

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **16th December 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.

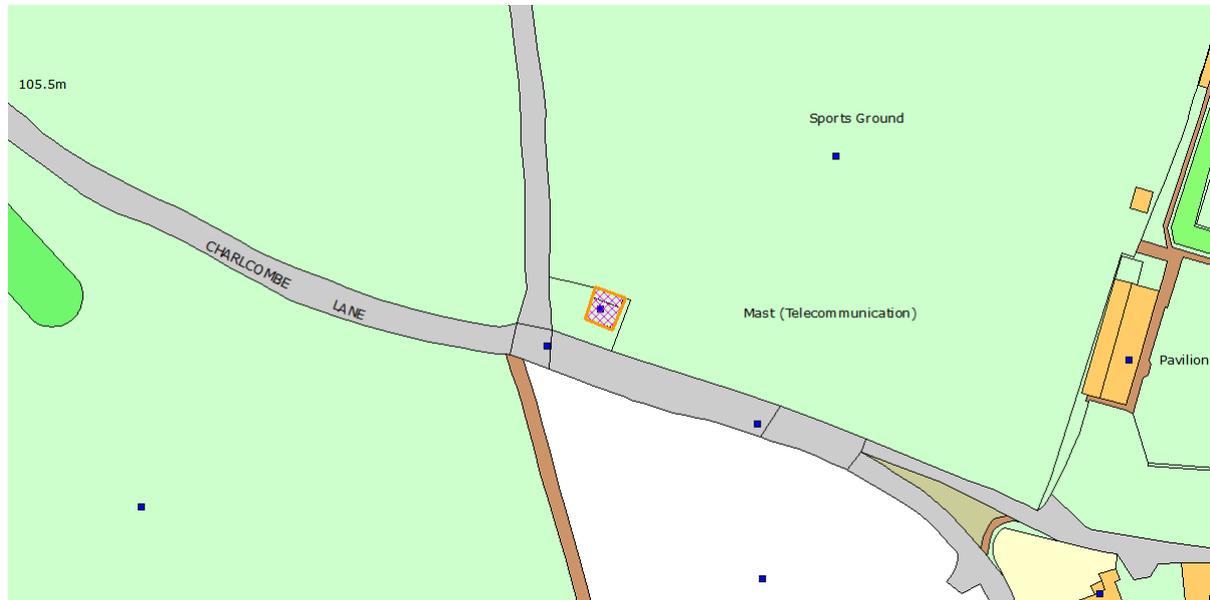
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

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| 001 | 19/05534/FUL 22 October 2020 | Mobile Broadband Network Limited Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath, Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets | Bathavon North | Chris Griggs- Trevarthen | PERMIT |
| 002 | 20/00259/FUL 24 September 2020 | Senior Living Urban (Bath) Limited Homebase Ltd, Pines Way, Westmoreland, Bath, Bath And North East Somerset Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space. | Oldfield Park | Chris Gomm | Delegate to PERMIT |

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 19/05534/FUL
Site Location: Telecommunication Mast 54146 Woolley Lane Charlcombe Bath



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets

Constraints: Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mobile Broadband Network Limited

Expiry Date: 22nd October 2020

Case Officer: Chris Griggs-Trevarthen

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

REPORT

REASON FOR REPORTING TO COMMITTEE

Cllr. Kevin Guy, Cllr. Joanna Wright and Cllr. Sarah Warren have all requested that the application is determined by committee if officers are minded to recommend approval. Swainswick Parish Council have also objected to the proposal. In accordance with the scheme of delegation the application was referred to the chair of the planning committee

who decided that the application should be determined by the planning committee for the following reasons:

"I have looked at this application, and the 'on balance' nature of the recommendation for approval. I note the strong support from national government, and the minimising of harm by reusing an existing site. However, given the public interest in this technology, and the infrastructure it requires, this discussion should be held in the public domain."

The application was deferred at the meeting of the November Planning Committee and members undertook a virtual site visit on 7th December 2020.

DESCRIPTION

The application site comprises a small parcel of land (0.1 hectares) in the corner of the Larkhall Sports Club ground which currently hosts an existing telecommunications mast. The current equipment is contained within a fenced compound of approximately 4.5m by 6.5m and consists of a number of cabinets at ground level and a 14.7m high monopole mast with three antennas creating a mast 'head' approximately 1.5m high by 0.75m wide. The compound is posited in the western corner of the sports ground adjacent to junction between Woolley Lane and Charlcombe Lane.

The site is situated within the Bristol and Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty (AONB) and, although not within its boundary, falls within the setting of the City of Bath World Heritage Site. There is a site of nature conservation interest (SNCI) located to the southwest of the site on the opposite side of Charlcombe Lane.

This application seeks to replace the existing mast with a larger mast support more equipment, but within the existing compound. The proposed mast consists of a 19.7m high monopole tower with a mast with six larger antenna and four communications dishes creating a mast 'head' approximately 3.5m wide by 6.5m high.

The applicants have submitted a supporting statement with the proposal and have also provided a Certificate complying with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines on the limitation of exposure of the general public to electromagnetic fields.

PLANNING HISTORY AND OTHER RELEVANT APPLICATIONS

Application reference: 04/01170/FUL

Applicant: Hutchison 3G UK Ltd

Description: Erection of telecommunications base station comprising 15m high monopole and equipment cabinet measuring 1.5m x 1.96m x 0.7m

Status: PERMITTED - 16th June 2004

There is another pending planning application for a telecoms mast located in the same field approximately 60m to the north of the current proposals.

Application reference: 20/03255/FUL

Applicant: Vodafone Ltd

Description: Erection of a 20m high monopole supporting 3no. antennas and 2no. 0.3mm dishes above the top of the pole, the installation of 1no. equipment cabinet on new base and the installation of ancillary equipment.

Status: PENDING CONSIDERATION

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.

LANDSCAPE: No objection, subject to conditions

CONSERVATION: No objection

ECOLOGY: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No comment

SWAINSWICK PARISH COUNCIL: Objection

This Parish Council objects to this application on the grounds of the mast's proximity to residential properties, schooling and leisure activity areas, its intrusion into the AONB and the impact on the visual entrance to this World Heritage Site from Swainswick/Woolley valley and the A46.

5g technology is not proven regarding its safety/potential impact on people and this location maximises any risk to, in particular the younger generations.

CHARLCOMBE PARISH COUNCIL: Support

It will provide improved and upgraded data coverage for people living in the area and will also provide much needed income for Larkhall Sports Club. The Parish Council support these objectives.

It is noted that the new mast will be some 5m taller than the existing mast, and of much bulkier appearance. The Parish Council query whether the mast could be reduced in height to something close to the current mast to allow existing tree screening to minimise the visual impact in this Green Belt/AONB area. They also ask that the entire installation should be painted green to achieve the same purpose and that this be secured by condition.

The Parish Council request that the installers are made to satisfy planners that the new mast will not subject local people and the users of Larkhall Sports Club to increased or unacceptable levels of radiation and that the technology does not pose a threat to privacy

or security. They also request that the mast not require additional repeater masts in the vicinity in the near future.

The Parish Council also seek to have the temporary mast at the top of Colliers Lane removed, if this mast is approved.

COUNCILLOR KEVIN GUY: Objection

This application will significantly breach the sky line in an area of outstanding natural beauty and is not in keeping with the historical skyline of Bath.

COUNCILLOR JOANNA WRIGHT: Objection

This application for a mast is of great concern. Presently the height of the existing mast is not an eye sore in the beautiful ward of Lambridge. This new mast will stand much taller and although set in Bath Avon North actually affects the ward of Lambridge.

It is clear that many residents are concerned about the unknown effects of this new technology and the impact that this could have on the 3 schools in which it is close to as well as the many residents in Lambridge. An Environmental Impact Assessment should be carried out.

There is in fact a well-used allotment site and local football grounds adjacent to this mast That could be seriously impacted. Only recently has a Community Orchard been created on the site of this allotment and the impact that this new technology might have on important insects such as bees could be catastrophic to growing produce, should the level of frequency not be properly understood.

The sheer size of this large new facility will also have a dire impact in an area which borders an Area of Outstanding Natural Beauty.

COUNCILLOR SARAH WARREN: Comment

There is significant local concern about the application on grounds not only of its appearance in the World Heritage Site, but also around possible health implications of the roll out of 5G.

COUNCILLOR ROB APPLEYARD: Comment

There is wide community concern regarding this application around the visual impact of a higher than existing mast and, as it's an enhanced technology, the impact of this developed technology being close to 3 schools. Although, we have limited control on this application can we ensure that all is done to satisfy the real community concerns that exist.

BATH PRESERVATION TRUST: Objection

The application in its current form fails to conserve or enhance the local landscape character of the AONB, is harmful to the character and openness of the Green Belt and would harm the OUV of the World Heritage Site. This application is consequently contrary

to Sections 13, 15, and 16 of the NPPF, and Policies B1, B4, CP6, D2, HE1, NE2, and CP8 of the Core Strategy and Placemaking Plan, and in its current form should be refused. We would strongly recommend that suitable documentation including a Landscape Visual Impact Assessment and alternative design options are submitted before this scheme is permitted to progress further.

THIRD PARTIES/NEIGHBOURS: 343 letters of OBJECTION have been received the main issues raised were:

A large number of the comments were concerned about the visual impact of the proposed replacement mast. The proposed mast was considered too tall and too wide and would result in harm to the landscape, the skyline and the important views. It was considered harmful to the Cotswold AONB, the Bath World Heritage Site, the Conservation Area and the openness of the Green Belt. This harm was considered to be emphasised by design of the mast and its utilitarian appearance.

A significant number of the comments also raised concerns about the safety of 5G technologies, citing the following issues - lack of evidence of safety, evidence of harm to humans, animals, insects and plants, concern about impact upon children and other vulnerable people. The perception and fear of harm arising from the proposed mast was also raised as an issue. Some were also concerned about an invasion of privacy and data security risks which it was suggested might arise with 5G technology.

Concern was raised about construction access for heavy vehicles through the narrow lanes of Charlcombe Lane required to erect the replacement mast.

Some comments suggested that there were technical errors with the application. It was suggested that an Environmental Impact Assessment was required alongside a risk assessment. Several suggestions were made that the application was missing details and technical information about the replacement mast and that there was a lack of consultation undertaken.

A few comments were concerned that the proposals were contrary to the Council's declaration of a Climate and Nature Emergency.

Several comments felt that the proposed mast was unnecessary.

There was a suggestion that the proposed mast would attract seagulls to the area.

Several comments considered that the proposals were contrary to many of the policies within the development plan.

2 letters of SUPPORT have been received. The main issues raised were:

The comments considered the technology important and necessary and approved of increased coverage. They warned against decisions being made on anecdotal evidence rather than science.

1 GENERAL COMMENT was received. The main issues raised were:

There was concern that the correct planning process had not been followed due to a lack of site notice (Officer note: A site notice was displayed subsequent to the receipt of this comment and the statutory requirement has been fulfilled). There was also concern that the application was not accompanied by an environmental impact assessment and that there was limited factual evidence about the impacts of 5G technology.

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:

- SD1 Presumption in favour of sustainable development
- DW1 District Wide Spatial Strategy
- B4 Bath World Heritage Site
- CP6 Environmental Quality
- CP8 Green Belt

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:

- D2 Local Character and Distinctiveness
- D5 Building Design
- D6 Amenity
- D8 Lighting
- GB1 Visual Amenities of the Green Belt
- NE1 Development and Green Infrastructure
- NE2 Conserving and Enhancing the Landscape and Landscape Character
- NE2A Landscape Setting of Settlements
- NE3 Sites, Species and Habitats
- NE6 Trees and Woodland Conservation
- PCS1 Pollution and Nuisance
- PCS2 Noise and vibration
- ST7 Transport Requirements for Managing Development

LCR7A Telecommunications Development

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

LEGISLATION

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

1. Principle of development
2. Green Belt
3. Landscape, visual impact and heritage
4. Trees and woodland
5. Ecology
6. Highways and access
7. Health
8. Very special circumstances
9. Other matters
10. Conclusion

1. PRINCIPLE OF DEVELOPMENT

Policy LCR7A of the Placemaking Plan supports the principle of telecommunications development and states that they will be permitted if they meet the listed criteria.

