

Bath & North East Somerset Council

MEETING: **Development Management Committee**

MEETING DATE: **16th January 2019**

AGENDA
ITEM
NUMBER

RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

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

The following notes are for information only:-

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

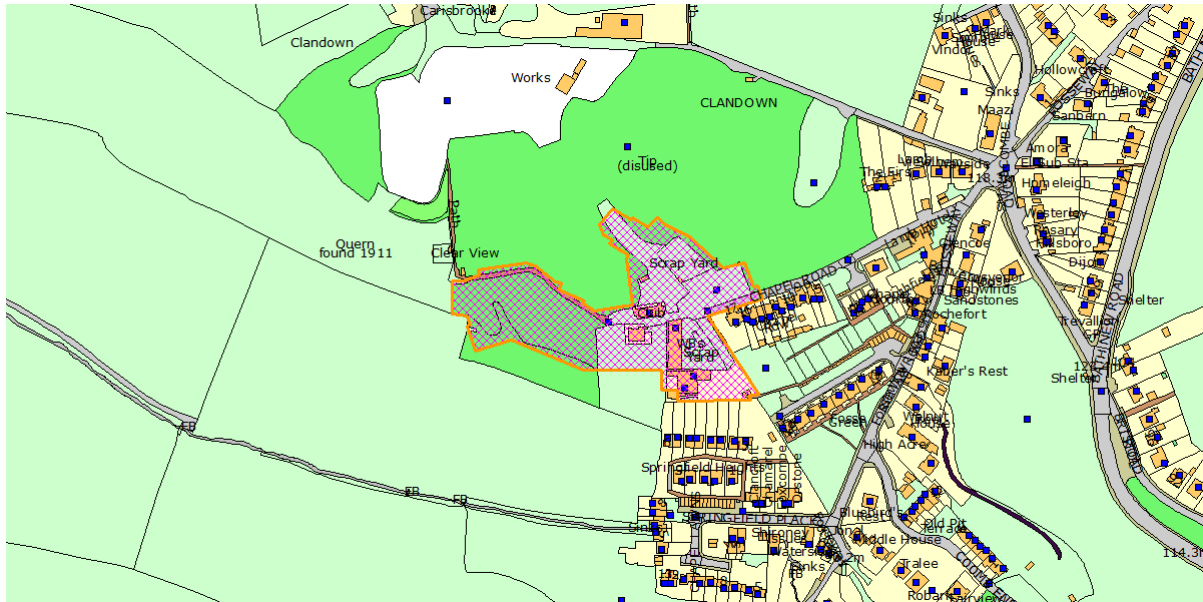
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting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

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	16/04870/FUL 21 January 2019	Bidwell Metals Ltd Bidwell Metals Ltd, Chapel Road, Clandown, Radstock, Bath And North East Somerset Erection of 28 dwellings, public open space, a community building and ancillary works following the demolition of 2 buildings (REVISED DESCRIPTION)	Radstock	Tessa Hampden	REFUSE
02	18/02900/FUL 18 January 2019	Mr Tim Draper Land At Rear Of 106 High Street, Dovers Lane, Bathford, Bath, Erection of two storey, 3 bed dwelling	Bathavon North		PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 16/04870/FUL
Site Location: Bidwell Metals Ltd Chapel Road Clandown Radstock Bath And North East Somerset



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor Christopher J Dando Councillor Deirdre Horstmann
Application Type: Full Application
Proposal: Erection of 28 dwellings, public open space, a community building and ancillary works following the demolition of 2 buildings (REVISED DESCRIPTION)
Constraints: Affordable Housing, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Forest of Avon, Housing Development Boundary, Public Right of Way, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Bidwell Metals Ltd
Expiry Date: 21st January 2019
Case Officer: Tessa Hampden
To view the case click on the link [here](#).

REPORT

Reason for referring application to committee

This application was heard at committee in August 2017. Members delegated to permit subject to securing a number of planning obligations through a S106 agreement. This application has been brought back to committee because the applicant has failed to enter

into a S106 agreement or provide any information as to why these planning obligations would render the scheme unviable. Given the length of time that this application has been with the Local Planning Authority, officers consider it important to now draw the application to a conclusion.

Site description and proposal

The application relates to Bidwell Metals site which includes the adjacent former school site. The site is located at the end of Chapel Road in Clandown, Radstock. The site sits within the Radstock Conservation Area. Part of the site is within the Housing Development Boundary, with the remainder falling outside of the Housing Development Boundary.

The application seeks planning permission for 28 dwellings, public open space, a community building and ancillary works following the demolition of two buildings. Significant revisions were made during the application period with the quantum of development reducing from 49 dwellings to 28 in response from concerns by officers and third parties. The dwellings comprise a mixture of terraces, detached dwellings and residential units formed through the conversion of the existing buildings on the site.

Relevant planning history

Appeal - 12/00009/RF - DISMIS - 5 July 2012 - Change of use of premises from Non-Residential Institution formally Clandown Primary School) (Use Class D1) to Storage and Distribution (Sales/Wholesale Distribution Centre of Lilley's Cider Barn) (Use Class B8) (Retrospective)

11/00896/FUL - RF - 28 December 2011 - Change of use of premises from Non-Residential Institution (formally Clandown Primary School) (Use Class D1) to Storage and Distribution (Sales/Wholesale Distribution Centre of Lilley's Cider Barn) (Use Class B8) (Retrospective)

99/02659/FUL - PER - 29 September 1999 - To provide a parking area adjacent to the kitchen and dining room as amended by revised plans received on 2nd August 1999.

