shall need to comply with the limits in British Standard 8233:2014. This shall be secured by condition.

Turning to the potential impacts of the proposed commercial unit on the amenity of residential occupiers, the existing use of the site as a vehicle repair garage and general industrial use (use class B2) could be associated with industrial processes, machinery and work that could result in high levels of noise and activity. As the lawful existing use, this must be taken as the starting point for assessment of the impact of the proposed use on amenity.

Nevertheless, it is noted that the scope of use class E is broad, and a wide range of uses could take place at the premises without further planning permission for change of use being necessary. The wide range of uses possible within use class E could be associated with different characteristics of use that may pose harm to amenity if not correctly managed. For example, café or restaurant use might involve commercial activity extending into the evening, where the current garage is likely to close outside of normal business hours. Similarly, a gym might be associated with playing amplified music or higher levels of movement early in the morning.

Therefore, it is necessary and justified to impose some planning restrictions on the commercial premises secured by planning condition. Hours of operation shall be limited to 08:00 to 20:00 to ensure that neighbours are not disturbed by commercial noise and activity early in the morning or late at night when ambient noise levels are lower and residents are typically resting. This could possibly be later varied if required to accommodate a specific tenant and their detailed needs, but would likely need to be accompanied by more detailed proposed use information or noise impact assessment at that stage.

Hours of deliveries and servicing shall also be restricted to 08:00 to 20:00 to ensure movements outside the premise do not disturb neighbouring residents. Subject to these general premise management restrictions, it is considered that the proposed Class E use can operate in a manner causing no greater impact to neighbouring amenity than the existing industrial premises.

It is acknowledged that the proposed building is located approximately 6m south of 91 Bristol Road. At present it is understood that the windows in the side of that building serve a flat at ground floor level and commercial offices at first floor level. This is understood to remain unchanged as a result of the permission granted for that property under application 23/02591/FUL. It is noted that an application for permission to convert the first floor of

No.91 to a flat is currently being considered by the Local Planning Authority (ref. 25/03582/FUL).

The window of the existing ground floor flat at no.91 would be directly opposite the window serving the stairs for the northern flat proposed herein. A condition shall be attached requiring the windows in the north elevation of the building to be obscurely glazed to safeguard the privacy of occupiers of both properties.

Given the height and siting of the proposed building it is acknowledged that there will be some loss of outlook, light as well as an overbearing impact on the bedroom of the ground floor flat at 91 Bristol Road and this has been given detailed consideration by Officers.

Whilst no objection has been received from occupiers of the adjacent premises, this is not in itself determinative.

The window serves a bedroom which although a habitable space, can be expected to be used less during the middle of the day which is when impacts would be most noticeable. The room is separate from the main living area of the flat which is served by a window in a separate elevation.

In considering the present outlook from the window it is noted that it faces onto a 1.9m high metal fence which forms the boundary approximately 4m from the window.

The proposed development would be inset from the boundary by approximately 2m resulting in a 6m degree of separation from the affected window.

The sites are positioned adjacent to one another along the street (i.e. not one in front of the other) and are located in an urbanised context.

Given the context and degree of separation it is concluded that the impacts of the proposal would not be unacceptable.

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.

After negotiation the scheme proposes a single car parking space for each dwelling along with an appropriate amount of cycle parking. The level of car parking to be provided for the two dwellings is considered to be acceptable and accords with the requirements of the Transport & Development Supplementary Planning Document. There is sufficient space

for vehicles to turn within the site such that access and egress can be achieved in a forward gear.

Whilst no parking provision is made for the commercial unit it is noted that this situation is typical of the local centre and that parking prohibitions are in place which restrict inappropriate parking nearby. The proposed arrangements have been discussed with Highway Development Control who confirmed they have no objection to the arrangements proposed.

The existing premises benefits from a vehicular access along the entire length of the frontage onto Bristol Road. This shall be amended such that separate accesses are formed to the two driveways with the kerbs in between being raised which is beneficial in terms of pedestrian safety and further discouraging inconsiderate parking behaviour. The applicant is required to apply for a separate licence from the Highway Authority in order to undertake such works.