Criterion 1 requires that the siting and appearance of the apparatus minimises the impact upon visual amenity, character or appearance of the surrounding area. Criterion 4 requires the development not to have an unacceptable effect on areas of ecology, landscapes or heritage assets such as the World Heritage Site. Both criteria are considered further in the landscape, visual impact and heritage section below.

Criterion 2 applies only to apparatus proposed on a building and does not apply in this instance.

Criterion 3 requires that, in the case of new masts, it is demonstrated that the possibility of erecting apparatus on existing masts or structures has been fully explored. There is an existing mast on this site, but it is a relatively small 15m high monopole which is not capable of accommodating all of the equipment and apparatus required to provide the improved 2G, 3G, 4G, and new 5G coverage. It is also proposed that the new mast will be used by two providers instead of just a single provider. This will reduce the need for additional masts to be in the area whilst ensuring sufficient coverage.

Subject to the consideration of criteria 1 and 4, the principle of a replacement mast in this location is acceptable and consistent with policy LCR7A of the Placemaking Plan.

2. GREEN BELT

In accordance with paragraph 145 of the NPPF, new buildings (or structures) in the green belt are to be regarded as inappropriate development unless they meet one of a few limited exceptions. Paragraph 145(g) sets out an exception for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the green belt than the existing development.

The site contains an existing mast, base station and compound which can all be considered previously developed land. The proposed replacement of the existing mast with a new mast can therefore be considered partial redevelopment of the site.

However, the proposed mast is 5m taller than the existing mast and, more significantly, has a much greater diameter than the existing monopole and contains a much larger mast 'head'. The effect of this increase in size is to create a much bulkier structure which, when combined with the increased height, is considered to have a greater impact upon openness than the existing mast.

It is therefore considered that the proposal does not meet the exception set out in paragraph 145(g) of the NPPF and is therefore considered inappropriate development in the green belt.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The case for very special circumstances is considered in the relevant section below.

3. LANDSCAPE, VISUAL IMPACT AND HERITAGE

The site lies within the Green Belt; the Cotswolds Area of Outstanding Natural Beauty; the indicative landscape setting of the settlement of Bath; and the indicative setting of the Bath World Heritage Site. These multiple designations underscore the quality and importance of the surrounding landscape character, features and views and suggest that it may be sensitive to development which is visually prominent.

Close views of the existing mast are possible from Woolley Lane on the site's western boundary, but the mature boundary vegetation screens close views from Colliers Lane on its southern boundary.

Because of the open sports fields to the mast's north and east, middle distant framed views are possible from the Gloucester Road on the rising eastern slope of the Lam Brook Valley and distant views are possible from the vantage point of Little Solsbury Hill.

The proposed telecoms mast would be 5m taller than the existing mast and would have a much greater diameter and contain a much larger mast 'head'. The effect of this increase in size is to create a visually bulkier structure which, when combined with the increased height be likely to be more prominent in this sensitive area.

However, the increased prominence of the proposals does not significantly change the nature of the development on this site when seen from various viewpoints. The character and appearance of the site remains as one containing a telecommunications mast with associated antennas and equipment, albeit of a larger and more prominent scale.

The adjacent group of Leylandi Cypress trees still provide a decent amount of screening for the proposed mast and act as the primary background within the various viewpoints. The originally proposed light grey finish for the proposed mast and equipment would have been seen against the dark green background of the evergreen foliage of the Leylandii trees. This would be a poor match for the varied colouration of the evergreen foliage.

Following negotiation, it has been agreed that a disruptive (e.g. camouflage) pattern using at least three matt finished colours to match the natural scale and variation of the Leylandii foliage in light, shade and deep shade will be used for the proposed mast. It is considered that securing a suitable paint finish to the mast by planning condition will ensure that the adverse impacts of the proposals can be adequately mitigated. Furthermore, the Landscape Officer has no objection to the proposals.

The application has also been reviewed by the Conservation Officer who has raised no objection in respect of the impact upon the setting of the World Heritage Site. They have considered the impact upon the setting of Twinfield Farm (Grade II listed) which lies approximately 200m to the north of the site. There is limited intervisibility between Twinfield Farm (Grade II) and the proposed mast. Given the distance of 200m, the presence of the existing mast in this location and the intervening tree cover it is considered that the proposals are will preserve the setting and significance of the listed building.

The proposals are therefore considered to conserve the natural beauty of the Area of Outstanding Natural Beauty, the visual amenity of the Green Belt, the landscape setting of the settlement of Bath, the indicative setting of the World Heritage Site and the setting of Twinfield Farm.

4. TREES AND WOODLAND

The site is closely surrounded on its western and southern boundaries by mature boundary vegetation. A tree survey, arboricultural impact assessment and arboricultural method statement has been submitted and demonstrates that the development can be undertaken whilst retaining the surrounding boundary vegetation. These show that a section of hedge (H1) on the northern boundary of the existing site fence would be

removed to facilitate access and construction; that excavations for the foundations of the proposed mast would encroach within the Root Protection Areas (RPAs) of existing trees (G1); and that fencing, ground protection and supervisory measures would be employed to protect existing trees from harm during the proposed works.

The Landscape Officer has queried whether it would be possible to move the compound and the mast to avoid the foundations encroaching upon the RPA's of some of the Leyland Cypress trees on the boundary. However, the applicant does not have control over the land to the north and it is considered that the re-use of the existing compound would be overall less disruptive than its wholesale removal and relocation northwards. It is therefore considered that this relatively minor encroachment into the RPAs is unavoidable and there is no objection on arboricultural grounds.

5. ECOLOGY

The site itself is not subject to any ecological designations, although it is near to the Charlcombe Lane SNCI. The proposals for replacement of the existing mast with a new mast do not raise any significant ecological issues other than the potential impact upon the trees and surrounding mature vegetation.

Arboricultural information clarifies that the works will not require tree removal and removal of other vegetation is limited. This work should be completed outside of the bird nesting season; if this is not possible a nesting bird survey will need to be completed by a professional ecologist prior and mitigation put in place prior to pruning or vegetation removal works. This can be secured by condition.

Additionally, the Council's Ecologist has recommended that a scheme of ecological measures such as new planting and habitat creation is secured, in line with the NPPF and emerging local and national policy requirements for schemes to demonstrate biodiversity 'net gain'. This can be secured through a landscaping condition.

The concerns raised by third parties in respect of terms of risks arising from electromagnetic radiation on local wildlife. There also does not appear currently to be any real consensus or lead from the national / global conservation sector and scientific communities in raising concerns about impacts of 5G on wildlife. However, if an ecological precautionary approach were nevertheless considered to be necessary and appropriate here, then based on the existing structures (and their existing potential ecological impacts) having already been permitted and being already operational, and the location of the site (which although near to a designated Site of Nature Conservation Interest (SNCI) to the south, is not itself within a sensitive habitat or the SNCI), then this scheme could be considered to be appropriately located to avoid and minimise risks to ecology and locations with known ecological sensitivity and is therefore considered unlikely to have any significant impacts upon local wildlife

Furthermore, the scheme complies with existing national standards, guidance and legislation in respect of electro-magnetic radiation and the Council's Ecologist does not consider that there are sufficient grounds to consider there is a likely risk of direct harm from electromagnetic radiation in this location to ecology, in particular protected species or sensitive habitats, sufficiently to object on ecological grounds to this proposal.

6. HIGHWAYS AND ACCESS

The proposal is not likely to generate any significant vehicular trips other than those associated with its construction and occasional maintenance or operational visits from engineers.

The applicant has confirmed that the proposed mast will be delivered to site in sections for ease of transportation, i.e. two columns and one headframe. This will reduce the size of vehicles required to deliver the structure to site and reduce the impact of the construction upon the surrounding local road network.

Access to the site will be achieved via a temporary trackway which will be laid along an existing route which follows runs adjacent to the southern boundary of the field.

The application has been reviewed by the Highways Officer who has raised no objection to the proposals subject to a requirement for a construction management plan to ensure minimal disruption to the road network when being constructed. This can be secured by a planning condition.

7. HEALTH CONCERNS

Numerous comments have raised health concerns about the use of 5G technology. However, the NPPF guidance on this issue is clear and set out in paragraph 116:

Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

The applicant has submitted a certificate of compliance with the ICNIRP public exposure guidelines. This certifies that, when operational, the proposed mast and apparatus used will meet the ICNIRP guidelines and will not pose a threat to safety. The ICNIRP guidelines have been prepared following a wide-ranging review of scientific data on the effects of exposure to human health. This has included major reviews from international organisations and original scientific papers. There is no evidence for the induction of cancer, electrohypersensitivity, infertility or other health effects from exposure at the relevant frequencies.

Various findings from other studies have been submitted in response to the consultation on this application. None of these provide evidence which is more compelling than that presented by the recent ICNIRP guidelines. In light of the compliance with the ICNIRP guidelines, it is considered that the proposals will not have any significant impacts upon human health and complies with national and local policy in respect of this matter.

8. VERY SPECIAL CIRCUMSTANCES

As indicated above, the proposals are inappropriate development in the Green Belt which should only be permitted if very special circumstances exist. Paragraph 144 of the NPPF indicates that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

It should also be noted that the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and that any harm to the Green Belt should be given substantial weight.

There are several matters which weigh in favour of the application which must be considered in this balance.

Firstly, the proposed replacement of the existing mast is to enable an upgrade to the telecommunications network to be able to support the latest generation mobile technology (5G). The latest generation in mobile technology utilises shortwave length frequencies with a short range than previous generations and therefore there is a need more telecoms sites and equipment to cover the same area.

There is strong support from national government for the 5G network roll out express through the policies of the NPPF. Paragraph 112 states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Furthermore, paragraph 116 of the NPPF states that Local Planning Authorities must not seek to prevent competition between different operators or question the need for an electronic communications system.

Given the government's stated support for the next generation of mobile technology and the need for a greater number of locations to provide the same level of coverage, it makes perfectly reasonable sense to first seek to upgrade the existing network locations rather than seeking entirely new locations. The applicant describes this as the existing 4G network sites effectively forming the infrastructure "spine" for the next generation of mobile networks.

If this application were to be refused, then the applicant would have to go about finding an alternative location to site the required equipment. Given the need to provide coverage over the same area, this would very likely be limited to similar locations all of which would also be in the Green Belt and would likely be on greenfield land. The proposed location on the site of an existing mast is therefore likely to represent the least harmful location within the green belt.

The application provides information about the benefits that will arise from the roll out of the 5G network. These include enabling higher capacity, increased bandwidth and lower latency than compared to 4G. This will enable significant advancements in terms of connectivity, technology and business. It is difficult to quantify the benefits arising from these advancements, but it is certainly the case that the currently ongoing public health crisis (covid-19) has highlighted the importance of digital connectivity within modern society. These benefits are therefore afforded significant weight in the planning balance.

The accepted need for 5G on this site then raises the question of whether the 5G equipment could be accommodated on the existing mast or a replacement mast of the same height/width. However, 5G operates across multiple spectrums and therefore requires additional antennas and new equipment cabinets. Furthermore, the signals are more prone to being interrupted by structures and natural features. Given the existing height of the tree surrounding the mast and the need for additional equipment, there is need for a replacement mast which is both higher and wider so as to support the additional equipment in a manner where it will not be interfered with by the existing tree line.