06/02747/FUL - WD - 14 September 2006 - Extensions and conversion to provide two dwellings, following demolition of modern extension (WC Block).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Arboricultural Officer - No objection subject to conditions

Highway safety - No objections subject to conditions and S106 to secure highway/pedestrian improvements

Ecologist - No objection subject to conditions

Conservation Officer - Raises concerns with aspects of the development, but does not raise an overall objection to the development

Environment Agency - No objection subject to conditions

Parks and Open Space - objection to the scheme for 49 dwellings as inadequate public open space had been provided

Drainage - No objection subject to condition

Landscape Officer - Objects to the development

Historic England - Awaiting the response from the notification

Public Rights of Way - Objection to the original scheme due to re routing of PROW through an estate road

Cllr Jackson - In view of the local residents' objections, and the town council's strong objection, plus the amount of controversy and public concern about this site since 1991, request that the application is heard at the Development Management Committee. It does not seem that the town council's objections have been properly met at present, and that further issues are raised by the re-configuration of the junction of Chapel Road and the Fosseyway by The Lamb Inn. I also believe that the trees adjacent to the Clandown Orchard Project should be removed.

Radstock Town Council - objection on grounds of highway safety (access and egress issues, narrowness of lane and lack of pavement), traffic generation and impact on neighbours.

12 objection comments 4 general comment and 1 supporting comment has been received. These can be summarised as follows:

Supporting comment

- Provision of much needed housing

Objection/general comments

- Highway safety/Additional traffic and resultant impact due to substandard access (including concerns regarding changes to the entrance to Chapel Road
- Lack of parking provision and resultant overspill
- Significant increase in population of small village
- Issues during the construction process
- Overdevelopment of the site
- Detrimental impact upon the character and appearance of the Conservation Area
- Ecological impacts
- Concerns relating to future applications
- Lack of supporting infrastructure
- Safety issues relating to the Batch
- Inappropriate location for community building/public open space

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)

- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

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

DW1 - District-wide spatial strategy
 SV1 Some Valley Spatial Strategy
 CP2 - Sustainable Construction
 CP3 Renewable energy
 CP6 - Environmental Quality
 CP7 - Green Infrastructure
 CP9- Affordable Housing
 CP10 - Housing mix

RELEVANT 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:

SD1 Presumption in favour of Sustainable Development
 D.1 - D.6 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm
 D7 - Infill and Backland Development
 H1 - Historic environment
 SU1 - Sustainable Drainage
 NE1 - Development and Green Infrastructure
 NE2 Conserving And Enhancing The Landscape And Landscape Character 105
 NE2A Landscapes setting of settlements
 NE3 - Sites, species and habitats
 NE4 Ecosystem Services 113
 NE5 Ecological networks
 NE6 - Trees
 ST1 - Promoting Sustainable Travel
 ST7 - Transport requirements for managing development
 SCR1 On-site renewable energy requirement
 SCR2 Roof Mounted/Building Integrated Scale Solar PV
 SCR5 Water Efficiency
 H7 Housing Accessibility

LCR7B Broadband
PCS1 Pollution and nuisance 128
PCS2 Noise and vibration 129
PCS3 Air quality
PCS5 Contamination
PCS6 Unstable land
PCS7A Foul sewage infrastructure
LCR1 Safeguarding local community facilities
CP5 Flood Risk Management
CP13 Infrastructure Provision

National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

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.

OFFICER ASSESSMENT

Principle of development

Policy SV1, the Somer Valley Spatial Strategy seeks to prioritise development on brownfield sites focusing on Midsomer Norton and Radstock Centres and the redevelopment of vacant and underused industrial land and factories. Policy SV1 explains that residential development on previously developed sites falling within the scope of Policy ED2B (non strategic industrial sites) adjoining and closely related to the Housing Development Boundary will be acceptable if the requirements of Policy ED2B and other relevant policies are met. The application originally proposed 49 dwellings, but officers raised concerns that this comprised building on an area of land that was not considered to be 'previously developed land' as defined within the National Planning Policy Framework and as such did not conform with the above policy. The scheme has now been reduced to 28 dwelling containing the development within the previously developed land, on land forming Bidwells Metal operational site and the former school site area.

Policy ED2B relates to development on non strategic industrial sites; this explains that applications for residential development or other uses will normally be approved unless there is a strong economic reason why this would be inappropriate. Bidwells Metals have relocated from this site as this use has been considered by the Environment Agency to be incompatible with its residential neighbours. It is understood that part of the site has been leased on a temporary basis by another scrap metal dealer for storage purposes. The Council's Economic Development Team does not consider that there are any strong economic reasons to safeguard this site in its current lawful use, and the development is considered to comply with the above policy.

The existing site comprises a snooker/community room which can be classified as a community facility safeguarded under Placemaking policy LCR.1. However the scheme provides a new community building within the site, and as such an alternative facilities of equivalent local community value is being provided as part of the redevelopment of the site. The development also proposes to change the use of the former school building to

residential development. Whilst a school can be defined as a community facility, this use has not been in place since around 2005, and this policy should not therefore be applied. The development is therefore compliant with the aforementioned policy which seeks to safeguard community facilities subject to the provision of the community building being secured through a S106 agreement to ensure that it is fitted out and provided prior to the occupation of the dwellings. However, as noted, the applicant has not entered into a S106 to secure the provision of a community building, and without this, the development would be contrary to policy LCR.1. This will be dealt with in the reports conclusion.