Appropriate refuse storage is shown for the two residential units. The refuse storage arrangements for the commercial unit are not illustrated on the submitted plan and it appears that limited external space would be available for the storage of such items. A condition shall therefore be attached to ensure commercial refuse is stored within the building so as to ensure it does not compromise highway safety or residential amenity.

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, policies Policy WV4.2 & WV4.3 of the Whitchurch Neighbourhood Plan, the provisions of the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

#### DRAINAGE AND FLOODING:

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

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

The Council's Flooding and Drainage Team have been consulted and advise that further information relating to the surface water drainage of the property is required in order to be satisfied that the proposal shall be served by an appropriate drainage strategy which shall not increase the risk of flooding. Specifically, it remains to be demonstrated how the SUDS attenuation tank will be maintained, that the sizing of the surface water storage tank is sufficient and that Wessex Water's public surface water sewer can accommodate additional flows of 5L/s.

A significant proportion of the site currently comprises of hard surfaces. The submitted information indicates that surface water will be disposed of by Sustainable drainage system and Main sewer. An ACO drain shall extend along the length of the frontage to prevent water discharging onto the highway.

Given the extent to which the site is currently covered by hardstanding it is considered that the proposal is unlikely to result in additional surface water run-off and it is therefore appropriate for a drainage strategy to be secured by condition.

#### CONTAMINATED LAND:

Policy PCS5 of the Local Plan Partial update has regard to Contamination and sets out that development will only be permitted on land either known to be or strongly suspected of being contaminated provided:

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

Due to the sensitive nature of the development (i.e. residential dwellings) and the potentially contaminative historical use of the site as a garage, the Council's Contaminated Land Officer has advised that conditions should be attached requiring an investigation and risk assessment and remediation scheme to be submitted before work begins.

#### 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.

Limited ecological information has been submitted with the application.

In this instance the proposal relates to a vacant, detached building which is understood to date from the early 20th century. It is known that confirmed bat roosts have been recorded in adjacent structures. The building is not located within 200m of any site designated for its ecological importance. Having visited the site and reviewed the construction and condition of the building, it is noted that the structure comprises of rendered single skin blockwork with sheet metal roofing. It is well lit internally by natural light. There are no enclosed roof voids and the building appeared well sealed with no signs of animal or weather ingress. The building is sited in a built-up, urban location adjacent to a main road. Given the siting, context and condition of the building it is considered on balance that the proposal is not reasonably likely to result in harm to protected species or habitats.

A condition requiring precautionary working measures to be adopted shall be attached. On this basis it is considered the proposal does not conflict with Policy NE3 of the Local Plan Partial Update in relation to protected species.

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

BNG guidance sets out that a development that does not impact a priority habitat and impacts less than 25m<sup>2</sup> of on-site habitat is exempt from BNG.

In this instance the site does not contain priority habitat and the amount of onsite habitat impacted by the development is less than 25 square metres. As such BNG is not required to be demonstrated.

#### SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables.

In this case the submitted drawings and SCC show that an air source heat pump and solar panels are to be utilised within this development to achieve policy requirements of SCR6. Space heating demand is required by policy SCR6 to be less than 30kWh/m<sup>2</sup>/annum, the proposal shows a figure of 5.53kWh/m<sup>2</sup> /annum. Total energy use is shown as 11.8KWh/m<sup>2</sup> /annum and this is beneath the policy requirement. The total energy use is required to be matched by on-site renewable energy. This is shown to be the case with on-site renewables generating 20.1kWh/m<sup>2</sup> /annum. The provided information therefore shows compliance with policy SCR6. Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6.

Policy SCR5 of the emerging 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). The submitted drawings illustrate that the scheme shall benefit from such measures which can be secured by condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.). In this instance the dwellings would all benefit from private outdoor space which could be used for the growing of food if desired by future occupiers.