In summary, the accepted need and government support for the next generation of mobile technology combined with the logic of utilising the existing mast site as opposed to an alternative green belt site and the overall benefits of increased connectivity are considered to clearly outweigh the harm to the green belt. No other harm has been identified and it is therefore considered that very special circumstances exist which justify the proposed development in the green belt.

9. OTHER MATTERS

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

Those with disabilities which limit their independence or elderly people who are home bound can often be reliant upon digital and wireless technology to stay connected to their family and friends and to access public and private services and goods. The proposed improvements to connectivity associated with the roll out of the next generation of mobile networks could potentially benefit these groups.

Privacy and security

Several comments have been received questioning the security of the latest 5G technology expressing concerns that their privacy may be invaded. No evidence has been submitted to substantiate these concerns and there is no reason to consider that the next generation of mobile technology will be any less secure than the current generation. Furthermore, these matters do not concern themselves with the use of the land and are therefore not material considerations.

Climate Emergency

Several comments received suggest that the proposals are counter to the Council's declaration of a climate and ecological emergency. As is discussed in the report above, the proposals are not considered to have any adverse impacts upon ecology and biodiversity. Whilst the construction of a replacement mast and the associated equipment will entail some carbon emissions (as most construction projects do), the operational phase of the development is unlikely to generate a large amount of carbon emissions. Furthermore, new technological contributions to meeting the climate crisis are likely to

benefit from the increased connectivity provided by the next generation of mobile technology.

Gulls

Some comments suggested that the replacement mast would attract gulls which would be a nuisance to the local area. There is no indication that there is any gull problem associated with the existing mast and equipment and, although larger than the existing, there is no reason to consider that the proposals will result in any significant increase in the number of gulls in this locality.

Application errors and consultation

Many comments point to supposed errors or inconsistencies in the application documents or that it lacked enough detail to be properly considered. The application has been reviewed by the Local Planning Authority and was considered to meet all the requirements of a valid application when it was registered. Planning applications need only provide a reasonable and proportionate level of detail sufficient to understand what is being proposed. Where information was required to enable an assessment of a particular issue, for example in this case tree surveys and an arboricultural impact assessment, this was requested and provided by the applicant during the application process. Officers are of the opinion that there is enough information to determine the application.

Other comments have questioned whether adequate consultation has been undertaken on this planning application. Officers can confirm that all statutory consultation requirements for this application type, as set out in the Town and Country Planning (Development Management Procedure) Order 2015 have been met alongside the requirements set out in the Council's 'My Neighbourhood' planning protocol document. This includes the erection of a site notice displayed on the site for a period of no less than 21 days.

10. CONCLUSION

The proposed telecoms mast is higher and wider than the existing mast it replaces and, as a result, is more prominent. The increased prominence of the proposals does not significantly change the nature or character of the site which is already in a telecoms use. Subject to a suitable disruptive (e.g. camouflage) paint finish to match the natural scale and variation of the Leylandii foliage, there is no objection to the proposal on landscape or visual grounds. It is therefore considered to conserve the natural beauty of the Area of Outstanding Natural Beauty, the visual amenity of the Green Belt, the landscape setting of the settlement of Bath, the indicative setting of the World Heritage Site and the setting of Twinfield Farm.

However, the increased size and prominence of the mast does mean that it represents inappropriate development in the Green Belt for which very special circumstances are required. The accepted need and government support for the next generation of mobile technology combined with the sensible strategy of utilising site of the existing mast as opposed to an alternative undeveloped green belt site and the overall benefits of increased connectivity are considered to clearly outweigh the identified harm to justify the proposed development.

The proposals comply with nationally proscribed health safeguards and, subject to suitable conditions, does not result in any significant harm to trees, ecology and highways.

It is therefore considered that the proposals 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 and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Construction Management Plan (Pre-commencement)

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

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

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

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

3 Ecological measures and landscaping (Bespoke Trigger)

The mast hereby approved shall not be brought into use until a landscaping scheme providing measures to benefit wildlife has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall showing details of the following:

1. All trees, hedgerows and other planting to be retained;
2. New native species planting and habitat creation;

3. A planting specification to include numbers, size, species and positions of all new trees and shrubs;
4. A programme of implementation for the landscaping scheme.

The landscape works shall be carried out in accordance with the approved details and the agreed programme of implementation.

Reason: To ensure the provision measures to benefit wildlife and to demonstrate biodiversity 'net gain' in accordance with the NPPF and policy NE3 of the Bath and North East Somerset Placemaking Plan.

4 Mast Paint Colour and Finish (Bespoke Trigger)

The mast hereby approved shall not be installed until details and a sample of the painted finish for the mast have been submitted to and approved in writing by the Local Planning Authority. The mast shall thereafter be finished in the approved details prior to it being brought into use.

Reason: To ensure that the painted finish of the mast matches the natural scale and variation of the *Leylandii* foliage in light, shade and deep shade and to ensure that the adverse landscape impacts of the replacement mast are adequately mitigated in accordance with policy NE2 of the Placemaking Plan.

5 Compliance with Arboricultural Method Statement (compliance)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement (Arbtech, 27th August 2020) and Tree Protection Plan (Arbtech TPP 01). A signed compliance statement from the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority on completion of the works.

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

6 Nesting Bird Protection (Bespoke Trigger)

No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with NE.11 of the Bath and North East Somerset Local Plan.

7 Plans List (Compliance)

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

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

PLANS LIST:

1 002 Site Location Plan
215 Max Configuration Site Plan
265 Max Configuration Elevation

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

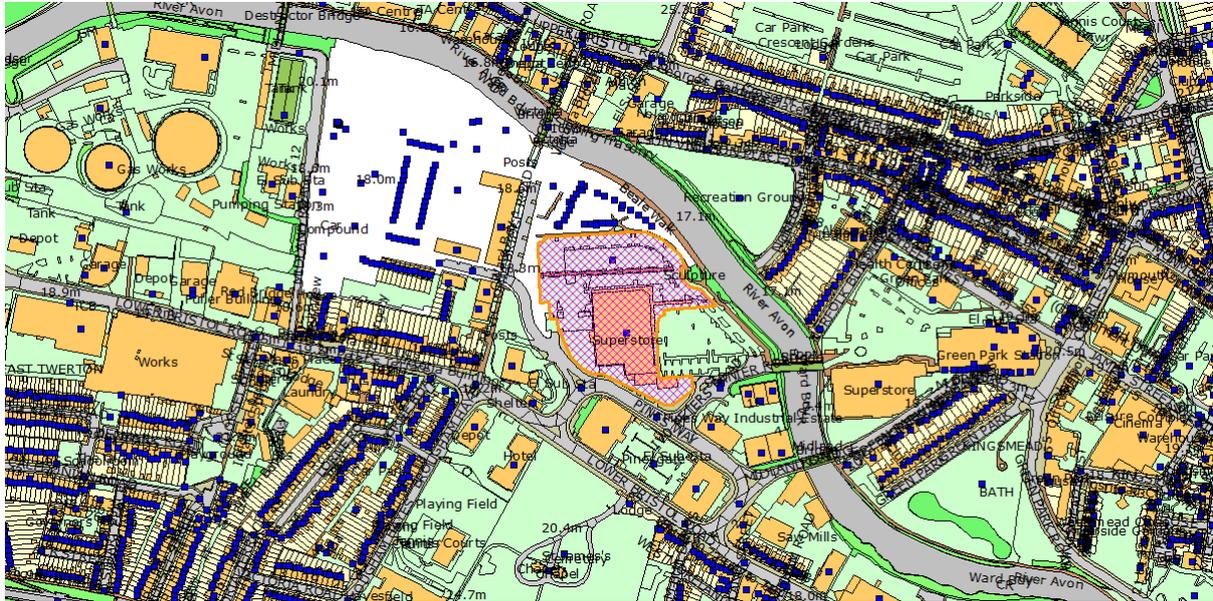
Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

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

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

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

Item No: 002
Application No: 20/00259/FUL
Site Location: Homebase Ltd Pines Way Westmoreland Bath Bath And North East Somerset



Ward: Oldfield Park **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Shaun Andrew Stephenson-McGall

Application Type: Full Application

Proposal: Redevelopment of the site to provide a new care community (Use Class C2) comprising care residences and care suites and ancillary communal, care and well-being facilities, offices in Use Class E(g)(i) together with associated back of house and service areas, pedestrian and vehicular access, car and cycle parking, landscaping, private amenity space and public open space.

Constraints: Article 4 HMO, Agricultural Land Classification, Policy B1 Bath Enterprise Zone, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, Contaminated Land, Policy CP9 Affordable Housing Zones, District Heating Priority Area, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Senior Living Urban (Bath) Limited

Expiry Date: 24th September 2020

Case Officer: Chris Gomm

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

REPORT

This application seeks full planning permission to redevelop the existing 'Homebase' site in central Bath and provide a mixed-use development, principally a new care community. Alongside the care community, independent offices are proposed together with associated facilities such as car parking, landscaping, public/private open space and new links/streets through the site.

The Application Site

The site itself, which measures 1.8ha (4.45 acres) in area, is currently occupied by the large Homebase retail shed which ceased trading in August 2020 as well as its substantial associated surface car park and landscaping. The site is situated within the designated Enterprise Zone and Bath Central Area; it is not however within the designated City Centre. The site is also situated within the City of Bath UNESCO World Heritage Site but is not within the conservation area.

The Proposal

In detail the proposed scheme encompasses:

- o Up to 288 residences and suites with integrated nursing care;
- o Associated communal facilities such as a restaurant, café/bar, occupational therapy/wellness centre, a gym, library, treatment/therapy rooms;
- o Associated support facilities (offices, welfare and training etc.);
- o Office space (independent to the care community) of 1865sqm;
- o Back of house and service areas associated with the above including car and cycle parking;
- o Landscaping including publicly accessible connections through the site to the river and new public spaces.

The 288 residences and suites which make up the care community comprise 253 'Guild Living Residences', 30 care suites and 5 care residences. The Guild Living residences are designed as self-contained units of accommodation which are intended to enable residents to maintain independence whilst offering domiciliary care and support services. The care suites and care residences are intended to provide accommodation for those with more specialist care needs such as residential and nursing care.

The accommodation will be restricted to those aged 65 and over (excluding spouses etc.) and potential residents will be subject to a qualifying assessment in respect of the level of care provided. The nature and level of care to be provided is explored in more detail below.

Environmental Impact Assessment

In 2019 the local planning authority received a formal EIA (Environmental Impact Assessment) Screening Opinion request (Ref: 19/04236/SCREEN). The application sought formal determination as to whether that development (approx. 280 assisted living residences; transitional care suite; co living group home, various communal facilities, 1450sqm office floor space, children's nursery and associated facilities and services) required an EIA. The council concluded at that time that the development was not EIA development and as such a formal EIA/ES was not required. The current proposal differs

from that described in the 2019 Screening Opinion but not significantly so. The Council similarly considers that the current proposal is not EIA development.

