

# Bath & North East Somerset Council

MEETING: **Planning Committee – Site Visit Agenda**

MEETING DATE: **1st July 2020**

AGENDA  
ITEM  
NUMBER

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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.

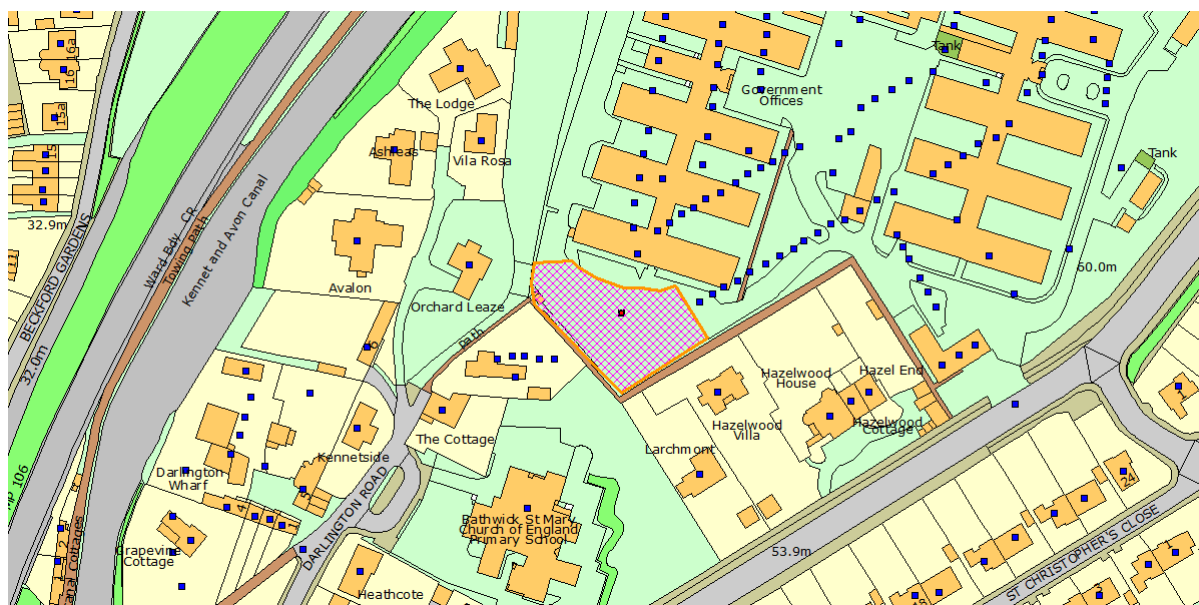
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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:
001	19/04772/FUL 3 June 2020	N/A Additional Development Area, Holburne Park, Bathwick, Bath, Bath And North East Somerset Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath	Bathwick	Chris Griggs-Trevarthen	REFUSE

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

**Item No:** 001  
**Application No:** 19/04772/FUL  
**Site Location:** Additional Development Area Holburne Park Bathwick Bath Bath And North East Somerset



**Ward:** Bathwick

**Parish:** N/A

**LB Grade:** N/A

<b>Ward Members:</b>	Councillor Dr Kumar	Councillor Manda Rigby
<b>Application Type:</b>	Full Application	
<b>Proposal:</b>	Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath	
<b>Constraints:</b>	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,	
<b>Applicant:</b>	N/A	
<b>Expiry Date:</b>	3rd June 2020	
<b>Case Officer:</b>	Chris Griggs-Trevarthen	
To view the case click on the link <a href="#">here</a> .		

## REPORT

### REASON FOR REPORTING TO COMMITTEE

The application was heard at the 3rd June Planning Committee and was deferred for a site visit. A virtual site visit was held on 22nd June. This application, in combination with application 19/04772/FUL, was also subject to a viability assessment in respect of affordable housing.

### DESCRIPTION

This application relates to the former MOD site at Warminster Road in Bath now known as Holburne Park. Planning Permission was granted in March 2015 for the comprehensive redevelopment of the site for 204 dwellings (Ref: 14/02272/EFUL); construction is well underway.