Overall, the development is considered to be acceptable in principle.

Character and appearance

Significant changes have been made to the proposal during the application process; the most significant being the reduction in the quantum of development put forward, removing 21 dwellings from the scheme. Whilst this change was primarily undertaken to contain the development within previously development land as explained above, the removal of these units from the undeveloped part of the site also significantly lessens the impact upon the character and appearance of the area by eliminating the most prominent dwellings in an area of land that has a semi rural feel and contributes strongly to the landscape setting of the wider settlement.

It is noted that the Landscape Officer has raised concerns with regards to the development in terms of its impact upon the landscape character with reference to Policy NE2a of the Placemaking Plan which seeks to preserve and enhance the landscape setting of settlements. When considering the landscape impact of the development, it is important to note the existing development and how this can be seen to detract from the areas character and quality. The built form proposed is primarily contained on areas with existing hard standings/buildings in situ.

The landscape and visual setting of Radstock results primarily from a combination of the strong landform and the history of mining and that this has provided the settlement with a very distinct pattern and form resulting in distinctive wooded coal batches and networks of paths. The landscape setting to the north of the whole settlement is dominated by the even line of the undeveloped northern slopes which includes the steep slopes of the valley up to Clandown. The application site is visible from wider views including from the A367 Bath New Road which lies to the east of the site; currently the aforementioned attributes can be seen from this location. Whilst the proposed development will be visible from wider views, the development will generally be contained with the area of land that has been previously developed, and will not encroach onto the undeveloped slopes. Further, it will not reduce the importance of the batch from wider views.

The design and form of the buildings within the scheme has again been revised during the application process. The terrace at the entrance of the site has been amended to remove the onsite parking at the front, and now comprises a terrace with small front gardens defined with boundary walls fronting the street. The majority of the parking for the units has been relocated to the rear. The terrace also benefits from traditional detailing such as chimneys and will be faced at the front with natural stone. This terrace is now considered to more closely resemble the traditional form common in this location which aids in

integrating the development with the existing built form, preserving and enhancing this part of the Conservation Area.

The decrease in the number of units has also reduced the number of dwelling types which again helps in ensuring that the development unifies more successfully with the existing settlement and the Conservation Area in which it sits. It is noted that a number of detached dwellings are proposed, but given their siting within the scheme these are not considered to be unacceptable. Whilst traditional terraces are more commonplace, there are other examples of detached buildings within the locality and the detached forms do not appear unduly alien within their context.

The original warehouse building is to be converted to form five dwellings. The building figures in wider views and the treatment of the front elevation of the building will be a defining aspect of the new development impacting upon the character of the Conservation Area. This building is currently an open fronted stone building which is likely to have been used for a function connected to the operation of the colliery and is viewed as a non designated heritage asset. In response to concerns raised by officers, some changes to this building have been made which include the reduction in roof lights and the change to grey metal for the infill material on the principal elevation. These are considered to benefit the aesthetic of the conversion. However, alterations to the industrial fenestration on the rear elevation and the addition of a number of roof lights are not considered to be a strong response in protecting the significance of this heritage asset. However, it is noted that the buildings character will change somewhat as it is converted to a domestic building, and the harmful elements to facilitate this conversion will be considered in the overall planning balance of this report.

The old school building will also be converted to residential units; the number of units proposed has been reduced during the course of the application. This has removed the need for an inserted floor which eliminated the need to cut across the windows and the mullions. The agent has also confirmed that the modern aluminium windows will be replaced with timber windows. Overall this is considered to be a more sensitive approach to this non designated heritage asset within the Conservation Area.

The development will incorporate a number of materials and overall the material palette is considered to be acceptable. A number of the units including those fronting Chapel Road will be constructed from white lias with render to the rear. This will aid in ensuring that the development integrates with the existing built form of the neighbouring dwellings. A number of the dwellings within the scheme will be constructed from render with roman tiles. This is considered to be acceptable given the siting of these units within the site. The Warehouse Building now incorporates zinc cladding to sit alongside the rubble stone; this is considered to be more appropriate than the timber cladding originally proposed, respecting the original character as an industrial/warehouse building.

Overall, whilst some areas of harm have been identified, the overall siting, scale and design of the proposal is considered to be acceptable. There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The assessment has carefully considered these above requirements.

As noted above the proposed works, when looking at the overall scheme, are considered to preserve the character and appearance of the Conservation Area. Some elements of harm have however been identified. The NPPF distinguishes between 'substantial harm' and 'less than substantial harm' when referring to the impact upon the significance of a heritage asset. When a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The harm in this case is considered to be less than substantial. This will be addressed in the concluding part of this report.

Highway safety

Information has been provided to show that the previous primary school had a potential capacity of 70 students. It is however acknowledged that the school would have operated at a level far below this number of students, and the school has been closed for some time. There is also a significant debate regarding the level of traffic that has been, and could be now generated by the industrial uses that also occur at the site.

It is necessary to consider whether the impact of the proposed development, now 28 dwellings, would have a significant impact as compared with the potential of the existing site permissions. The latest information demonstrates that even if the prediction for the existing uses was overestimated by a factor of two, the proposed residential development would generate fewer vehicle trips across the day. The loss of the industrial uses would also remove (after the construction phase) the heavy goods vehicles that are associated with the site. It is therefore considered unlikely that the proposed development would have a significantly detrimental impact as compared with the potential of the permitted site uses. This does not overcome the need to ensure that pedestrian facilities on Chapel Road are enhanced so that the needs of any future residents could be met. There is therefore the need to ensure that an appropriate financial contribution is secured through a S106 agreement to safeguard these pedestrian improvements to Chapel Road.