Relevant Planning History

19/04643/DEM: Demolition of the Homebase Retail Warehouse (Prior Approval Not Required - November 2019)

19/04236/SCREEN: Request for EIA Screening Opinion in respect of redevelopment proposals (EIA Not Required - October 2019)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Ward Member (Cllr June Player): Objection

- o The proposed changes (reduced floor to ceiling heights/removal of roof top air source heat pumps) do not go anywhere near far enough;
- o All buildings heights should be no more than 3/4 storeys;
- o The viewing corridor from Norfolk Crescent and Stothert Avenue do not go far enough and do not overcome harm to the heritage setting of Bath;
- o The viability issue is not the council's responsibility; it is up to the developer to present a scheme that is viable and acceptable;
- o The proposed changes are just 'tinkering' and are tokenistic;
- o There needs to be a view through this development;
- o Insufficient landscaping;
- o The buildings closest to The Mews, Albert Terrace and Western Terrace are still too tall and too close (a VVM is requested from this location);
- o This development falls in Use Class C3 not Use Class C2 and therefore trigger CIL and affordable housing;
- o Poor housing mix and there needs to be affordable housing provided;

B&NES Highways: No objection subject to conditions

- o The proposed use will result in a reduction in the number of two-way trips compared to the existing use, in both the AM and PM peak periods;
- o Electric vehicle charging will be 20% active and 80% passive; The level of cycle parking is acceptable because the nature of the scheme is such that bicycle ownership is expected to be lower;
- o Cycle parking will be reviewed as part of the on-going travel plan and revised as appropriate;
- o The ratio of car parking is 0.47 spaces per unit; this is less than requirements at similar schemes in the city centre and outer zone;
- o The parking ratio however is in line with the 2011 census data which indicates that car ownership in the city centre zone is 0.5 cars per dwelling
- o Residents will be at least 65 years in age and typically over 75 years. Given this and the central location of the development lower levels of car parking is appropriate;
- o The level of car parking proposed is acceptable;
- o The car park will no longer be automated;
- o The level of cycle parking (26 stands for residents and 17 for staff) is acceptable;
- o Provision of the cycle link to Stothert Avenue [and thus the wider network] is key; it is

understood that discussions continue with Crest regarding off-site works;

- o The proposed facilitation of Sainsbury's right of way through the site represents an improvement to the current legally defined right of way;
- o The majority of the vehicles travelling to the petrol station are cars with only a small number of transit-sized vans (which were the largest). Given this low number and the design of the route, which ensures very low speeds, the risk of conflict between vehicles and vulnerable road users will be minimal;
- o Refuse Collection Vehicles can complete the necessary three-point turn fully within the carriageway;
- o The site will be appropriately signed;
- o Vehicle movements will be low throughout the day without the generation of traditional peak hour movements;
- o Residents will need to book slots in advance to collect their cars and advise of return times. There is likely to be a single valet parking and collecting cars but may be additional valets at busier times; this is acceptable;
- o Four parking spaces are proposed for the office use, one with active EV charging and three with passive;
- o The fine detail of the Travel Plan can be agreed and secured by condition;

B&NES Planning Policy Team: Refuse

- o The lack of affordable housing and lack of mix is contrary to Policy SB7 and Policy CP9;
- o Policy SB7 is implicit that 30% of the required 500 units should be affordable; the development plan must be read as a whole;
- o The lack of affordable housing will likely impact negatively on the total quantum of affordable housing that can be delivered on the remainder of the allocation;

B&NES Urban Design: Scope for revision

- o Reductions in building height are welcomed;
- o Further modifications continue to be needed to Buildings C and D including overall reductions in height;
- o Roof pitches are too shallow and resemble flat roofs, it is an incongruous response;
- o Breaks in the roof form provide a degree of visual relief;
- o More articulation and variety of roof pitch would improve appearance and aid assimilation and retention of ASHPs;
- o The viewpoint that has been opened-up from Stothert Avenue is mean, it needs to be wider;
- o There are positive changes to the ground floor frontages and this active frontage will need to be secured;
- o The new town house typology is a fairly simple, pared back approach which is an acceptable development form;
- o The widening of the route between Building C and D is a more appropriate dimension which will facilitate its use as a pedestrian and cycling link;
- o Concern regarding what will happen at each end of this route;
- o The additional tree planting helps to secure and extend Sydenham Park Street;
- o There is a lack of safe, secure and appropriate cycle parking;
- o The design detail of the cycle routes needs to be designed now;

- o Connections to Stothert Avenue are important and cooperation between the adjoining land owners is promising;
- o The design quality between the site and BWR needs to be addressed;
- o The Placemaking Plan requires a Sustainable Transport Route to run through this site. It is not currently provided in the proposed scheme;
- o The concept of buff brick can be supported in principle but further details are required;
- o Metal cladding is overused and needs to be reduced.

B&NES Landscape: Objection/Scope for Revision (but does not recommend refusal)

- o The location of the proposed buildings and their heights relative to the neighbouring buildings should not detract or block views to the Georgian architecture or green hillside setting - especially from historic views;
- o The site is within Zone 3 of the Bath Building Heights Strategy. Here buildings should generally not exceed four storeys but one additional setback storey within the roof may be acceptable;
- o The Building Heights Strategy also suggests that an additional storey may be acceptable when fronting a public space or at corner and gateway locations;
- o It also states however that downward revision may be necessary (i.e. less than 4 storeys when close to existing two and three storey buildings, or in response to heritage assets and view);
- o The current proposal is an improvement compared to previous iterations, but the buildings still block most of the existing views to the green hillsides
- o The current proposal continues to have an adverse impact on the authenticity and integrity of the World Heritage Site;
- o Neither Building C nor Building D front public open space;
- o It might be argued that building D occupies a corner site but the close proximity of two and three storey buildings is of far greater significance;
- o Anything other than two and three storey development on this site would be likely to result in harm to the authenticity and integrity of the Outstanding Universal Value of the World Heritage;
- o Site and would have an adverse landscape impact that could not be adequately mitigated;
- o The revised development proposals would still be contrary to the requirements of Local Plan policies B4 and NE2;
- o Further reductions in building height are necessary

B&NES Ecology: No objection (revisions requested but no objection to the current scheme)

- o Lighting issues are considered to be satisfactory;
- o The scheme as submitted will not be capable of having an adverse impact on bats associated with the Bath & Bradford on Avon Special Area of Conservation (SAC);
- o Light spill and changes to light levels will not significantly impact upon the River Avon;
- o A condition to secure lighting design will be required;
- o The amended note regarding off-site riverside planting is accepted and welcome;
- o The limited provision of Green Infrastructure remains a concern. There is a high proportion of block paving and hardstanding;

- o The extent of hard standing is damaging to the site's potential contribution to green infrastructure as well as wildlife and other functions;
- o Replacement tree planting will not be of an equivalent value;
- o The removal of some trees alongside the river to create the sterile paved "Civic Gateway" area contrary to SB6, remains unchanged and still appears unjustified;
- o Conditions are requested to ensure further revisions to the landscaping of the site which should not be approved

B&NES Conservation: Scope for Revision (but does not recommend refusal)

- o The height of Buildings C and D remain a concern and are considered to be too high;
- o Concern regarding the accumulative impact of tall buildings and the potential for substantial harm to the setting of the Georgian city and the WHS;
- o The above is a widely acknowledged issue for historic towns and cities and recognised by Historic England

B&NES Environmental Monitoring: No objection

- o The submitted air quality assessment is acceptable. It has considered the effects of construction and demolition and shown they are not significant if appropriate mitigation is in place;
- o A Project Environmental Plan (dealing with dust) has been submitted and is acceptable;

B&NES Arboriculture: Objection (but does not recommend refusal)

- o The revised plans no longer include the sizeable substation next to the river corridor which is welcomed;
- o The revised proposals significantly improve the gap between blocks C and D which link to the offsite protected London Planes. This gap appears more in tune with the aspirations of The Core Strategy and Placemaking Plan Policy SB7A;
- o The revised Arboricultural Impact Assessment refers to the replacement of 72 trees to replace the 43 trees identified for removal but the replacements will be confined by the increased building footprints;
- o Overhanging foliage will be cut back to the boundary to enable the development; this demonstrates that the presence of the trees and future growth has not been properly considered during the design of the site;
- o The application is not fully compliant with policies NE1 and NE6 of the Placemaking Plan.

B&NES Economic Development: No objection

- o We welcome that the proposal includes an additional 65sqm for B1 use above our requested 1,800 sqm;
- o The application meets the aims of the Placemaking Plan PMP) in the creation of additional office space within the city;
- o There should be improved flexibility with the office units to enable downsizing or upsizing;

- o The application states an employment impact of 40 full time equivalent jobs, across a range of services including skilled trades such as nursing and occupational health;
- o The development proposals estimate an impact of 234 direct jobs, 155 of which will be taken up by the B1 office use;
- o Economic output (GVA) of the operational scheme is forecast at £10.9m (2016 figures);
- o Construction phase employment and output is also noted and welcomed;
- o A S106 Site Specific Targeted Recruitment and Training in Construction Obligation should
- o be applied. This is estimated to be the following targeted recruitment and training outcomes: work placements: 45; apprenticeship starts: 8; new jobs advertised through DWP: 8 contribution: £26,345.

Environment Agency: No objection subject to conditions

Canal and River Trust: No comment

B&NES Flooding & Drainage Team: No objection subject to conditions

- o The updated drainage strategy is acceptable;
- o The drainage layout is still indicative and does not provide levels, gradients, pipe diameters etc.;
- o A MicroDrainage Source Control model has been used to estimate the size of the attenuation system. Given the size and complexity of the proposed drainage network more a more detailed model (MicroDrainage System 1) should be used to demonstrate its performance.

B&NES Housing: Objection

- o The Section 106 will need to ensure that that the dwellings are dedicated and remain for C2 use only and that the minimum level of care to ensure C2 compliance is ensured;
- o It is hard for Housing Services to accept the C2 designation when this application contains 274 self contained dwellings, such dwellings would normally be considered as planning designation C3;
- o Agreeing this application as planning designation C2 rather than C3 results in a loss of 82 affordable homes;
- o Delivery of affordable housing on this site is a core strategic objective; the zero (0%) delivery of affordable housing is therefore unacceptable and after due consideration Housing Services ask the planning application is refused.

B&NES Education Services: No objection

- o It is disappointing to see that the proposed nursery has been withdrawn from the revised application;
- o Childcare matters are not an issue that will impact on the future residents of the proposed development, but they do need to be taken into account for those who will be employed at the site.

Historic England: Advice

(Historic England have not formally responded to the most recent revisions but have verbally indicated that their advice is essentially unchanged to that summarised below):

- o The proposal will continue to have a detrimental impact on the setting of the Grade II* listed buildings of Norfolk Crescent, the conservation area and the World Heritage Site;
- o Alterations to height has reduced overall massing in places;
- o The overall height continues to have a negative impact on this edge of the conservation area, WHS, Norfolk Crescent and the green setting of the city;
- o The development continues to create a visual block or wall limiting views towards the green bowl - part of the WHS OUV
- o It will create a barrier of building form imposing itself upon the edge of the conservation area and WHS in a negative way;
- o The development fails to preserve the connection between the Georgian city that makes up the conservation area and WHS;
- o Revisions are required to meet the requirements of paragraphs 196 and 200 of the NPPF

B&NES Contaminated Land: No objection subject to conditions

- o There has been a relatively limited exploratory investigation and that recommendations have been made for further investigation. I agree with this proposal;
- o A greater lateral coverage of the site and investigation of the culvert and surrounding area is required as part of the supplementary investigation works;
- o It is also understood that further gas monitoring is or has been undertaken and that the gas risk assessment will require completion;
- o No objection to the application in relation to risks to human health, however it is recommended that contaminated land conditions are placed on the application to ensure that the further investigation and remedial works are completed.

B&NES Enterprise Zone Energy Coordinator: Comments

- o It is necessary for the development to be prepared for a future potential connection to any heat network (as outlined in CP4), irrespective of when such a network might become available;
- o The following measures should be in place for all developments within the Heat Network Opportunity Area: 1. Protected pipe routes; 2. Plant room location; 3. Plant room design.

Wessex Water: No objection

Avon Fire & Rescue: Comment

The development will generate an additional hydrant requirement. The costs will need to be borne by the developers through developer contributions (S.106 Agreement)

South West Heritage Trust (archaeology): No objection subject to conditions

- o The submitted archaeological Written Scheme of Investigation (WSI) sets out a method for investigating and recording heritage assets on the site that is appropriate for the significance of the archaeology and the potential impact on remains; this is acceptable
- o A condition should be attached to the permission requiring the WSI to be fully implemented as set out in the submitted document.