There have been multiple material amendments to the approved scheme since it was first consented in 2015. The 2015 consent was first amended in January 2017 by planning permission (ref: 16/01925/VAR); that permission made amendments to the development's external layout, internal arrangements, and various other changes. A significant new application was approved in 2017 (ref: 16/04289/EFUL) which amended the approved scheme to include the erection of 6 no. apartment blocks. This increased the total number of approved dwellings to 244. This was followed by a further planning permission (Ref: 17/06189/EVAR) in 2017 which made some changes to Plot 37. This was in turned followed by planning permission Ref: 18/05098/EVAR, approved in April 2019, which replaced a 3 unit coach house with a conventional dwelling. A further amendment (19/01956/EVAR) was granted in February 2020. There is a total of 246 dwellings approved on the site.

The original planning permission (14/02272/EFUL) for the redevelopment of the wider MOD site (which excludes the site in question from within its red line) identifies this land

as the 'School Site'. The s106 Agreement (which has now been varied a number of times) required this land to be transferred to the Council to enable the expansion of Bathwick St Marys Primary School. Subsequently the land was deemed no longer necessary for the expansion of the primary school and so the requirement to transfer the land to the Council was removed from the s106 (application reference: 19/03376/M6A). The S.106 Agreement also required a substantial financial contribution towards primary education provision, in a number of instalments. This remains within the s106 agreement.

The 'school site' land therefore remains vacant and this application proposes the erection of 8 additional dwellings, landscaping, car parking and associated works this site. The site is located within the Bath World Heritage Site and Conservation Area. A public right of way runs around the southern and western edges of the site.

A concurrent application which has been submitted to make changes to the approved Holburne Park scheme (ref: 19/03838/FUL) was refused by the 3rd June Planning Committee.

A further application for 10 additional dwellings with additional car parking and landscaping has recently been withdrawn (ref: 19/03836/FUL).

#### RELEVANT PLANNING HISTORY (excluding discharge of conditions)

18/05190/EVAR: Variation of Condition 32 (plans list) of application 17/06189/EVAR (plots 32-36 design changes) GRANTED

18/03193/EVAR: Variation of conditions 7 and 32 of application 17/06189/EVAR (add Juliet balconies to plots 32-36) REFUSED 1 NOVEMBER 2018

18/01407/EVAR: Variation of Condition 24 (plans list) of application 16/04289/EFUL (BF6 and BF7 design changes) GRANTED

17/06189/EVAR: Variation of Condition 7 AND Condition 30 (plans list) involving change to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR. GRANTED

17/06197/NMA: Non-material amendment to application 16/01925/VAR GRANTED JAN 2018

17/05811/NMA: Non-Material Amendment to application 16/01925/VAR GRANTED

16/04289/EFUL: Erection of 6 no. apartment blocks to provide 87 no. new dwellings (Partial revision of application 14/02272/EFUL) GRANTED AUGUST 2017

16/01925/VAR: Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping(including tree removal); pumping station; and associated engineering works, following demolition of existing buildings) GRANTED JAN 2017

16/01456/NMA: Non-material amendment to application 14/02272/EFUL GRANTED APRIL 2016

14/02272/EFUL: Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works GRANTED MARCH 2015

19/01956/EVAR: Variation of Condition 8 and 30 attached to 18/05098/EVAR (Variation of condition 32 (plans list) of application 17/06189/EVAR (Variation of Condition 7 AND Condition 30 (plans list) involving changes to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR (Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works, following demolition of existing buildings) granted on 31.01.2017) (Resubmission). GRANTED FEBRUARY 2020

## ENVIRONMENT IMPACT ASSESSMENT

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

## SUMMARY OF CONSULTATIONS/REPRESENTATIONS

A summary of consultation responses to the application have been provided below.

EDUCATION: No objection

ARCHAEOLOGY: No objection

HOUSING: Objection

Housing Services recognises the outcome of the independent assessment of the Viability case being made by the Developer which is to seek to deliver only 15% affordable housing on the remainder of the development site.

In this regard, Housing Services objects to the applications on the grounds that they do not meet the requirements of Core Strategy policy CP9 and the viability case does not support a reduction in delivery to 15%.

Officer note: The comments of the Housing team were received after the original viability assessment was reviewed which considered the viability of the current application alongside applications 19/03836/FUL and 19/03838/FUL.