It is noted that changes have been recently made to the Chapel Road / Fosseway junction, and this is currently the subject of a legal review. This is a separate matter and should not influence the planning decision.

A parking schedule has been submitted during the application process and this demonstrates that the proposed parking levels would accord with the Placemaking Plan transport policies. The development is therefore considered to provide adequate on site parking for the proposed development.

Subject to the improvements to the pedestrian links and conditions to include details such as a Travel Plan and Construction Management Plan, it is considered that the development would not have an undue impact upon highway safety. However, given the appropriate financial contribution to safeguard these pedestrian improvements to Chapel Road can not be secured as the S106 has not progressed, the development is considered to be unacceptable on highway safety grounds.

Arboriculture Issues

The trees on and adjacent to the site are protected by virtue of the Radstock Conservation Area and the woodland to the north east is protected by a Tree Preservation Order.

Concerns were originally raised as it was not considered that the layout took account of the surrounding trees and woodland or how the proximity of the new dwellings and living conditions of occupants would be affected by the trees or how the management of the trees would be influenced.

An Arboricultural Report consisting of an Arboricultural Impact Assessment, Tree Protection Plan, Tree Removal Plan and Arboricultural Method Statement was submitted following the above concerns being raised. Further information has also been provided with regards to site ownership in relation to the adjoining land. The layout of the scheme has also been amended in response to these concerns. The revisions included moving the community building to the north of the site to replace the four dwellings whose gardens were considered to be unduly overshadowed by the trees on the batch. The additional information also illustrates that no further felling would be required should the retaining structures adjacent to the bank need to be replaced.

On balance officers are satisfied that whilst some trees will be removed, sufficient alterations and information has been submitted to ensure that there will be no unacceptable harm on the adjoining trees. Any planning permission can secure a landscape scheme to ensure that there is mitigation planting in place.

Residential amenity

The existing use generates a significant amount of noise and disturbance and has been considered incompatible with its residential neighbours. Whilst the development of the site for 28 dwellings will significantly increase the number of people in the surrounding area, this is not considered to result in significant harm. The residential dwellings will be located towards the end of Chapel Road, as a continuation of the existing road. Although the use will clearly generate vehicular movements, this is not considered to generate an unacceptable level of noise and disturbance when compared to the lawful use. Further, the dwellings are set a sufficient distance from neighbouring occupiers to ensure that they will not be harmed by virtue of loss of privacy or any overbearing impact.

Ecological matters

The reduction in the quantum of the development has allowed for a greater retention of existing vegetation and the provision of more substantial buffer zones between the development and adjacent land and habitats including trees. The provision of calcareous grassland within the proposed public open space on the westernmost section of the site is also welcomed. Final details including a method statement for the creation of this habitat and a landscape and ecological management plan detailing the proposed long term maintenance and conservation habitat management prescriptions for the area can be secured via condition.

Additional information has been provided regarding the bat surveys carried out to date. The surveys did not confirm any use of the buildings by bats at that time but did record bat activity in the vicinity by a range of bat species including common and soprano pipistrelle, noctule, serotine, and brown long-eared bat. Given the passage of time the bat emergence / dawn surveys are now one year old and three years old; there is a reasonable risk that new roosts could be present. Pre-commencement checks are therefore required, but following discussions, the Ecologist is satisfied that this can be

secured via condition. It has been demonstrated that additional bat mitigation measures including a roof void bat roost can be incorporated into the scheme which would be more than sufficient if any new bat activity is found on site.

Although there is no evidence that a roost being is disturbed, an EPS licence may be required for this proposal following pre commencement checks and therefore the Local Planning Authority should consider the "three tests" of the Habitats Regulations, and be satisfied that they would be met and a licence would be likely to be obtained.

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

The public benefits should be commensurate with the level of impact. The development will result in 28 new dwellings including 8 affordable homes, contributing to the housing need of the area. Further, the development will result in jobs in the construction phase, and whilst this is only for a short period of time, this can be seen to be an economic benefit to the scheme. The test can be said to be passed.

Test 2 There is no satisfactory alternative

The buildings are in the heart of the development and form part of the overall redevelopment of the site. It would be unreasonable to assume that they would not fall within part of the overall redevelopment of the site.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species

The proposed mitigation as detailed in the submitted documents would provide for the requirements of all bat species and uses that could potentially be present, and would satisfy the "third test" of the Habitats Regulations i.e. maintaining favourable conservation status of the affected species; and that an EPS licence application based on the proposed mitigation measures, could be obtained.

Overall, the development is therefore considered to be ecologically acceptable.

Parks and open spaces

The development provides a main area of public open space and smaller areas of public open space. This is considered to be adequate for the proposed level of occupation, and the ongoing management of this space can be secured through a S106 agreement. Again, as the S106 has not progressed, it is not considered that the appropriate mechanisms are in place to ensure that this is maintained appropriately in perpetuity.

Archaeological issues

An Iron Age or Roman-British quern-stone was found immediately to the west of the development site (MBN1138) suggesting possible early occupation in the area. Whilst the site itself contains the former 19th century school building (MBN30428), tramway route from the neighbouring Clandown Colliery and batch (MBN2222), and the other related

industrial structures and features and the other related industrial structures and features. Archaeological watching brief and historic building recording conditions are therefore included.