Third Party Representations

Sainsbury's Supermarket Ltd: Objection

- o The proposal does not meet the aims and objectives of Policy SB7 which seeks a mixed-use new city quarter;
- o Right of way as well as the other highway and safety concern regarding the proposal remain unresolved.
- o A 7.5t van will encroach onto the oncoming cycle lane;
- o A 10m HGV has not been assessed attempting to turn left on to the Sainsbury's right of way;
- o Concern remain regarding the height of the proposal, particularly buildings C and D;
- o Harm to the World Heritage Site, conservation area and nearby listed buildings;
- o The potential impact of the construction phase on the Sainsbury's car park and right of way remain unresolved

Bath Preservation Trust: Objection

"BPT maintains that whilst we appreciate the potential of the site for regeneration and positive redevelopment that can benefit Bath, we feel that the revised design fails to reinforce local distinctiveness, neither preserves nor enhances the character of the Bath conservation area, and would harm views into and across the World Heritage Site and conservation area by virtue of its discordant use of materials, and lack of meritorious aesthetic connection with the historic environment. Despite reductions in height, the site as a whole remains visually excessive and over-dominant in height, scale, and massing. The Trust maintains that due to the incorporation of materials such as brick and aluminium cladding, this scheme does not suitably reflect, respect, or contribute to distinctive architectural aspects of local character, and consequently does not relate to or participate in its residential setting. We additionally resist the principle of single-use development, and would ask that the exclusion of key worker and affordable housing is reconsidered and integrated as part of a more sustainable and balanced scheme. This application is therefore contrary to Section 8, 12, and 16 of the NPPF, and Policies B1, B4, BD1, CP6, D1, D2, D3, D4, HE1, NE2, CP7, and CP10 of the Core Strategy and Placemaking Plan, and should be refused".

Federation of Bath Residents Associations (FoBRA): Objection

- o Concern regarding the high number of dwellings proposed; too many are to be crammed into the site;
- o The latest revisions do nothing to reduce harm to the World Heritage Site and the setting of listed buildings;
- o The heights/scale of Buildings C and D are even more extreme;
- o The developers will make no CIL payment which would have been around £2.4m;

- o No affordable housing will be provided;
- o The cladding is incongruous;
- o Loss of an important DIY retail facility;
- o The development will increase the pressure on local services;
- o There will be a negative visual impact caused by the proposal as well as a loss of amenity to local residents;
- o The residences provided will probably be unaffordable to local residents.

Norfolk Crescent Green Residents Association: Objection

- o The reduction in height is minor;
- o Regrettably no significant improvements have been made;
- o Overall, the scheme is less coherent than before;
- o Building A/B is 35.35m in height despite Albert Crescent etc being only 29.3-33.15 in height;
- o Harm to listed buildings will remain as well as harm to the OUV of the WHS;
- o The submission downplays the harm caused by the development;
- o The lapsed Pinesgate development is irrelevant;
- o The Landscape and Visual Impact Assessment (viewpoints) are not accurate or representative;
- o The development will be a solid wall of buildings blocking views of the hillsides beyond;
- o Blocks C and D have been lowered by 2m (to 41m) but they are still taller than prevailing Georgian buildings;
- o Developers have ignored the Bath Building Heights Strategy;

Riverside Community Voice (the residents' association for Bath Riverside): Objection

- o Support the redevelopment of the site in principle but serious concerns regarding the current proposals;
- o The density is too high, as many dwellings as possible are being squeezed into this small site;
- o The buildings are too tall and there is very little outdoor space;
- o Royal View and Sovereign Point (the two tall buildings on Bath River) should not be taken as a precedent;
- o The proposed cladding is dark in colour and this will aggravate the sense of enclosure;
- o We would encourage the use of materials which closer to the Bath stone palette;
- o Serious concerns remain regarding the impact of Building A on the Albert Terrace triangle;
- o Doubts about the accuracy of the daylight and sunlight analysis;
- o Serious risk of traffic congestion; the Pines Way gyratory is already congested;
- o There is likely to be an increase in traffic along Stothert Avenue aggravating congestion and air quality;
- o How will delays and queuing be avoided in respect of the car park stacking system;
- o Concern that visitor parking spaces in Riverside will come under significant pressure;
- o Existing pedestrian routes must be kept open;
- o Disappointed that there is no gull or pigeon strategy;

- o We query the assertion that the dwellings are Class C2 residential institutions;
- o Proposed developments along the river must be looked at holistically;
- o Adequate contributions to upgrade infrastructure will be essential;

The Widcombe Association: Objection

- o No objection to the provision of a care community;
- o Concern regarding the scale of the buildings and lack of other housing types;
- o The development has an insensitive and overpowering impact on the Western Riverside;
- o Excessive height, density, brick cladding and scale;
- o Concerns regarding the impact on traffic on the Lower Bristol Road;
- o The development does not appear to reflect the masterplan for the area;
- o The revisions fail to satisfy the majority of the criticisms and remains unacceptable;

212 representations have been received of which 22 support the development and 190 raise objections. The representations are summarised as follows:

OBJECTIONS

- o The proposed buildings are too high and will dwarf other buildings;
- o Some of the development is higher than the adjacent Crest Riverside development;
- o The development is too dense and overdeveloped;
- o The plans are ugly, oppressive and will be an eyesore;
- o The buildings will not fit in, the dark exterior will stick out against Bath Stone;
- o The development will stick out like a sore thumb;
- o The buildings should be constructed of Bath Stone;
- o The oversized roofs are particularly harmful;
- o There will be harm to the World Heritage Site;
- o Harm to the setting of nearby listed buildings including Grade II* Norfolk Crescent and Cumberland House;
- o Bath's world heritage status seems to stop in BA2;
- o This cannot be a serious proposal;
- o Repetition of 60's era brutalism;
- o The view from the hillsides will be appalling;
- o Views to the hillsides will be lost or interrupted;
- o Poor landscaping proposals with a lack of trees;
- o Some of the montages are incorrect;
- o The overall impression is of an isolated architectural style;
- o Lack of outside amenity areas;
- o Harm to wildlife using the river;
- o Has the impact of potential flooding been properly considered?
- o There should be more green space and parking;
- o Parking is insufficient (136 spaces for 288 units) and the stacking system unrealistic;
- o There will be overspill car parking, including from those that currently use the Homebasecar park;
- o Loss of a safe drop-off for Hayesfield School students;
- o Significant extra traffic will be generated on Lower Bristol Road;
- o Albert Crescent and The Mews will be overlooked and over shadowed;

- o The reduction in daylight and sunlight will be contrary to BRE standards;
- o Block A particularly should be moved from back from the boundary;
- o The building is just 15m from The Mews; the guidance is 21 metres minimum;
- o Harm to pollution and air quality;
- o This development runs counter to the Clean Air Zone;
- o The impact of the construction works will be unacceptable;
- o Impact on the NHS and other services;
- o There is no gull or pigeon strategy;
- o Reduction in the number of trees;
- o Building over a Roman road, an archaeological survey will be necessary;
- o The development is proposed as Use Class C2 to avoid affordable housing;
- o No affordable housing is provided, it should be;
- o The development is not Use Class C2, there is just a little optional care;
- o There should be diversity of tenure, there is not;
- o Guild Living should go back to the drawing board;
- o This is a ghetto for the elderly;
- o The need for more retirement homes is questionable given the nearby Pegasus Life scheme;
- o This site is too distant from the city centre so not suitable for retirement residences;
- o Over concentration of elderly accommodation in the area;
- o Concern that they may become available for student letting;
- o Rubber stamped letters of support from local businesses are being submitted;
- o The recent changes do not go far enough;
- o Residents of Bath need a decent DIY store;
- o The application is contrary to Core Strategy and Placemaking Plan policy;
- o Lack of need for the commercial elements since Covid-19;

SUPPORT

- o It is great to see a site not being used for student housing;
- o Great idea, great site, great for the local population
- o This is an outstanding proposition that will enhance the city centre;
- o It is an improvement for the area and important for Bath;
- o It will meet the needs of the ageing population;
- o The development is badly needed;
- o It will provide an inclusive and desirable community;
- o The existing Homebase site has been rundown for years, this development will deal with it;
- o There is regular litter, rats, vandalism and anti-social behaviour. A well-managed development here will lift the neighbourhood;
- o The scale and massing is in keeping with the surrounding area;
- o The development fits in with the masterplan;
- o It will free-up much needed family homes often occupied by elderly people;
- o The development is in keeping with the heights of neighbouring buildings;
- o Bath lacks adequate care facilities and this scheme will begin to redress the balance;

POLICIES/LEGISLATION

The Council's Development Plan 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 Neighbourhood Plans (where applicable) (none applicable within the city of Bath).

The following Core Strategy policies are relevant:

Policy DW1: District Wide Spatial Strategy
 Policy CP2: Sustainable Construction
 Policy CP3: Renewable Energy
 Policy CP5: Flood Risk Management
 Policy CP6: Environmental Quality
 Policy CP10: Housing Mix
 Policy CP13: Infrastructure Provision

The following policies of the Placemaking Plan are relevant:

Policy B1: Bath Spatial Strategy
 Policy B2: Central Area Strategic Policy
 Policy B4: The World Heritage Site and its Setting
 Policy SB7: Green Park Station West & Sydenham Park
 Policy SCR1: On-site renewable energy requirement
 Policy SCR2: Roof mounted/building integrated scale solar PV
 Policy SCR5: Water efficiency
 Policy CP4: District heating
 Policy SU1: Sustainable drainage policy
 Policy D1: General urban design principles
 Policy D2: Local character and distinctiveness
 Policy D3: Urban fabric
 Policy D4: Streets and spaces
 Policy D5: Building design
 Policy D6: Amenity
 Policy D8: Lighting
 Policy D10: Public realm
 Policy HE1: Historic environment
 Policy NE3: Sites species and habitats
 Policy NE4: Ecosystem services
 Policy NE5: Ecological network
 Policy NE6: Trees and woodland conservation
 Policy CP7: Green infrastructure
 Policy NE1: Development and Green Infrastructure
 Policy PCS1: Pollution and nuisance
 Policy PCS2: Noise and vibration
 Policy PCS3: Air quality
 Policy PCS5: Contamination
 Policy PCS7A: Sewage Infrastructure
 Policy PCS8: Bath Hot Springs
 Policy H1: Housing
 Policy H7: Housing accessibility
 Policy LCR9: Increasing the provision of local food growing

Policy ED1A: Office development
Policy CP12: Centres and retailing
Policy ST1: Promoting sustainable transport
Policy ST2: Sustainable transport routes
Policy ST2A: Recreational routes
Policy ST3: Transport infrastructure
Policy ST7: Transport requirements for managing development

Other Local Policy Documents and Guidance

- o Bath City-Wide Character Appraisal SPD (August 2005)
- o City of Bath World Heritage Site Setting SPD (August 2013)
- o Planning Obligations SPD (April 2015)(amended 2019)
- o Bath Buildings Heights Strategy
- o Bath Western Riverside (BWR) SPD

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 are considered to be:

1. Principle of the development including the proposed mix and quantum of uses;
2. The proposed use itself;
3. Design and impact on heritage assets;
4. Residential amenity;
5. Transport and highway considerations;
6. Ecology and the ecological emergency;
7. Flood risk;
8. Arboricultural matters;
9. Archaeology;
10. Contamination and ground conditions;
11. The climate emergency and associated policy/technical requirements

1. Principle including the Proposed Mix and Quantum of Uses

The application site is identified for comprehensive mixed-use redevelopment in the council's Placemaking Plan (Policy SB7). The application site together with the adjacent Pinesgate office development, the Pinesgate Industrial Estate, the Sainsbury's petrol filling station and those parts of Sainsbury's car park south/west of the river, form the 'Sydenham Park' element of the allocation. The Sainsbury's retail store and Green Park station also form part of the wider Policy SB7 allocation and are referred to as 'Green Park Station West' but the detailed development requirements are dealt with separately to Sydenham Park.