#### PUBLIC SECTOR EQUALITY DUTY:

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

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

(a) eliminate discrimination, harassment, victimisation

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

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

#### OTHER MATTERS:

A number of other matters have been raised by third parties including that:

- o There is poor demand for small homes in the area.
- o The site has potential to be used as an "active travel hub" for the A37 travel corridor.
- o The land is not all within the applicant's ownership.

The Council currently cannot demonstrate a 5-year housing land supply and as such there is a demonstrable shortage of homes within the district. Small homes make an important contribution to housing supply and are generally, by virtue of their size, more affordable than larger homes. The proposed development will contribute to addressing the identified deficit.

It is noted that the site occupies a central location in the village and that other opportunities for different development could exist. However, the Council is obligated to consider the proposal as presented with the application on its merits. As set out above the proposed development has been found to be in accordance with relevant planning policy and is therefore acceptable.

The applicant has completed Certificate A confirming they are the sole owner of the land to which that application relates, and it appears on the ground that all of the land within the red edge of the site location plan forms part of the same planning unit. All neighbouring properties have been consulted on the application. No representations have been received advising that they own part of the site.

Notwithstanding this, it is the land itself which planning permission is linked to rather than the owner. This would therefore not preclude the granting of planning permission. If it transpires that part of the land is in separate ownership, that owners' consent would be required for any development to occur on their land.

#### PLANNING BALANCE:

As expressed above, the proposal by virtue of its siting and scale would cause less than substantial harm to the setting of the Grade II Listed Yew Tree Cottage. Whilst the harm is quantified as being less than substantial, it must still be afforded great weight as set out in Paragraph 212 of the NPPF.

Turning to the exercise set out at Paragraph 215 of the NPPF, in this instance the public benefits of the proposal can be summarised as comprising the provision of two sustainably located dwellings and a small commercial unit within a local centre which shall strengthen its vitality and viability. The dwellings would offer occupiers a good degree of residential amenity and be constructed to high sustainability standards. These benefits in the context of the district's current housing supply shortfall can be afforded significant weight. The economic benefits arising from job retention on the site as well as those created during the construction phase of the development can be afforded a moderate degree of weight given the scale of the development.

On balance it is considered that in this instance the public benefits of the proposal do outweigh the less than substantial harm to the setting of the designated heritage asset. The proposal therefore accords with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

The Council cannot currently demonstrate a 5-year housing land supply. Therefore, the most important policies for determining this application are to be considered out-of-date. As such, paragraph 11(d) of the NPPF is applicable which sets out:

"d) where there are no relevant development plan policies, or the policies which are most important in determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance (7) provides a strong reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

The application of policies in the NPPF that protect areas or assets of particular importance, as identified in NPPF footnote 7, do not provide a strong reason for refusing the development. In particular, as demonstrated above, the harm to designated heritage asset (Yew Tree Cottage) is outweighed by the public benefits of the proposal. Accordingly, the harm identified to the designated heritage assets does not provide a strong reason for refusing the development proposed.

The other harms of the development include the impacts on the residential amenity of the occupier of the ground floor flat at 91 Bristol Road through loss of outlook, natural light and an increased overbearing impact. These harms were not considered to be of such magnitude that conflict with Policy D6 occurred. It follows that they also do not significantly and demonstrably outweigh the benefits of the proposal outlined above. Therefore, in accordance with paragraph 11(d) planning permission should be granted.

## CONCLUSION:

Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "any other material considerations". Furthermore, 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".

In this instance it is considered that the proposal complies with the relevant planning policies as outlined above. As there are no material considerations which indicate an alternative conclusion should be reached it is concluded that in applying the presumption in favour of sustainable development the application is recommended for approval.

## **RECOMMENDATION**

PERMIT

## **CONDITIONS**

### **1 Standard Time Limit (Compliance)**

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

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

### **2 Plans List (Compliance)**

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

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

### **3 Construction Management Plan (Pre-commencement)**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of the following:

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

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.