DRAINAGE AND FLOODING: No objection

PUBLIC RIGHTS OF WAY: No objection, subject to condition

HIGHWAYS: No objection, subject to conditions

ECOLOGY: No objection

#### VIABILITY ASSESSOR: Comments

Given the level of current uncertainty, C&W have assessed the development based on sales values at £551psf (as of August 2019) and values at £499psf (9.4% reduction from original). C&W's Appraisal, assuming nil affordable housing provision, produces a viability deficit of negative -£2.39M assuming an average sales value of £499psf. This viability deficit turns into a surplus in the scenario where an assumption is made accounting for no adverse impact of Covid-19 on residential sales values (a surplus of £5.11M is generated). In the short term particularly, in C&W's opinion it is very difficult to make a case that there will not be a material adjustment in the market and that sales values should remain at pre-Covid forecast levels.

Set out below are the two scenario's which can be considered as the parameters for a 'Best' and 'Worst' case scenario;

1. Worst Case - Viability Deficit -£2.39M (No Affordable Housing can be supported)
2. Best Case - Viability Surplus £5.11M (up to c.30 AH units which equates to c.22%)

Officer note: The viability assessors comments are based upon a viability assessment which considered the combined viability of the current application alongside application 19/03838/FUL.

#### BATH PRESERVATION TRUST: Objection

The Trust objects to the application on the grounds of insufficient affordable housing provisions. The western infill of the site, in conjunction with other applications for the expansion of the site to the south and east (see applications 19/03836/FUL and 19/03838/FUL), continues to raise strong concerns about the overdevelopment of the site and how this will impact the historic character of the area. The loss of the designated 'school site' to private residential development has resulted in the regretful loss of the potential to integrate public community facilities into the development's design.

An additional letter of objection has been received from the Bath Preservation Trust. The main points raised are:

- o The insufficient provision of affordable housing within an area of a designated affordable housing target of 40%, as specified within Policy CP9 of the Core Strategy and Placemaking Plan.
- o The unwelcome overdevelopment of an already dense residential site.
- o The piecemeal, disjointed submission of planning applications which does not suitably account for the overall coherence of the Holburne site and its contextual setting within the WHS and overlooking the Kennet & Avon Canal.
- o The poor quality of submitted drawings, elevations, and predicted views.

- o In specific relation to application 19/04772/FUL, the loss of the designated 'school site' to private residential development has resulted in the regretful loss of the potential to integrate public community facilities into the development's design.

THIRD PARTIES AND NEIGHBOURS: 8 letters of OBJECTION have been received. The main issues raised were:

Concerns were raised that the proposals represent overdevelopment and suggesting that the site is left as an open space, play area or open view for people using the public footpath.

It was suggested that the proposal was outside of the permitted development boundary and that the increased density of housing was not supported by approach infrastructure.

Concerns about how the development will look from the other side of the valley and the potential impact upon the World Heritage Site and Conservation area. It was considered that the pastiche approach of the rest of Holburne Park was not an acceptable approach

The lack of affordable housing was also pointed out by some comments.

There were concerns raised about the impact upon the amenity of neighbouring properties in Darlington Road (known as Top Yard Cottages). The height of the proposed buildings and site topography is considered to having an overbearing impact on these properties.

It was suggested that the layout of the proposals pays no regard to the masterplan for Holburne Park and turns it back on the surrounding area rather than integrates with the existing urban grain. It was considered that the proposals fail to provide natural surveillance for the footpath and reduce security.

Concern was expressed about inadequate provision of parks and play areas within the wider development and there were objections to the loss of green space.

It was considered that the access should be upgraded to a roundabout to accommodate the traffic generated. Concerns were also raised about the lack of parking, particularly visitor parking.

Some concerns about the build quality of the existing development have been raised.

A number of comments were made regarding the design and impact of the concurrent application for three villas (ref: 19/03836/FUL). These are not to be considered as part of the current application.