Policy SB7 allocates the whole of Green Park Station West & Sydenham Park for mixed-use development comprising employment, residential and retail uses. In respect of uses, the detailed development requirements for Sydenham Park (of which the application site forms only part) are specified as follows:

- o Residential development (over 500 units);
- o B1 employment floorspace of around 14,000sqm GIA;
- o Retail of around 7,000sqm net sales floor space;
- o A hotel of around 150 beds;
- o Complementary food and drink establishments.

It is important to note that Policy SB7 does not specify the nature of the requisite residential development other than explicitly ruling-out student accommodation; as such the policy is open to residential development falling within Use Class C3 (dwellings) and/or Use Class C2 (residential institutions) and indeed any use that is residential in nature falling somewhere in between. Similarly, Policy SB7 does not specify the nature of the B1 employment floor space (Use Class B1 includes a range of uses from offices to light industrial) nor the nature of the retail development (i.e. convenience or comparison goods); there is therefore substantial flexibility within the broad uses that have been specified.

The proposal involves the complete demolition and redevelopment of the existing Homebase DIY store. Members will be aware that the store is now closed and is understood to have closed mid-August 2020. The store and its retail use are not protected by planning policy, indeed as stated it is planning policy that the site be redeveloped. Furthermore, Prior Approval for the store's demolition was given in November 2019 (see Planning History above) and therefore the loss of this retail building is already established.

The proposed development comprises 288 residences with associated communal facilities within a so-called 'care community' environment. Such residences whilst not conventional dwelling houses in nature can nonetheless clearly be defined as a residential use, as is required by Policy SB7. The scheme also proposes 1865sqm of standalone office floor space; such a use falls within Use Class B1 (as was) and as such again complies with the requirements of Policy SB7.

The quantum of proposed development is significantly below that specified by Policy SB7; 288 residences are proposed against the 500+ required and 1,865sqm of B1 floor space is proposed against the 14,000sqm required, furthermore no retail nor hotel accommodation is proposed. It is essential to note however that the Homebase site itself constitutes less than half of the wider Sydenham Park allocation. The remainder of the Sydenham Park allocation which includes the Pinesgate office park, Pinesgate Industrial Estate, the substantial Sainsbury's overflow car park and the PFS, has sufficient capacity to accommodate the residual quantum of development required by Policy SB7, and the current development proposals will in no way compromise the future redevelopment of those sites.

2. The 'Extra-Care' Use itself and Associated Issues

As explored above, Policy SB7 is sufficiently flexible to enable any form of residential development in principle on this site excluding purpose-built student accommodation. There is no objection in principle therefore to a so-called 'care community' here (also known as 'extra care'). It is important to establish however which use class of the UCO (Use Classes Order 1987) the proposed care community falls within as this has significant implications for the scheme, in particular the level of affordable housing provision that can legitimately be required.

The UCO defines Use Class C2 as buildings providing residential accommodation and care to people in need of care (other than a use within class C3); use as a hospital or nursing home or; use as a residential school, college or training centre. Use Class C3 is defined by the UCO as dwelling houses where they are occupied by a single person or family or occupied by up to six people living together as a single household.

The proposed development comprises a significant number of self-contained apartments which on first inspection may appear to simply be a collection of conventional dwellings falling within Use Class C3; the development as a whole however includes a significant number of services, facilities and features which together swing the balance in favour of the scheme falling within Use Class C2. An Operator Statement has been submitted with the application and this confirms that the proposed development includes, amongst other things:

- o A minimum resident age restriction of 65 years old excluding spouses/partners etc.;
- o Residents (excluding spouses etc.) will be the subject of a qualifying needs assessment before taking residence; to qualify therefore residents must be in need of care;
- o Residents will be required to be in receipt of 2.5 hours per week of care as a minimum which whilst low will rise as required;
- o The design and plan of the development will facilitate the provision of the above care and will include substantial communal health and wellbeing facilities such as consultation rooms, a wellness centre, restaurant, lounge, swimming pool and hydrotherapy pool;
- o Accommodation internally is designed to be age-friendly and 100% wheelchair accessible with features such as an emergency call system, lowered surfaces etc.;
- o Nursing, personal and domestic care services will be available on-site 24 hours a day provided by a Registered Domiciliary Care Service;
- o 24-hour nursing care will be received within the 'Care Suites' and these are to be registered as a 'Nursing Home' with the Care Quality Commission;

Taken together it is considered that the above features/restrictions demonstrate that the development sits firmly in Use Class C2. Ultimately as referenced above, the Use Class Order defines a C2 use as residential accommodation provided to people in need of care; the above referenced qualifying care need assessment, together with the provision of a compulsory minimum care package, results in the development meeting that definition; the additional features/restrictions listed above further support that position. It will be necessary for the above limitations, services and features, as well as the wider content of the Operator Statement, to be secured by S.106 Agreement.

Policy CP9 is clear that residential development must contribute towards affordable housing provision; in this area of Bath a 30% contribution is required. The Council's

'Planning Obligations' SPD however explicitly states that "for the avoidance of doubt this requirement [provision of affordable housing] does not apply to accommodation at residential institutions, with a C2 planning use class, for people in need of care such as care homes and nursing homes". Accordingly, no affordable housing can be secured in respect of the current proposal.

3. Design

The design proposals have been the subject of considerable discussion and as a result the scheme has been significantly revised on a number of occasions, both during the course of the application and at the pre-application stage. It is not practicable nor necessary to describe in detail how the design has developed but the most recent amendments have involved significant reductions in height to some of the buildings; this has been achieved through reductions in floor to ceiling heights for example and through the relocation of rooftop plant to the basement. The overall scale and massing of the development has been reduced in order to reduce impact but also to open-up viewing/visual corridors to the hillsides beyond. Importantly, the width of the boulevard/street between Buildings C and D has been substantially increased from 10m to 17m in order to facilitate a viable avenue of trees as well as a segregated cycle route. Substantial photovoltaic arrays have been added to a number of roofs. Earlier iterations of the scheme included a higher number of residences which have since been reduced, as well as a children's nursery which has since been omitted.

The final scheme in essence takes the form of three mixed-use buildings (Building A&B, C and D) arranged around and fronting two streets which pass through the development on an east west alignment. The northern link will provide the principal route to and through the site for pedestrian and cyclists as well as providing vehicular access for service vehicles and residents cars; it will also facilitate a vehicular right of way through the site possessed by Sainsbury's. The southern, secondary link will provide a pedestrian and cycling route through the site to the nearby Sainsbury's supermarket, Green Park station and beyond.

Policy CP6 is the Core Strategy's overarching policy dealing with environmental quality; this seeks to secure, amongst other things, high quality inclusive design. Policies D1-D5 set out the Council's detailed urban design policies; these policies collectively seek to secure high-quality design which is appropriate to its context. In particular, Policy D2 supports development which contributes positively to and does not harm local character and distinctiveness; it prescribes that development is expected to positively respond to site context and improve areas of poor design.

Policy D2 requires design to respond appropriately to urban morphology, including amongst other things block and plot patterns; mix of uses, building heights, massing and scale, and local vernacular. In respect of density, Policy D2 is clear that the density of new schemes must be compatible with the character of the area but equally the policy encourages higher densities in accessible locations with good local facilities, on order to make an efficient use of land.

Policy BD1 (the Bath Design Policy) is clear that submissions must explain how the Bath design values have informed the proposed design approach including its aesthetics,

building form, use, materials and detailing. It must also be explained how the height and scale of the proposal has respected, responded and positively contributed to the character of Bath, including Bath's heritage, its values and views. In addition, Policy BD1 requires proposals to explain how proposals maintain the significance, integrity and authenticity of the World Heritage Site as well as preserve or enhance the character or appearance of the conservation area.

Layout and Overall Form of Development

Policy SB7 sets out a number of broad expectations for the site; these include the provision of what is referred to as 'Sydenham Park Street', a new street running through the site (in effect a continuation of the existing avenue of London Plane trees), as well as options for other east west links through and around the site; the proposed scheme successfully meets these aspirations. The proposed layout incorporates a thoroughfare through the southern corner of the site acting as a continuation of the aforementioned avenue of Plane trees. This area will be pedestrianised, landscaped with street trees and will provide a new high-quality area of public realm which it is hoped will eventually continue off-site through the adjacent Sainsburys land holding. This area has been significantly widened during the course of the application from 10m to 17m to create a viable pedestrian and cycle thoroughfare as required by Policy SB7.

In addition to 'Sydenham Park Street' the layout incorporates a more substantial street between Buildings A/B and C. Again, this thoroughfare will provide an east-west route through the development connecting Bath Western Riverside (and beyond) with the city centre as is required by Policy SB7; it reflects the pedestrian and cycling desire lines identified in the submitted Transport Statement. The broad layout of the site is considered to be a logical and appropriate way in which to accommodate the desire lines through the site as well as addressing the requirements of Policy SB7.

The layout includes extensive private amenity space to the immediate north of Building A/B; this will provide a non-public outside area for the residents of the care community and will ensure provide landscaped separation between Building A/B and neighbouring residential properties in The Mews, Albert Terrace etc.

Architectural Approach

The scheme follows an industrial design aesthetic intended to reflect the site's historic industrial uses; it deliberately avoids mimicking the 'polite' Georgian architecture found elsewhere in the city. Brickwork is proposed as the predominant external facing material alongside metal cladding, which will be employed on the roofs and external walls to provide visual breaks to the elevations. Policy SB7 states that this area, "has a significant opportunity to provide a distinct and contrasting built character to the city centre". Policy SB7 goes on to state that, "this includes the potential of introducing different building forms or typologies and different building materials that can respond to the visual homogeneity of the city". The applicant has been encouraged by the council, through pre-application discussions, to follow a distinct industrial design approach and the approach taken is considered broadly acceptable.

The use of brick with metal cladding has proven to be controversial with a number of third parties, including Bath Preservation Trust for example, but it meets with the approval of

the council's conservation team and urban design officer. It is considered that the use of Bath Stone Ashlar or a design approach following a contemporary interpretation of Georgian architecture for example, would not be appropriate here and would contradict the aspirations of Policy SB7 quoted above. Careful consideration will need to be given to the type, tone and colour of brick ultimately used as well as its bonding pattern; a set of conditions are proposed to ensure that the council has control over such matters; the same is true of the metal cladding.

The proposed buildings will provide an interesting and varied street scene with its own distinct character. The development will create a sense of enclosure within the streets and spaces, both private and public and the proposed buildings are considered to 'turn corners' well, avoiding blank or inanimate elevations. The ground floor of the buildings will provide extensive active frontage where fronting the public realm in the form of feature floor to ceiling glazing to the commercial units. Both the north and south sides of the main thoroughfare are to be lined with the active frontages of the commercial units and the communal areas of the care community (cafe, restaurant etc.); similarly extensive active frontage will be provided on both sides of Sydenham Park Street. This will ensure that both streets are active and lively during the daytime as well as during the evening to a lesser degree. Extensive active frontage will also front Pinesway, on the ground floors of Building C and D, providing activity and some vibrance to an otherwise uninspiring car-dominated gyratory system.

Scale and Massing

The scale and massing of the proposed buildings, in particular the height, has been a key area of contention. Proposed building heights across the development range from two storeys to six storeys. Building A/B is a mix of four storeys (with the top storey designed to read as the roof) and two storeys - where adjacent to Albert Terrace for example. Building C is predominately six storeys albeit with the top storey again designed to read as the roof; the key elevation of this building addressing Pinesway however is to be four storeys in height. Building D is six storeys in its entirety albeit with the top storey designed to be read as a roof.