Drainage

The submission includes a flood risk assessment which demonstrates good use of SuDS. The development is considered to be acceptable subject to a condition to secure further details.

Contaminated Land

Given the former use of the site, conditions to deal with the risks associated with contamination of the site shall be secured through condition. Subject to this, there are no objections on these grounds.

Public Rights of Way

Public footpath CL24/135 runs through the site; objections were originally raised due to the lack of provision for public footpath CL24/135 which runs through the existing site. This footpath can be routed through made up estate paths and open space. This is therefore considered to be acceptable. Any diversion will require a Public Footpath Order.

Housing accessibility

PMP policy H7 requires that market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. Based on evidence available the Council can demonstrate a need for 19% of all new market housing to meet enhanced accessibility standards arising during the Plan period. This scheme would therefore generate a need for four dwellings to meet this enhanced standard. The Planning Agent has confirmed that at least four of the market dwellings will meet the standards as required by the aforementioned policy. This can be secured through the inclusion of a condition on any planning permission.

Affordable housing

The scheme has been amended in light of comments received from the Council's Affordable Housing Officer. The development should provide 8 affordable housing units which represents 30% of the overall number of units. The units are appropriate pepperpotted within the site and would be tenure blind. The units would need to be secured through a S106 agreement. As detailed above this has not been progressed despite the application being within the Local Planning Authority for a significant portion of time and as the affordable housing can not be secured, the development fails to accord with policy CP9 of the Core Strategy.

Planning obligations

As set out within the main body of this report, the development triggers the need for the following planning obligations which would need to be secured through a S106 agreement

- 8 affordable housing
- Chapel Road pedestrian works
- Provision of parks and open spaces/amenity area and management mechanisms
- Provision of a community building

In line with the adopted Planning Obligations SPD, the development would also trigger the need for:

- Financial contributions in relations to Fire Hydrants
- Targeted Training and Recruitment Method Statement and Financial contributions

AS explained above, since this application was originally heard at Planning Committee in August 2017, officers have been unable to progress the S106 due to the applicant/agent being unable to commit to the above obligations. The applicant has concerns that the obligations would render the scheme unviable and as such are unable to sign the S106 at this stage. No evidence has been submitted to substantiate this position and without a full viability appraisal, officers are unable to agree to a departure from the planning obligations as outlined within this report.

Planning balance

Overall, whilst small areas of harm have been identified which includes that to the warehouse building and the resultant impact upon the Conservation Area, the benefits of providing 28 additional houses, including affordable housing outweigh any limited harm. Any considered harm to the Conservation Area is less than substantial, and when weighing this up against the public benefits of the proposal, is considered to be outweighed by these benefits.

However, the planning obligations sought can not be secured due to the lack of agreement to enter into a S106 agreement. The lack of the S106 results in this scheme being unacceptable and the application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The absence of a completed Section 106 Agreement to secure on site affordable housing; targeted training and recruitment method statement and financial contributions; Chapel Road pedestrian works; financial contributions for the installation of fire hydrants; provision of parks and open spaces/amenity area and management mechanisms, and the provision of a community building results in the scheme being unacceptable and contrary to Policy CP13, ST7, LCR1, NE1 of the Bath and North East Somerset Placemaking Plan, Policy CP9 of the Core Strategy and the adopted Planning Obligations - Supplementary Planning Document 2015

PLANS LIST:

04 Aug 2017 13074/HTA_3 REV B HOUSE TYPE A PLANS

04 Aug 2017	13074/HTS_1	HOUSE TYPE S ELEVATIONS
04 Aug 2017	13074/HTS_2	HOUSE TYPE S PLANS
04 Aug 2017	13074/002 REV H	SITE LAYOUT
04 Aug 2017	13074/AFF REV B	AFFORDABLE HOUSING LOCATIONS
04 Aug 2017	13074/HTC_2 REV B	HOUSE TYPE C ELEVATIONS
04 Aug 2017	13074/HTC_3 REV B	HOUSE TYPE C PLANS
04 Aug 2017	13074/MAT REV B	MATERIALS LAYOUT
04 Aug 2017	13074/SCH04 REV B	SCHOOL BUILDING PROPOSED PLANS
05 Jul 2017	13074/002 REV F	RETAINING WALL OFFSET
04 Jul 2017	13074/001	SITE LOCATION PLAN
03 Jul 2017	13074/COM_1 REV A	COMMUNITY BUILDING PLANS & ELEVATION
03 Jul 2017	13074/SCH03 REV A	SCHOOL BUILDING, PROPOSED ELEVATIONS
03 Jul 2017	13074/WHO03 REV B	WAREHOUSE BUILDING, PROPOSED PLANS
03 Jul 2017	13074/WHO04 REV B	WAREHOUSE BUILDING, PROPOSED ELEVATIONS
03 Jul 2017	13074/001 REV B	SITE LOCATION PLAN
05 May 2017	13047_HTA_01	HOUSE TYPE A ELEVATIONS
05 May 2017	13047_HTA_02	HOUSE TYPE A ALTERNATE ELEVATIONS
05 May 2017	13047_HTA_03 REV A	HOUSE TYPE A FLOOR PLANS
05 May 2017	13047_HTC_1 REV A	HOUSE TYPE C ELEVATIONS
05 May 2017	13047_HTC_2 REV A	HOUSE TYPE C ALTERNATE ELEVATIONS
05 May 2017	13047_HTC_3 REV A	HOUSE TYPE C FLOOR PLANS
05 May 2017	13047_HTE_1	HOUSE TYPE E ELEVATIONS
05 May 2017	13047_HTE_2 REV A	HOUSE TYPE E FLOOR PLANS
05 May 2017	13047_HTF_1	HOUSE TYPE F ELEVATIONS
05 May 2017	13047_HTF_2	HOUSE TYPE F FLOOR PLANS
05 May 2017	13047_SCH01	SCHOOL BUILDING EXISTING ELEVATIONS
05 May 2017	13047_SCH02	SCHOOL BUILDING EXISTING PLANS
05 May 2017	13047_SE01 REV A	STREET ELEVATIONS
05 May 2017	13047_WH01 REV A	WAREHOUSE EXISTING PLANS & ELEVATION
05 May 2017	13074_FOG_01	FOG ELEVATIONS
05 May 2017	13074_FOG_02	FOG FLOOR PLANS
03 Oct 2016	13074_SUB	SUBSTATION PLANS AND ELEVATIONS