#### **4 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

#### **5 Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

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

#### **6 Drainage Strategy (Bespoke Trigger)**

Prior to excavating the foundations of the building hereby approved details of the provision for the sustainable disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

#### **7 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, D3 and HE1 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

#### **8 Contaminated Land - Verification Report (Pre-occupation)**

No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework.

#### **9 Noise mitigation (Pre-occupation)**

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. 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. In addition, for bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To safeguard the amenities of occupiers from excessive noise in accordance with policies PCS2 and D6 of the Bath and North East Somerset Placemaking Plan.

#### **10 Landscape Design Proposals (Pre-occupation)**

No occupation of the development hereby approved shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall be shown on plan /elevation drawings and include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Hard surfacing materials
4. Minor artefacts and structures (e.g. bicycle and refuse storage)

Soft landscape details shall be consistent with the submitted plans 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

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.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality occurs accordance with Policies D1, D2 and D6 of the Bath and North East Somerset Placemaking Plan.

#### **11 SCR6 Residential Properties (Pre-occupation)**

Prior to occupation of the dwellings 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.

### **12 Water Efficiency - Rainwater Harvesting (Compliance)**

No occupation of the approved dwellings shall commence until the scheme for rainwater harvesting as shown on drawing IH3-PD20 E PROPOSED GROUND FLOOR PLAN received 11th June 2025 has been installed.

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

### **13 Water Efficiency (Compliance)**

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

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

### **14 Bicycle Storage (Compliance)**

No occupation of the development shall commence until the bicycle storage has been provided in accordance with the details shown on drawing IH3-PD20 E PROPOSED GROUND FLOOR PLAN received 11th June 2025. The bicycle storage shall be retained permanently thereafter.

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

### **15 Obscure Glazing and Non-opening Windows (Compliance)**

The proposed windows in the northern elevation of the proposed building shall be obscurely glazed and non-opening unless the parts of the window which can be opened

are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

#### **16 Hours of Use (Compliance)**

The commercial, business or service use hereby approved shall not operate outside the hours of 08:00 - 20:00.

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

#### **17 Deliveries and Servicing Hours (Compliance)**

The commercial, business or service use hereby approved shall not accept deliveries or servicing outside the hours of 08:00 - 20:00.

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

#### **18 Bin & Recycling Storage (Compliance)**

Bins and recycling boxes associated with commercial, business or services use hereby approved, shall be stored internally within the building at all times, other than on collection day. Following collection, bins shall be returned to the premises as soon as possible and other than on collection day, must not be stored outside the boundary of the site at any other time.

Reason: In the interests of the safe and free flow of the surrounding highway network as well as the amenity of residents 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).

#### **19 Parking (Compliance)**

The areas allocated for parking and turning, as indicated on submitted plan IH3-PD20 E PROPOSED GROUND FLOOR PLAN received 11th June 2025 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and Policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

#### **20 Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be

submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

### **21 Precautionary Working Methods for Bats and Birds (Compliance)**

The development must proceed only in accordance with the 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.

### **22 Footway Works (Compliance)**

The proposed development shall not be occupied until the footway between the two accesses has been reinstated, including the raising of dropped kerbs, in accordance with drawing number IH3-PD20 E PROPOSED GROUND FLOOR PLAN received 11th June 2025.

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

### **23 Removal of Permitted Development Rights - Shopfront Display (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) and The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or any regulations revoking and re-enacting those regulations with or without modification) the window glass of the shopfront hereby approved shall not be painted or otherwise obscured either in whole or in part and a window display area shall be permanently retained in accordance with the approved plans.

Reason: In the interest of the appearance of the development and maintaining an active frontage within the Local Centre in accordance with policies CP12, 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.