The Bath Building Heights Strategy (BBHS) states that in this area building heights are recommended to be five storeys (where the top storey is set back and designed to be read as roof). It goes on to recommend however that an additional storey (i.e. six storeys in total) may be acceptable along the Lower Bristol Road except where it is in close proximity to existing 2-3 storey residential areas. It also states that an additional storey (i.e. six storeys in total) may be appropriate when fronting public space or marking key locations such as corners or gateways and mixed-use centres. In this respect, the proposed development accords with the BBHS; the scheme is between two and six storeys with a good degree of variation to break up the roofscape; where six storeys are proposed these are indeed on buildings fronting public space (e.g. Sydenham Park Street) as well as on key corners and gateways, such as the corner adjacent to Pineway.

The BBHS goes on to state however that it may be necessary for building heights to be less than four storeys in this zone in response to heritage assets, residential amenity and to prevent intrusions into views; it also goes on to state that development along the riverside should be subservient to the Georgian city. The council's conservation officer and

urban designer have raised particular concerns regarding the six-storey height of Building C and D; one of the key concerns is the impact of those buildings on the setting of the Georgian city and World Heritage Site. The council's landscape officer has raised similar concerns but focusses on the loss of views of the green hillsides caused by all of the proposed buildings (not just Building C and D).

The application site forms part of the original Bath Western Riverside site and as such is covered by its associated SPD (Supplementary Planning Document) (March 2008) which includes, amongst other things, a set of Design Codes. The SPD is now over 12 years old and is therefore considered to be of limited weight however its Design Codes, particularly in respect of height, remain of interest. The Design Codes state that buildings on the river frontage should be of 5-8 storeys in height with a variety in heights required to break up the massing here. The central parts of the site are also identified in the Design Codes as being suitable for buildings of 5-8 storeys. It is evident that the proposals are in accordance with the BWR Design Codes in respect of height however as stated, these Design Codes should now only be afforded limited weight.

The height, scale and massing of the proposed scheme is considered to be appropriate in respect of how it will be experienced in its immediate context. The development will not for example be incongruous when experienced from the Pineway gyratory system which itself encircles modern buildings of substantial mass (albeit lower in height). Similarly, the development will not appear incongruous or out of place when experienced from within the adjoining Bath Western Riverside (BWR) development. BWR is a substantial redevelopment scheme which includes buildings of considerable scale and height; a number of blocks with BWR are 6-7 storeys in height and the 'landmark' towers are taller again. Building A&B, the building closest to Albert Terrace, BWR and the river is only marginally taller than Albert Terrace itself at four storeys or less.

The submitted Visually Verified Montages (VVMs) provide accurate images of the final scheme from various vantage points. It is considered that the VVMs demonstrate that the development will indeed be of an appropriate scale, height and massing when experienced from the Lower Bristol Road (View 1) and well as from View 2 (the Brougham Hayes traffic lights); it does not appear incongruous or excessive in scale in these views. When experienced at the Pinesway Gyratory (View 3), the development of course presents a significant change but again in this immediate context the buildings do not appear excessive or incongruous, on the contrary they are perceived as appropriate and proportionate in the context of a road of this substantial width. The buildings will be largely obscured from the access bridge to Sainsburys (View 4), initially by the mature riverside trees and in years to come by the potential redevelopment of the intervening car park (which also forms part of the Sydenham Park Policy SB7 allocation).

It is considered the significant amendments to the scheme that have reduced its scale, massing and height have resolved localised issues of overdominance and character however the wider harm that the proposed buildings will cause beyond their immediate setting remains, and this is discussed in the heritage section below.

Impact on Heritage Assets

The application site is within the Bath UNESCO World Heritage Site but is outside of the City of Bath Conservation Area. The adjacent River Avon however forms the boundary of

the conservation area and therefore the development sits within the setting of the conservation area and has the clear potential to affect it.

The application site is situated immediately to the south of Norfolk Crescent (beyond the river), a Grade II* Georgian crescent dating from around 1810. Norfolk Crescent fronts onto Norfolk Crescent Green, a triangular green space adjoining the river. On the northern side of Norfolk Crescent Green is 1-8 Nelson Place which is a palace-fronted Grade II listed terrace of dwelling houses dating from 1805. To the rear of Norfolk Crescent is a terrace of dwelling houses known as Norfolk Buildings; these are Grade II listed and date from 1810-20. The proposed development is also within the setting of a number of Grade II listed buildings on Lower Bristol Road including Victoria Buildings, a terrace of early C19 dwellings, as well as Victoria Bridge itself to the north, a Grade II* suspension bridge over the River Avon constructed in 1836.

Policy HE1 of the Placemaking Plan, alongside Policy CP6 of the Core Strategy, seeks to safeguard the district's heritage assets. Development should preserve or enhance those elements which contribute to the special character and appearance of the Conservation Area. Any harm must be justified and weighed against the public benefits of the proposal; great weight must be given to the preservation of the heritage asset in question. As stated above, Policy BD1 requires proposals to explain how proposals maintain the significance, integrity and authenticity of the World Heritage Site and preserve or enhance the character or appearance of the conservation area.

Core Strategy Policy B4 deals with the World Heritage Site and its setting. It is clear that there is a strong presumption against development that result in harm to the Outstanding Universal Values (OUVs) of the WHS. It states that where a development proposal has a demonstrable public benefit that benefit must be weighed against the level of harm [in the decision-making process].

The heritage concerns that have been raised regarding the height and massing of the proposed development are broadly two-fold; firstly, concern has been expressed by Historic England that the setting of adjacent listed buildings (namely Norfolk Crescent and those adjacent to it) will be harmed and secondly concerns have been raised by the council's conservation officer, landscape officer, urban designer and again Historic England, that the buildings will interrupt and obscure views to the surrounding green hillsides. The green setting of the city, being as it is in a hollow/bowl within the surrounding hills, was one of the reasons for it being inscribed by UNESCO as a World Heritage Site; this green setting is one of the key attributes of its 'Outstanding Universal Value'.

The most recent amendments to the proposal have significantly reduced the massing, scale and height of the buildings in order to open up glimpses of the green hillsides from within and adjacent to the development. Unlike previous design iterations, a small glimpse of the hillside to the south will now be possible from Nelson Place/Norfolk Crescent as well as a small glimpse of the hillside when viewing the development along Stothert Avenue. Notwithstanding the opening up of these hillside glimpses, which is welcomed, it remains undeniably the case that large areas of hillside which are currently visible across the Homebase site will no longer be visible following the proposed development. This reduction in visual connection between the site (and its surroundings) and the wider green bowl/hillsides constitutes harm to the World Heritage Site and its Outstanding Universal Value as well as to the setting of the conservation area. This harm has been identified by

Historic England, the council's conservation officer and landscape officer however all have stopped short of formally objecting to the application and none have gone so far as to recommend that the application be refused. It is considered that the harm to the WHS and conservation area constitutes 'less than substantial harm' in NPPF terms and at the most a middle magnitude of harm within the 'less than substantial' spectrum.

It is important to note that, in addition to the glimpses across the development, views of the surrounding green hillsides will continue to be available from vantage points immediately adjacent to the site and will be unaffected by this development.

In addition to the aforementioned 'less than substantial harm' to the conservation area and world heritage site, there is also considered to be harm (again 'less than substantial harm') to the setting of a small number of listed buildings in Norfolk Crescent; the other listed buildings identified above are considered to be too distant to be adversely affected. This harm again results from the reduction in visual connections between the edge of the Georgian city (represented by these listed buildings) and the wider landscape; to this extent these setting of these listed buildings and therefore their significance is harmed.

Paragraph 194 of the NPPF (as echoed by the council's planning policies) states that, "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"; it is considered that the harm is indeed justified in this case. The site (together with the wider Sydenham Park) is allocated in the adopted development plan for a substantial quantum of development including at least 500 dwellings, 14,000sqm of office floor space and 7,000sqm of retail. This quantum of development simply cannot be accommodated on this site in low-rise buildings and as such if the requirements of adopted council policy are to be realised, it is highly likely that some interruption of the views to surrounding hillsides will result, as will some adverse impingement of the setting of the listed buildings at Norfolk Crescent.

NPPF Paragraph 196 (as echoed by the council's planning policies) goes on to state that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. As referenced above, the identified harm is considered to sit mid-way within the 'less than substantial harm' spectrum.

The public benefits of the proposed development, whilst not as significant as had the development been conventional Use Class C3 housing (with associated affordable homes), are significant nonetheless. The scheme will provide a significant number of assisted living residences for elderly persons whom are in need of care, addressing a demand for specialist accommodation in Bath; this is a substantial public benefit. In addition, by providing this care local hospitals will be supported through the provision of step-down services. Once operational the care community and offices will provide over 200 direct jobs (and additional indirect jobs) as well as the economic output generated by the commercial office elements of the scheme; the proposal will therefore bring significant economic benefits (which would not be provided by conventional housing). The development will also bring with it the site-specific benefits of regenerating an otherwise tired retail shed and unattractive surface car park, which together do not preserve or enhance the setting of

the adjacent conservation area; the provision of the pedestrian and cycling links through the site are also a tangible public benefit. The redevelopment of this site, if approved, will be the first step in the realisation of the wider Policy SB7 allocation and may act as a catalyst for the remainder of the Sydenham Park site to come forward.

The public benefits of this redevelopment scheme, as summarised above, are considered to on balance outweigh the 'less than substantial' harm to the WHS, conservation area and nearby listed buildings. 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. Here, for the reasons explored above, special attention has indeed been paid to the desirability of preserving or enhanced the City of Bath Conservation Area and this has been weighed into the balance; the impact of the scheme in this respect is considered to be acceptable for the aforementioned reasons. There is a duty placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 'In considering whether to grant planning permission for development which affects a listed building or its setting' to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' Here, for the reasons explored above, special attention has indeed been paid to the desirability of preserving the referenced listed buildings (and their setting) and this has been weighed into the balance; the impact of the proposed development in this respect is considered to be acceptable for the aforementioned reasons.

4. Residential Amenity

Policy D6 of the Placemaking Plan states that development must provide for appropriate levels of amenity including ensuring that existing and proposed development has appropriate levels of privacy, outlook and natural light. It also seeks to ensure that significant harm is not caused to the amenities of existing or future residents in respect of loss of light, noise, odour, overlooking, traffic or other forms of disturbance. The policy requires development to incorporate adequate space and adequate/appropriate waste and recycling facilities (these matters are dealt with in the design section above).

Policy PCS2 (noise and vibration) states that development will only be permitted where it does not cause unacceptable increases in noise/vibration that would have a significant adverse impact on health, quality of life, natural/built environment or general amenity. The policy also prescribes that noise sensitive developments should avoid locations wherever possible where occupants would be subject to unacceptable levels of noise and vibration from an existing noise source.

Industrial and commercial uses are present to the south and immediate east of the site including the Pinesgate office development, Pinesgate Industrial Estate, Sainsbury's petrol station and Sainsbury's car park; there is limited potential for an adverse impact on residential amenity here. To the west of the site are a number of residential properties on Victoria Bridge Road and Stothert Avenue; to the immediate north of the site and immediately adjoining it are a number of residential properties in Albert Crescent, Western Crescent and The Mews; there is the potential for the proposal to have an impact on both of these areas in respect of residential amenity. Further to the east beyond the river is the

residential area centred on Norfolk Crescent; there is the potential, albeit limited, for the development to also have an impact on the amenity of these properties.

Loss of Light/Overshadowing

The application is accompanied by a 'Daylight and Sunlight Amenity Study' which has been revised to take account of the various design amendments. This study, which follows the approach suggested by the Building Research Establishment's practice guidance 'Site Layout Planning for Daylight and Sunlight', analyses a number of factors used to measure the impact of development on neighbouring buildings.