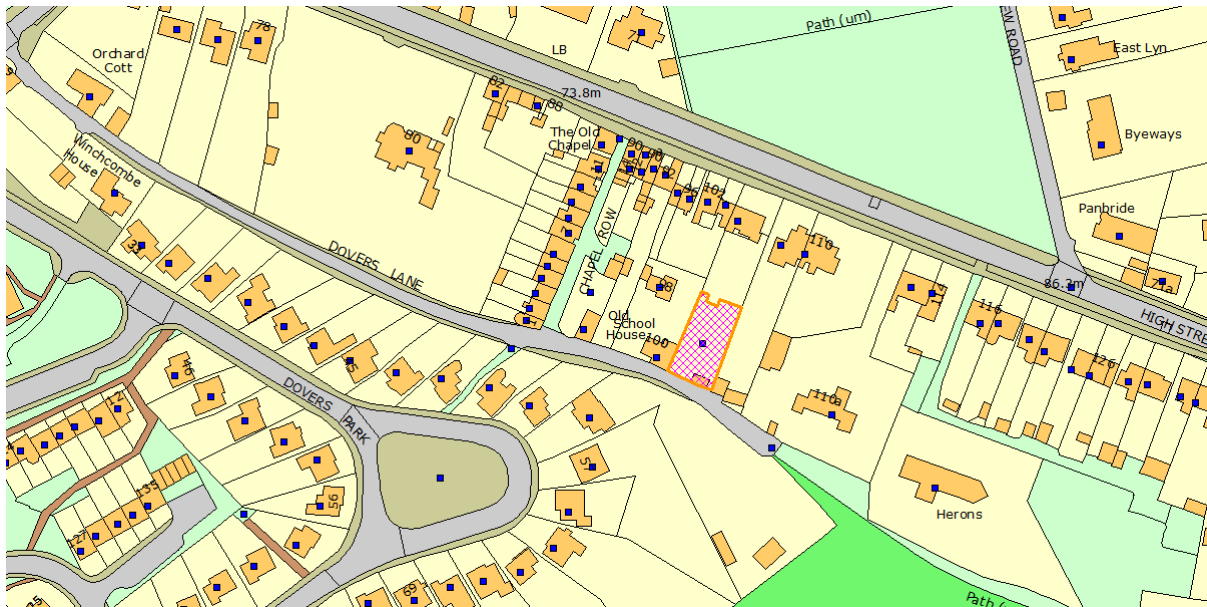
In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all

relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

Item No: 02
Application No: 18/02900/FUL
Site Location: Land At Rear Of 106 High Street Dovers Lane Bathford Bath



Ward: Bathavon North **Parish:** Bathford **LB Grade:** II
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type: Full Application
Proposal: Erection of two storey, 3 bed dwelling
Constraints: Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr Tim Draper
Expiry Date: 18th January 2019
Case Officer: Edward Allsop
To view the case click on the link [here](#).

REPORT

Reason for the application being referred to Committee

The application was referred to the chairman of committee who has decided that the application may result in overdevelopment of the site and that this aspect is considered

controversial. In light of this, the application has been recommended to be determined by the DMC so the impact of the increase in size of the dwelling can be debated.

The application site forms part of the former rear garden of Grade II listed Laurel Cottage, 106 High Street. The site is located within the Bathford Conservation Area and relevant housing development boundary. Planning permission is sought for the erection a dwelling. Planning permission was previously granted for the erection a dwelling in 2016, this application seeks approval of a larger dwelling.

Relevant Planning History:

DC - 15/04445/FUL - PERMIT - 19 January 2016 - Erection of 1no. dwelling with new vehicular access and associated works.

DC - 15/04541/LBA - CON - 19 January 2016 - External alterations to existing pedestrian gateway to form vehicular access including insertion of bespoke oak double gates.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Bathford Parish Council- Object in principle. Whilst not objecting to the previous application (15/04445/FUL) albeit with serious reservations about the access from Dovers Lane which are still valid, Bathford P C is unable to support the current application. A 3 bedroom, 2 storey dwelling is inappropriate for the site and would constitute overdevelopment of a very small plot. Furthermore it would result in a serious loss of privacy for the neighbouring properties.

Highways- No objection, subject to conditions.

Drainage and flooding- No objection, subject to conditions.

Aboriculture- No objection, subject to conditions

Conservation- Object.

Ecology- No objection, subject to conditions.