## **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 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:

- o Policy GDS.1 Site allocations and development requirements (policy framework)
- o Policy GDS.1/K2: South West Keynsham (site)
- o Policy GDS.1/NR2: Radstock Railway Land (site)
- o Policy GDS.1/V3: Paulton Printing Factory (site)
- o Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

#### 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:

Policy DW1: District Wide Spatial Strategy  
 Policy B1: Bath Spatial Strategy  
 Policy B4: The World Heritage Site and its Setting  
 Policy CP6: Environmental Quality

#### RELEVANT PLACEMAKING PLAN POLICIES

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:

SU1 Sustainable Drainage  
 D1 Urban Design Principles  
 D2 Local Character & Distinctiveness  
 D3 Urban Fabric  
 D4 Streets and spaces  
 D5 Building Design  
 D6 Amenity  
 D8 Lighting  
 D10 Public Realm  
 BD1 Bath Design Policy  
 HE1 Historic Environment  
 NE1 Development and Green Infrastructure  
 NE2 Conserving and enhancing the landscape and landscape character  
 NE2A Landscape Setting of Settlements  
 NE6 Trees and woodland conservation  
 ST1 Promoting sustainable travel  
 ST7 Transport requirements for managing development  
 SB12 Former MoD Warminster Road

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance can be awarded significant weight.

There is also a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area.

#### LOW CARBON AND SUSTAINABLE CREDENTIALS



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

## **OFFICER ASSESSMENT**

The main issues to consider are:

1. Principle of development
2. Design
3. World Heritage Site and Conservation Area
4. Residential amenity
5. Highways and parking
6. Drainage
7. Public Rights of Way
8. Ecology
9. Archaeology
10. Sustainable Construction
11. Affordable Housing
12. Community Infrastructure Levy
13. Conclusion

### **1. PRINCIPLE OF DEVELOPMENT**

The site falls within the allocation policy SB12 which allows for the provision of at least 150 residential dwellings to enable the efficient use of the developable area. The proposed development would amend the approved scheme and increase the number of dwellings within the allocation from 246 to 254. The current proposal therefore will not conflict with the minimum requirement for dwellings.

Criterion 2 of the SB12 requires the removal of the existing disused buildings on the site. This has already occurred and this criterion is met.

Criterion 3 requires the development to be almost entirely focused on the previously developed area, but with some scope for some very minor fringe development outside of the fence line. The site falls within the former Warminster Road MOD fence line and, although itself undeveloped, is considered to be with the curtilage of the previously developed area.

Criterion 4 requires a design response which enhances the setting of the World Heritage Site and Conservation Area with reference to the important characteristics of the site. This is addressed in the Design and World Heritage Site and Conservation area sections below

Criterion 5 requires the provision of land and other funds to enable expansion of the adjoining primary school. The education team has previously confirmed that the land is no longer required for primary school expansion and that the additional primary school capacity to accommodate the wider development of Hoburne Park will be created in the vicinity using the financial contribution which was secured by the original s106 agreement.

Therefore, there is no objection in principle to this land no longer being transferred to the Council for educational purposes and this is no longer required by the s106 following the removal of this clause under application 19/03376/M6A. A financial contribution towards education provision has already been made on this development site. Criterion 5 is therefore considered to be met.

Criterion 6 relates to walkways through the undeveloped part of the site to improve public access. This application does not affect the approved proposals for walkways and access to the undeveloped parts of the site.

Criterion 7 requires the protection of the amenity of neighbouring residential properties. This is considered in the residential amenity section below.

Criterion 8 requires a detailed historic environment assessment and evaluation. This is considered in the Design and World Heritage Site and Conservation area sections below.

## 2. DESIGN

The proposed layout represents a continuation of the existing terraces along an extended street. This approach is broadly supported. Similarly, the design and architectural treatment of the houses appears to reflect that previously approved/already constructed and on that basis can be supported.

The proposals are 2 storey in scale and therefore match the scale of the adjacent buildings within the wider development site and reflect the scale of buildings in the surrounding area. The immediate street scene would be characterised by two-storey dwellings, which is entirely appropriate for a site on the very edge of the development.

The proposed materials would be a mixture of bath stone ashlar and render which reflects the materials used in the wider development site.

The proposals include a significant amount of surface parking, including some tandem bays. However, the proposals also include adequate amounts of soft and hard landscaping to alleviate some of this impact and prevent the development from appearing too car dominated.

## 3. WORLD HERITAGE SITE AND CONSERVATION AREA

The key consideration in respect of the impact of the proposals upon the World Heritage Site is whether the proposed development would have an adverse impact upon its outstanding universal value.