## **PLANS LIST:**

1 This decision relates to the following plans:

Received 11th June 2025

IH3-PD20 E PROPOSED GROUND FLOOR PLAN  
IH3-PD21 C PROPOSED FIRST FLOOR PLAN  
IH3-PD22 D PROPOSED SECOND FLOOR PLAN  
IH3-PD70 D PROPOSED ELEVATIONS

Received 5th December 2023

IH3-ED01 LOCATION AND BLOCK PLAN  
IH3-ED01 BLOCK PLAN  
IH3-ED20 EXISTING GROUND FLOOR PLAN  
IH3-ED21 EXISTING SITE SURVEY

## **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](http://www.planningportal.co.uk) or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

### 3 Community Infrastructure Levy - General Note for all Development

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

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

### Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

### 4 Responding to Climate Change (Informative):

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

### 5 Biodiversity Net Gain - Exempt/Not required

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

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



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

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

## **6 Highways Access Advice Note**

The applicant should be advised to contact the Highway Maintenance Team at [Highways@bathnes.gov.uk](mailto: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.

## **7 Civil or legal consents**

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

## **8 Coal Mining - Low Risk Area (but within coalfield)**

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

Further information is also available on the Coal Authority website at:  
<http://www.gov.uk/mining-remediation-authority>

## **9 Permit/Consent Decision Making Statement**

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

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| Bath & North East Somerset Council |                                                                                      |
|------------------------------------|--------------------------------------------------------------------------------------|
| MEETING:                           | Planning Committee                                                                   |
| MEETING DATE:                      | 19 <sup>th</sup> November 2025                                                       |
| RESPONSIBLE OFFICER:               | Louise Morris - Head of Planning & Building Control                                  |
| TITLE:                             | NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES |
| WARD:                              | ALL                                                                                  |
| BACKGROUND PAPERS:                 | None                                                                                 |
| AN OPEN PUBLIC ITEM                |                                                                                      |

## APPEALS LODGED

**App. Ref:** 25/02359/AR  
**Location:** Former Bath Press Premises Lower Bristol Road Westmoreland Bath Bath And North East Somerset  
**Proposal:** Display of 2no freestanding board signs on metal posts, 1no totem sign outside marketing suite, 1no flag and 1no intermittent internally illuminated television atop marketing suite.  
**Decision:** Split decision - check file/certificate  
**Decision Date:** 11 August 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 8 October 2025

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**App. Ref:** 24/03647/FUL  
**Location:** Fairash House Harptree Hill West Harptree Bristol Bath And North East Somerset  
**Proposal:** Conversion of existing shed into a detached one storey, one bedroom dwelling.  
**Decision:** REFUSE  
**Decision Date:** 12 September 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 10 October 2025

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**App. Ref:** 25/00041/FUL  
**Location:** Parcel 6200 Moorledge Lane Chew Magna Bristol Bath And North East Somerset  
**Proposal:** Change of use from Agricultural Field to Secure Dog Field. Proposed fencing around perimeter of the field. Proposed single storey mobile field shelter. (Retrospective)  
**Decision:** REFUSE  
**Officer Recommendation:** PERMIT  
**Decision Date:** 31 July 2025  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 10 October 2025

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**App. Ref:** 25/00934/FUL  
**Location:** 27 Bloomfield Avenue Oldfield Park Bath Bath And North East Somerset BA2 3AB  
**Proposal:** Construction of vehicle access  
**Decision:** REFUSE  
**Decision Date:** 23 July 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 10 October 2025

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**App. Ref:** 25/01744/FUL  
**Location:** 30 Shaws Way Twerton Bath Bath And North East Somerset BA2 1QQ  
**Proposal:** Change of use from a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) and single-storey rear extension and alterations bicycle and bin storage.  
**Decision:** REFUSE  
**Officer Recommendation:** PERMIT  
**Decision Date:** 25 September 2025  
**Decision Level:** Planning Committee  
**Appeal Lodged:** 15 October 2025