Third party representations:

19no. objections have been received, the following is a summary:

Objection to principle of development within this part of the conservation area, highways safety concern, concern of construction vehicles accessing Dovers Lane, intrusive and overbearing presence of development, loss of privacy, highways safety concern in relation to children and pedestrians using Dovers Lane, loss of green space, objection to environmental impact, concern relating to foundations of properties during construction phase, overdevelopment of the site, objection to proposed render and design, not in keeping with listed buildings and surrounding area, objection to proposed access and intensification of Dovers Lane, loss of trees, removal of trees from neighbours land, other applications have been refused within Dovers lane on highways grounds, negative impact

on this part of the Conservation Area, no arboricultural or ecological assessments have been made.

Officer note: The concerns relating to the size, scale, design of the dwelling and impact on the character and appearance of the area, highways impact, trees and ecological impacts will be addressed within the report.

The potential impact on the structure stability of older buildings within the area throughout the construction phase is, in this instance not a material consideration in the determination of the planning application. These concerns should be addressed through building control as part of the implementation of the scheme. It should be noted that the old school building may be going through the process of being listed, however, the property is not listed at this point. In any case, the impact of development on the setting of heritage assets within close proximity of the site has been considered. It has been highlighted that an application was refused within Dovers Lane for the erection of 1no. dwelling (17/04472/FUL) in regards to highways concerns. It should be noted that no highway objection was raised; this can be seen within the officers report.

One comment has been received in relation to the development requiring the removal of trees from a neighbouring garden. The plans submitted do not suggest or indicate the removal of trees from adjacent properties. The trees removed along the boundary are within the application site.

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

DW1: District-wide Spatial Strategy
CP2: Sustainable Construction
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:

D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D.3: Urban Fabric
D.4: Streets and Spaces
D.5: Building Design
D.6: Amenity
D7: Infill and Backland Development
ST7: Transport requirements for managing development
HE1: Historic Environment
SU1: Sustainable Drainage
SCR5: Water Efficiency
NE5: Ecological networks
NE6: Trees and Woodland Conservation

The National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Conservation Areas

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

OFFICER ASSESSMENT

Principle of development:

This application seeks amendments to the previously permitted scheme for 1no. detached dwelling, to include: a larger dwelling and provision of 3no. off street parking spaces. The application site is located within a built up residential area and within the Bathford housing development boundary; therefore, the provision of new housing in this location is acceptable in principle. It should also be noted that planning permission has previously been granted for the erection of 1no. dwelling on this site, this previous approval is a material consideration in determining the current application.

Character and appearance:

The application site is located within the former garden of 106 High Street; the site adjoins Dovers Lane to the rear. The surrounding area is residential in character and accommodates a variety of housing type, size and design, however, it is noted that a number of listed cottages within the locality contribute positively to the existing character.

It is noted that there are examples of previous backland development within the locality and the proposed follows a similar line of development facing Dovers Lane. The size and scale of the building is considered appropriate and an over development of the site does not result, this is demonstrated by adequate off street parking being available and private amenity space provided. The dwelling incorporates a mixture of rendered and rubble stone walled elevations, interlinked with bath stone. The roof will be finished in double clay roman tiles. The chosen materials are considered acceptable, reflect and respond positively to the locality and enable the character and appearance of this part of the Conservation Area to be preserved. The objections to the development from Conservation have been noted, however, significant weight has been given to the extant permission for 1no. dwelling on this site. The most recent submission is not considered any more harmful than that previously approved.

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 adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 and 16 of the NPPF.

Amenity:

Although a number of the windows are located in the same position as the previous scheme which did not raise concern in regards to overlooking or loss of privacy; this revised application includes the introduction of new windows in alternative sittings to that previously approved, the impact of these changes have been assessed below.

The new window to be installed at first floor level to the east (side) elevation is located in the bathroom where it will be obscurely glazed. The first floor window to the west (side) elevation is sited above an internal staircase where sustained overlooking or loss of privacy is unlikely to result. The first floor window to the front elevation overlooks Dovers Lane and the first floor window to the rear elevation is located a sufficient distance from Laruel Cottage. In light of this, the windows do not result in a detrimental loss of privacy or overlooking. The size and scale of the dwelling is appropriate and due to its siting and distance from the boundaries will not cause a significant overbearing impact or oppressive presence of development for neighbouring occupiers.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Highways:

The highway authority has carefully reviewed the relevant site and nearby planning history. In particular, it is noted that a residential dwelling on the same site was granted permission when application 15/04445/FUL was determined. The principle of this type of development on the same site has therefore previously been considered to be acceptable. Having re-evaluated the planning proposal, given the constrained nature of the route, the highway authority does remain concerned that a significant intensification of the use of Dovers Lane could result in a road safety problem.

However, given the scale of the development (a single dwelling), it is unlikely that the scheme would generate a high level of traffic on a daily basis. It is also noted that the straight alignment of the lane provides a good level of forward visibility allowing drivers to see oncoming vehicles, pedestrians and cyclists thus reducing the likelihood of conflicts. As the highway authority does not anticipate that the proposed single dwelling would have a severe impact on the safety and operation of the public highway, it is considered that an objection would not be reasonable. The proposed parking arrangements do accord with the minimum requirements of the adopted Placemaking Plan, and the site provides a turning area that would enable vehicles to enter and leave the site in a forward gear. As before, this is considered to be an acceptable arrangement.