The proposed site forms a fairly small parcel within a wider 7.0 hectare development. The location of the site in the south-west corner of the allocation means that it is seen amongst the rest of the development on the hillside in longer views. The two storey scale of the development means that it will be amongst the small elements of the wider development and will not appear incongruous or discordant in the landscape. As a result it is considered

that the development will not impact upon the city's Georgian town planning or architecture.

It is therefore considered that the proposals will have no adverse impact upon the outstanding universal value (OUV) of the World Heritage Site.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. In this instance it is considered that the design of the proposed buildings are acceptable (discussed above) and will not detract from views to or from the site. The proposals will therefore preserve the character and appearance of the Bath Conservation Area and meet this requirement.

The proposal is therefore considered to comply with criteria 4 and 8 of policy SB12.

#### 4. RESIDENTIAL AMENITY

The 8 proposed dwellings are all provided with adequate internal and external space for amenity and all have adequate levels of light, outlook and privacy.

Concern has been raised about the impacts of the proposed dwellings located adjacent to the site on Darlington Road. A short terrace of 4 dwellings (known as Top Yard Cottages) is situated at adjacent to the western boundary. The adjoining terrace is slightly offset from the site boundary, such that the dwellings are successfully further away from the boundary.

At its closest point, the rear elevation of the proposed terrace is approximately 15m from the front corner of Top Yard Cottages. The rises within the application site, such that the existing dwellings of Top Yard Cottages are on slightly lower land than the proposed dwellings. However, due to the separation from the boundary and their limited two storey scale, it is considered that the proposed dwellings will not appear overbearing or result in any significant loss of light or outlook from Top Yard Cottages.

In terms of privacy, the offset orientation of Top Yard Cottage and proposed separation will prevent the proposed dwellings from causing any harmful overlooking.

Larchmont and Hazelwood are existing residential dwellings located immediately to the south-east of the application site. Both are set back from the site boundary and are a reasonable distance from the proposed terrace of 8 dwellings. Orchard Leaze is a residential dwelling located immediately to the west of the site, but is also set back a reasonable distance from the proposed terrace. The proposed development will not result in any significant loss of light, outlook or privacy from either of these dwellings.

The proposals are therefore considered not to have any significant impact upon the residential amenity of adjoining occupiers.

The proposal is therefore considered to comply with criterion 7 of SB12.

## 5. HIGHWAYS AND PARKING

The proposal would be accessed by vehicle from the newly constructed road that serves the wider development, and it is expected that this would be adopted as public highway in due course.

The highway authority is sensitive to further increases in traffic levels affecting the A36 Warminster Road corridor. However, having reviewed the potential impact of the proposed development the Highways Officer accepts that the additional eight dwellings are unlikely to result in a material impact on the wider highway network. The residential scheme is also likely to have a lower impact as compared with the education use that was originally proposed for the same site.

The proposed level of car parking to serve each of the dwellings is considered to be acceptable, and two spaces are proposed for each for the three bedroom units. This level of parking accords with the adopted minimum standards. There would also be opportunities to provide secure cycle parking within each of the plot curtilages.

The proposal incorporates seven "visitor" parking spaces and this has been identified as a requirement due to the potential loss of similar provision elsewhere in the development site. Whilst it is not ideal that the spaces are grouped together, it is accepted that these would help to serve the need for visitor parking provision in this part of the site and these would be useful for properties to the north and east of the location.

There are no concerns relating to the proposed refuse storage locations, and collection from the main "through route" past the site will be possible.

Should planning permission be granted a Construction Management Plan would be a requirement to ensure that there was no detrimental impact on nearby residents throughout this phase of the development within the Holburne Park site. There is no highway objection to the scheme, subject to the suggested conditions.

## 6. DRAINAGE

The drainage details submitted with the application confirms that the proposed layout is acceptable with no increase in flood risk or discharge rate from the wider development site.

## 7. PUBLIC RIGHTS OF WAY

The application indicates that the existing public footpath along the south and west boundaries of the site is proposed to be retained and extended to form an additional connection along the northern edge of the site. The Public Rights of Way Team are supportive of this proposal and consider it to be a benefit to the residents of the new development to have a pedestrian link between the proposed development and the

existing footpath, linking the site with the school and wider community. There is therefore no objection on these grounds, subject to the suggested conditions.

## 8. ECOLOGY

The Council's Ecologist has reviewed the application. The site has been cleared already and there do not appear to be any significant ecological implications arising from this proposal.