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**App. Ref:** 25/02206/LBA  
**Location:** 22 Thomas Street Walcot Bath Bath And North East Somerset BA1 5NN  
**Proposal:** Internal door opening between two ground floor rooms.  
**Decision:** REFUSE  
**Decision Date:** 4 August 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 17 October 2025

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**App. Ref:** 25/01562/ADCOU  
**Location:** Halfway Farm Stanton Road Stanton Drew Bristol Bath And North East Somerset  
**Proposal:** Prior approval request for the change of use of agricultural building to 4no one bed dwelling houses (Use Class C3).  
**Decision:** REFUSE  
**Decision Date:** 14 July 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 October 2025

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**App. Ref:** 25/01758/FUL  
**Location:** Park Farm Colliers Lane Newton St Loe Bath Bath And North East Somerset  
**Proposal:** Change of use of land for stationing of converted shipping container for holiday use and erection of timber decking, hot tub and balustrade. (Retrospective).  
**Decision:** REFUSE  
**Decision Date:** 22 August 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 22 October 2025

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**App. Ref:** 25/00100/CLPU  
**Location:** 45 St James's Park Lansdown Bath Bath And North East Somerset BA1 2SX  
**Proposal:** Reversion of property from studio flat and maisonette back into a single dwellinghouse (Certificate of Lawfulness for a Proposed Development).  
**Decision:** REFUSE  
**Decision Date:** 9 April 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 29 October 2025

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**App. Ref:** 25/01147/FUL  
**Location:** Greenacres Littleton Lane Wellow Bath Bath And North East Somerset  
**Proposal:** Erection of 1 no. residential dwelling (Use Class C3) and associated infrastructure.  
**Decision:** REFUSE  
**Decision Date:** 6 August 2025  
**Decision Level:** Delegated  
**Appeal Lodged:** 30 October 2025

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## APPEALS DECIDED

**Case Ref:** 24/00325/UNAUTH

**Location:** Parcel 3263 Deanhill Lane Upper Weston Bath Bath And North East Somerset

**Breach:** Appeal against without planning permission, the material change of use of agricultural land to a mixed use comprising of agriculture, residential caravan site and the importation and storage of waste; including the siting of caravans, generator and residential paraphernalia. Without planning permission, the erection of an agricultural building.

**Notice Date:** 05 June 2025

**Appeal Lodged:** 10 July 2025

**Appeal Decision:** Appeal Dismissed

**Appeal Decided Date:** 17 October 2025

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**Case Ref:** 23/00023/UNDEV

**Location:** Site Of Old Colliery Fry's Bottom Chelwood Bristol Bath And North East Somerset

**Breach:** Without Planning Permission, (COU1) the change of use of land from forestry to a mixed use consisting of forestry, storage, firewood production, motorbike trials practice, equestrian, a waste transfer site and associated structure (circled in red in Image 1 attached to this notice). (OD1) the construction of a dwelling house. (OD2) the construction of a non-agricultural storage building and the importation of material and carrying out of Engineering Operations in the form of the expansion of a level area of hardstanding. (OD3) the importation of material and carrying out of Engineering Operations in the form of the construction of access tracks, and construction of dams in a water course.

**Notice Date:** 21 March 2025

**Appeal Lodged:** 7 May 2025

**Appeal Decision:** Appeal Allowed / Dismissed in Part

**Appeal Decided Date:** 28 October 2025

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**App. Ref:** 24/03008/VAR

**Location:** Unregistered Unit 1-4 Old Station Yard Avon Mill Lane Keynsham Bath And North East Somerset

**Proposal:** Variation of condition 7 of application 21/01412/FUL allowed on appeal ref: APP/F0114/W/22/3300847 on 14th April 2022 (Erection of 3no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm

(Bank Holidays); and permission to store materials in external yard area (re-submission of planning application 20/02008/FUL)).

**Decision:** REFUSE

**Decision Date:** 28 February 2025

**Decision Level:** Delegated

**Appeal Lodged:** 21 July 2025

**Appeal Decision:** Appeal Allowed

**Appeal Decided Date:** 28 October 2025

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