Given the site access route and the location of the site relative to neighbouring residential dwellings, it is important that access to the site throughout any construction phase is carefully managed. There is a need to ensure that parking arrangements are adequate and that access is managed so that the chance of conflict with other road. A construction management plan will be required to ensure safe operation of the highways and in the interests of protecting residential amenity. Therefore, the application is acceptable, subject to the conditions attached. The applicant should also be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the amendment 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.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

Impact on trees:

Trees on and adjacent to the site are protected by in Bathford Conservation Area and the proposal implicates several notable trees including a Walnut and Silver Birch. During the application process the site was cleared of substantial overgrowth which included the removal of some trees within the site, the trees that were removed were not considered of arboricultural significance. It was considered that the Walnut tree could not realistically be retained if the position of the building is not moved. In light of this, the walnut tree will be lost and compensatory planting which, from an arboricultural perspective, is acceptable on site compliant with the Planning Obligations SPD.

There is no objection to the proposed arboricultural impacts, subject to a tree protection plan and landscaping condition, as requested via condition.

Ecology:

An ecological survey and assessment has been submitted. The report describes existing habitats which are predominantly former garden vegetation. The report refers to some vegetation clearance having already taken place, which is understood to have been carried out in association with the proposed development (but implemented as part of the previously approved scheme 15/04445/FUL).

A revised plan has been submitted with proposed wildlife mitigation measures and more substantive compensatory / replacement planting indicated. If implemented as shown and vegetation is maintained to sufficient height and width (along with sensitive lighting design) this will reduce the severity of ecological impact of the scheme to an acceptable level, and in time if all measures are retained and maintained to encourage wildlife value, the proposed measures should be capable of providing genuine replacement habitat value in the longer term and potentially contribute positively to bat flight line and foraging habitats.

Subject to implementation of the measures described in the submitted ecological report and drawing 512/P/02 Rev C, and conditions to secure the recommended wildlife mitigation measures & full details of the proposed planting / soft landscape, and sensitive lighting design, it is considered the risk of a "likely significant effect" on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) or bats of the SAC, from this scheme alone or in combination with other projects, is ruled out and there is no objection to the proposal.

Drainage and flooding:

The applicant has indicated that they intend to discharge surface water to the mains sewerage system. Reviewing Wessex Water's records it is apparent that there is no surface water sewerage in the vicinity of the development plot only foul drainage. The applicant must therefore examine the use of soakaways to serve the new building; this would be a more sustainable approach and also be in line with the building regulations drainage hierarchy which prioritises soakaways over sewers. The British Geological Survey infiltration mapping provides the following information: The subsurface is probably suitable for infiltration although the design may be influenced by the ground conditions. Quantify infiltration rate via an infiltration/soakaway test.

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 Wildlife Protection (Compliance)

The development hereby permitted shall be implemented only in accordance with the ecological mitigation measures and precautionary working methods and ecological supervision for avoidance of harm to wildlife, as described in section 9 of the approved ecological report.

Reason: to avoid harm to wildlife and protected species including bats, reptiles, nesting birds and hedgehog.

3 Implementation of Soft Landscaping and Ecological Mitigation Scheme (Compliance)

A report produced by a suitably experienced ecologist confirming and writing and demonstrating using photographs, completion and implementation of the Soft Landscaping and Ecological Mitigation Scheme in accordance with approved details, shall be submitted to and approved in writing by the Local Planning Authority within six months of occupation of the development hereby approved.

Reason: To demonstrate the completed implementation of the Soft Landscaping and Ecological Mitigation Scheme, to prevent net loss to ecology and to provide replacement habitat and long term potential for biodiversity gain, in accordance with policies NE1, NE3 and NE5 of the Bath and North East Somerset Local Plan.

4 External Lighting (Bespoke Trigger - compliance)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, positions, numbers and heights; and details of all necessary measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

5 Soft Landscaping and Ecological Mitigation scheme (Pre-occupation)

(i) No occupation shall commence until a wildlife-friendly soft landscape scheme that is fully in accordance with the ecological measures described in section 9 of the approved Ecological Assessment by Ethos dated October 2018 and with the approved drawing 512/P/02 Rev C dated 22nd Nov 2018, has been submitted to and approved in writing by the Local Planning Authority showing details and plans of all trees, hedgerows and other planting to be retained; finished ground levels; full specifications for new planting and habitat creation, to include numbers, density, sizes, species, species compositions, positions, materials and fixings, for all new trees, shrubs, wildlife habitat and ecological mitigation features; and a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority

(ii) Detailed proposals for long term wildlife friendly maintenance and habitat management to provide maximum long term habitat value with particular attention to provision for bats,

birds, reptiles, hedgehog and invertebrates; All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development; and retained and maintained thereafter in accordance with approved details.

Reason: To prevent ecological harm; to compensate for the ecological impacts of the proposal, and to provide replacement habitat value and potential for long term biodiversity gain in accordance with policies NE1, NE3 and NE5 of the Bath and North East Somerset Local Plan.

6 Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan produced following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of protective fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. 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.

7 Tree Protection Plan (Pre-commencement)

No development activity shall commence until the protective measures as stated in the approved annotated tree protection plan are implemented. A signed certificate of compliance shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation of the dwelling.

Reason: To ensure that the approved tree protection measures are complied with for the duration of the development.

8 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

9 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Location plan- 29th June 2018

Proposed floor plans and elevations- 512-P-01- 29th June 2018

Proposed site plan elevations and section- 512-P-02C - 26th November 2018

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL

Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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