Ecological measures should be required as part of the landscape proposals. The details of measures such as landscaping, if secured by condition, should be required to avoid conflicts with ecological requirements on adjacent land and the wider site. There is therefore no ecological objection to the proposals.

## 9. ARCHAEOLOGY

The Council's Archaeological experts have reviewed the application and determined that there is limited or no archaeological implications to this proposal. There are therefore no objections on archaeological grounds.

## 10. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

SAP calculations have been submitted with the application to demonstrate that the development would achieve a 32% reduction in carbon emissions compared to the baseline. This includes an 18% reduction from solar PV panels which have been included in the scheme. The proposals are therefore considered to comply with policies CP2 and SCR1 .

## 11. AFFORDABLE HOUSING

### *Background*

The original planning permission (ref: 14/02272/EFUL) for the whole was granted subject to the provision of 40% affordable housing in accordance with policy CP9 of the Core Strategy.

A subsequent application (ref: 16/04289/EFUL) was permitted to increase the total number of dwellings in the scheme, but without increasing the provision of affordable housing. The percentage of affordable housing therefore dropped to 33% on-site with an additional financial contribution of £400K secured for the delivery of affordable housing off-

site following a review of the site's viability. This equates to an on-site provision of 81 units of affordable housing across a total of 246 dwellings.

61 dwellings (32 open market and 29 affordable) have been completed at Holburne Park so far and £163,333 of the £400k financial contribution towards off-site delivery of affordable housing has been made to the Council. The Holburne Park development has also already made a number of financial contributions towards a number of matters including transport, public open space and education.

This current application forms part of the wider Holbourne Park development and is therefore subject to policy CP9 in respect of affordable housing. The policy requires 40% on-site affordable housing provision and the approved affordable housing percentage on the wider development is 33%. In either case, due to the need to round up or down, the total number of affordable units requires as part of this application three (40% of 8 = 3.2 and 33% of 8 = 2.64).

### *Viability Assessment*

A viability appraisal was submitted to cover both this current application and the concurrent application (ref: 19/03838/FUL). Given the recent refusal of application 19/03838/FUL, this assessment is no longer relevant to the consideration of this appeal.

No appraisal has been submitted to consider the viability of the current scheme independently or as part of the wider approved development.

### *Affordable Housing Offer*

The applicant maintains that the development cannot support the provision of any additional affordable housing. Therefore the current application does not propose that any of the proposed 8 dwellings will be affordable (0%).

Overall, across the whole site the proposed development would result in the level of affordable housing dropping from 33% (81 out of 246) to 31% (81 out of 254).

Given the refusal of application 19/03838/FUL, the applicant is no longer offering an additional commuted sum towards off-site affordable housing delivery.

### *Site circumstances and other relevant considerations*

The applicant has provided evidence to demonstrate that the viability of the existing development has been significantly impacted by a series of unforeseen events and market trends. The majority of these matters could be considered part of developer risk and are not considered as part of standardised approach to viability. However, this evidence has demonstrated that there is a significant risk that the current developer will be unable to continue development of the site without further amendments to the overall scheme.

If this risk was realised the development of the site would very likely cease and would not likely re-commence until after a new developer of the site came forward. This would very likely result in a significant delay to the delivery of the site and could have implications on whether or not the site can be counted within the Council's 5 year land supply. This is particularly pertinent within the city of Bath where there housing delivery is under pressure.

Furthermore, if construction works were to cease in their current state, existing residents who have moved onto the site already would be stuck on an unfinished construction site with no certainty about when it would be finished. Additionally, there would be the loss of all the construction jobs currently on site and a knock-on effect upon the development's supply chain.

It is also evident that the scheme proposed is relatively high-end in terms of the product and its target market. Viability assessors have advised that housing pitched at the higher end may be more susceptible to downward pricing adjustments than lower value properties (i.e. more standard 'plc' type estate housing) since the market is much tighter (fewer purchasers) combined with less support from government schemes and initiatives such as Help to Buy.

Whilst the developer's specific situation is not a material consideration that should be given any significant weight, the implications for the housing delivery and for existing residents if the site were to stall can be given weight in the planning balance.

Given the refusal of application reference 19/03838/FUL, it is unclear to what extent the current application for 8 additional houses will address these concerns. Whilst it will clearly bolster the viability of the overall scheme, it is not likely to have such a significant impact to allay all these concerns. This significantly limits the weight to be afforded to this matter.

### *Affordable Housing conclusions*

Given the refusal of application 19/03838/FUL at the last committee meeting, the viability of the current application falls to be considered either on its own or as part of the existing approved scheme. However, no viability appraisal on this basis has been provided or reviewed. There is therefore no viability evidence to demonstrate that a reduced level of affordable housing for this application is acceptable.

The policy requires the provision of 3 out of the 8 dwellings on this site as affordable housing. The application proposes no affordable housing and this reduction is not justified by a viability assessment. There is a clear conflict with policy CP9.

It remains the case that the COVID-19 crisis has had widespread economic impacts and therefore is likely to have some adverse impact upon the housing and development, although the degree, extent and longevity of this impact is not yet clear. In the short term it is very difficult to make a case that there will not be a material adjustment in the market and that sales values should remain at pre-Covid forecast levels.

However, with the lack of a specific viability appraisal for the proposed scheme there is insufficient evidence to justify a reduction in affordable housing provision.

There remains a desire to avoid delivery of the site stalling with the consequential adverse effect on housing delivery, the detrimental effect upon the amenities of existing occupiers on the site and the loss of construction jobs. However, the ability of the current scheme to help avoid these potential impacts is unclear and this limits the weight to be afforded to these matters. These matters are therefore no longer considered to outweigh the failure to provide the required level of affordable housing.

## **12. COMMUNITY INFRASTRUCTURE LEVY**

The proposal would be liable to pay the community infrastructure levy at a rate of £100 per square metre of residential floorspace. The approximately liable for this proposed scheme is £61,787.

## **13. CONCLUSION**

Following the refusal of application 19/03838/FUL, the viability of this current application falls to be considered on its own or as part of the previously approved wider scheme. No viability appraisal has been provided on this basis and therefore the failure to provide the required level of affordable housing has not been justified.

The refusal of application 19/03838/FUL also now means that the ability of the current application in isolation to help avoid some of the potential impacts to the delivery of the overall scheme is called into question. This refusal is relevant to the balancing of the benefits and harms in relation to this current proposal and this updated report reflects that material change in circumstance.

In all other regards, the proposals are considered to comply with the development plan and accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan. However, this does not overcome the concerns relating to the lack of affordable housing.

It is therefore considered that the proposals are contrary to policy CP9 of the Bath and North East Somerset Core Strategy and material considerations do not indicate that permission should be granted. The application is therefore recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

## **REASON(S) FOR REFUSAL**

1 The proposed development fails to provide a policy compliant level of affordable housing and this is not justified by the viability appraisal or any other material considerations. The proposed development is therefore contrary to the development plan, in particular policy CP9 of the Bath and North East Somerset Core Strategy.

## **PLANS LIST:**



1 153300_STL_09301_PL01	WESTERN PARCEL - LOCATION PLAN
12290-CD351-P3	PROPOSED DRAINAGE STRATEGY SHEET 1 OF 3
12290-CD352-P3	PROPOSED DRAINAGE STRATEGY SHEET 2 OF 3
12290-CD353-P3	PROPOSED DRAINAGE STRATEGY SHEET 3 OF 3
12290-CE301-P2	PROPOSED RETAINING WALL PLAN SHEET 1 OF 3
12290-CE302-P2	PROPOSED RETAINING WALL PLAN SHEET 2 OF 3
12290-CE303-P2	PROPOSED RETAINING WALL PLAN SHEET 3 OF 3
153300_STL_01301_PL01	WESTERN PARCEL - PHASE 3B - GA PLANS
153300_STL_02301_PL01	WESTERN PARCEL - PHASE 3B ELEVATIONS
153300_STL_09302_PL01	WESTERN PARCEL - SITE PLAN
1902-MWA-00-XX-DR-L-0050_01	WESTERN PARCEL HARD LANDSCAPE PLAN
1902-MWA-00-XX-DR-L-0051_01	WESTERN PARCEL SOFT LANDSCAPE PLAN
09302-PL03	WESTERN PARCEL SITE PLAN WITH SOLAR PANEL LOCATIONS

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

### **3 Community Infrastructure Levy**

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