Firstly, Vertical Sky Component (VSC) has been assessed in respect of the neighbouring residential properties likely to be affected by the new buildings. VSC is a measure of available daylight; it is essentially the proportion of the sky visible from each window expressed as a percentage of the whole sky. The maximum theoretically achievable is 40%; the BRE guidelines state that ideally every window should have a VSC of at least 27% or in the case of properties affected by new development, not less than a 20% reduction from previous values. The submitted report confirms that 20 out of 27 cases meet the 20% guideline but there are therefore 7 cases which do not. The report goes on to clarify that these 7 cases only marginally fail to meet the guidelines with those windows experiencing no more than a 27% reduction in VSC compared to the existing situation.

Secondly, the Daylight Distribution (DD) test takes the VSC assessment a step further by calculating the area of the room (rather than just the window) that will receive direct skylight vs the area of the room that will not, before and after development i.e. the area of a room with visible sky. Again, a reduction of more than 20% compared to the existing situation is considered an adverse impact. The submitted report concludes that of the 24 dwellings assessed, 23 of them meet the DD guidelines and do with a 100% outcome i.e. no reduction in daylight whatsoever. One dwelling (two rooms) does not meet the guidelines however these are assumed by the report author to be uninhabitable rooms and therefore not considered relevant.

Moving on to sunlight rather than daylight, the Annual Probable Sunlight Hours (APSH) test calculates the annual probable sunlight hours received by windows facing within 90 degrees of south, before and after development. The main requirement is in living rooms, bedrooms are considered less important and again, a reduction in sunlight in excess of 20% is considered adverse. The submitted report concludes that all windows assessed will meet the ASPH guidelines and will therefore experience appropriate levels of sunlight post-development.

Finally, the submitted report has also analysed the impact of the development on light levels experienced in the neighbouring outdoor amenity spaces. The BRE guidelines advise that for an outdoor amenity area to have an appropriate level of year-round sunlight at least half of it should receive direct sunlight on 21 March (this date is considered to be an appropriate point between winter and summer sun levels). All of the outdoor amenity areas have been assessed as meeting this test.

It is evident from the study undertaken that the levels of sunlight and daylight currently enjoyed by the overwhelming majority of the neighbouring residential properties will not be adversely affected by the development. Some of the residential properties assessed will

experience a reduction in daylight beyond the levels stipulated by BRE guidelines, but only marginally so (between 1% - 7% beyond). The BRE guidelines (which are not policy) recommend exercising a degree of flexibility in urbanised/high density locations and on this. On this basis, as the number of properties affected is very small and that impact in any case will only be marginally beyond the guidelines; the residential properties centred on Norfolk Crescent Gardens are too distant. It is considered that the impact of the proposal on sunlight and daylight is an acceptable one and compliant with Policy D6 in this respect.

Loss of Privacy/Overlooking

As stated above, the closest residential properties to the proposed development are those situated to the immediate north of the site in The Mews, Albert Terrace and Western Terrace, as well as to the north west on Victoria Bridge Road. As a rule of thumb 18metres is generally accepted as the minimum distance (window to window) that residential buildings ought to be sited from one another in order to avoid unacceptable levels of overlooking and resultant loss of privacy. The residential flats on Victoria Bridge Road are in the region of 38m from the proposed buildings at their closest point and therefore will not experience an unacceptable loss of privacy. The Mews is approximately 18m to the north as is Western Terrace (when measured between closest windows). The majority of Albert Terrace is in excess of 18m distant, but the southernmost Albert Terrace property is situated approximately 15m north of the proposed development (measured to windows and roof terrace).

On balance and notwithstanding its proximity, it is considered that the impact of the proposed development on the Albert Terrace property in question will be acceptable in terms of privacy. It is noted from a review of the approved floor plans that the principal rooms within the Albert Terrace property face the river, the windows facing the proposed development tend to be secondary windows. Furthermore, a number of the rooms with windows facing the development are bedrooms as well as a study, rather than key habitable rooms. This internal layout together with the site's city centre location (where a degree of inter-visibility is commonplace) leads to the conclusion that the proposed development is acceptable in privacy terms and in accordance with Policy D6 in this respect.

In respect of other potential harm to residential amenity, it is not considered that the development will present a noise disturbance issue for neighbouring residents or future occupiers. The proposed residential uses are clearly compatible with the existing residential uses; any noise generated by traffic movements is unlikely to exceed the disturbance currently related to the Homebase car park. The proposed ground floor commercial units will be used for office purposes which will be compatible in a residential area; the use of the commercial units for office purposes will be secured by condition.

A high-level 'Site Traffic Management & Logistics Plan' has been submitted with the application; this sets out in broad terms a number of measures deemed necessary to minimise the impact of the construction phase on local residents. The document includes, amongst other things, measures such as limitations on working hours (8am to 6pm Mon-Fri; 8am to 1pm on Saturdays and no working on Sundays or bank/public holidays); these working hours will be secured by condition. The document commits the applicant to providing a comprehensive Construction Environmental Plan (CEP) prior to the

commencement of development; this will be subject to the council's approval and will detail construction delivery arrangements for example as well as noise mitigation measures and control measures for dust. Subject to the agreement and subsequent adherence to the CEP, which will be secured by condition, the impact of the demolition and construction phase on local residents will be acceptable.

The care community is to include extensive catering facilities for its residents; these facilities are likely to necessitate extraction equipment which has the potential to generate noise and odour issues. It is currently too early in the design process to reasonably request such details and therefore a condition is recommended to ensure that the details of any extraction and ventilation equipment is submitted for the council's approval prior to installation. Subject to conditions, the application accords with Policy D6 and PCS2.

5. Highways and Transport Issues

The vehicular access to the development is to be from Stothert Avenue in broadly the same location as the current access to the Homebase car park. Vehicles will be able to enter the site here and access the 136-space residents carpark beneath the podium of Building C via the central roadway. There is no wider routine vehicular circulation proposed around the site beyond this central roadway. The nearby Sainsbury's supermarket however has a legal right of vehicular access across the site (from east to west) from the store itself to the petrol filling station; the central roadway facilitates that right. The layout incorporates a large turning head at the very end of the central road as well as an 18m service bay; this will enable the parking and turning of larger vehicles such as delivery vehicles and refuse/recycling trucks.

The residents' car parking itself is proposed to be within a double and triple stacking system with the aforementioned Building C car park. Residents will not enter the car park but instead vehicles will be dropped-off and collected close to its entrance and parked by a valet; the layout plan shows a designated parking bay for this purpose. 20% of the residents' parking spaces are to be served by active electric vehicle charging points and the remaining 80% served by passive facilities. A further 16 car parking spaces are proposed at street level (2 spaces here will have EV charging) alongside the aforementioned central roadway, as well as 52 bicycle parking stands.

Placemaking Plan Policy ST7 sets out the council's transport requirements for managing development. The policy supports development, in highway terms, provided that: highway safety is not prejudiced; there is safe, convenient suitable access to the site; the development does not introduce an excessive volume, size or weight of traffic onto an unsuitable road system; there is no harm to the historic or natural environment by associated traffic mitigation measures; transport improvements are made where necessary and; secure, accessible cycle storage is provided. Policy ST7 also requires car and cycle parking to be provided on site in accordance with the council's adopted standards and requires there to be no increase in on-street parking where that would affect highway safety or residential amenity. It is important to note that the policy promotes a flexible approach to applying the parking standards where specific circumstances can be demonstrated, such as the application of the council's Accessibility Assessment (which allows for a reduction in car parking provision in more accessible/sustainable locations).

The application site sits in the 'Bath Outer Zone' for car parking purposes. The development, as stated, is considered to fall in Use Class C2. There are no minimum parking standards for Use Class C2 developments within the Outer Zone, only maximum standards. The prescribed maximum standards are 1 space per 2 members of staff and 1 space per 6 beds. There is a minimum requirement of 1 cycle stand per 4 staff members and 1 cycle space per 10 beds.

A Transport Statement (TS) has been submitted with the application and subsequently updated in light of the various design amendments (IMA Transport Planning, Ref: IMA-18-199, October 2020). The TS confirms that the proposed residential car parking ratio is to be 0.47 per dwelling (roughly one parking spaces per two dwellings) and that 1 car parking space per 400sqm is to be provided for the office floor space along with 18 bicycle stands. The TS concludes that trip generation associated with the development will be less than is the case for the existing Homebase store (when it was operating) and that the impact of the scheme on the wider highway network will not be adverse.

The proposed scheme and its associated Transport Statement have been reviewed by the council's Highway Team which has raised no objections to the application subject to conditions. The Highway Team are satisfied that the proposed development will result in a reduction in vehicular movements compared to the existing retail use at both morning and evening peak times. Vehicular movements throughout the day will be low and traditional peak hour movements will not be generated. The quantum of proposed cycle and car parking is considered acceptable; bicycle ownership is expected to be lower here due to the 'care' nature of the use and whilst car parking provision will be lower than at residential schemes elsewhere in the city centre, it will nonetheless be in line with the 2011 census data which showed car ownership at approximately 0.5 per dwelling.

Concerns have been raised regarding the quality, appropriateness and safety of the main thoroughfare in facilitating the Sainsbury's vehicular right of way.; this matter has been reviewed by the Highway Officer. The proposed works represent an improvement to the existing right of way through the Homebase car park. The submitted data reveals that the majority of vehicles currently using this route are cars; the largest vehicles monitored using this route were transit-sized vans and these were only small in number. The low number of vehicular movements and the design of the route, which will restrict vehicle speeds, leads to the Highway Officer's conclusion that the risk of conflict between vehicles using this right of way (and the road generally) with vulnerable road users will be minimal. The proposed access and servicing areas have been found to be acceptable and service vehicles such a refuse collection vehicles are able to access and adequately turn within the site safely. The application accords with Policy ST7 in respect of transport and highway matters.

6. Ecology and the Ecological Emergency

In July of 2020 the council declared an ecological emergency. The impact of development on ecological/nature interests is a material planning consideration and one which is gaining increasing importance and weight. The application site, in respect of existing habitat, is entirely occupied by the modern Homebase retail shed, yard and car park. There are a number of small semi-mature trees however scattered across the car park as well as scrub vegetation. The larger mature trees to the east are off-site on the riverbank and within the adjacent car park. The principal ecological

issue is considered to be the potential impact of the proposed development on the adjacent River Avon in terms of light spill and the impact of that on bats.

Placemaking Plan Policy NE3 states that development that would adversely affect protected species and/or their habitats will not be permitted, and nor will development that would adversely affect internationally important sites (except in exceptional circumstances). In respect of SNCIs (Sites of Nature Conservation Interest) Policy NE3 is clear that development that would adversely affect ecological/biodiversity interests will only be permitted where material considerations outweigh the value of the site (including community and amenity value). Similarly, for UK Priority Species/Habitats and locally importance species/habitats Policy NE3 goes on to confirm that the importance of the development and the need for that particular location must be sufficient to override the value if the scheme is to be permitted.

In all cases Policy NE3 is clear that ecological harm should firstly be minimised; secondly compensatory provision should be made (of at least equal value) and thirdly ecological enhancements must be made. Placemaking Plan Policy NE5 is clear that development is expected to demonstrate what contribution will be made to ecological networks through for example habitat creation; protection, enhancement, restoration and/or management. An Ecological Appraisal (Nicholas Pearson Associates, January 2020) has been submitted with the application; this has been supplemented by an addendum report of October 2020 and a Technical Note: Bats (Nicholas Pearson Associates, December 2019). The surveys confirm that the site has the potential for nesting birds in the trees and dense vegetation. The bat survey recorded a number of species of bats using the site, but none were recorded emerging from trees with roost potential.

The council's ecologist endorses the findings of submitted ecological appraisal etc in respect of potential habitats and protected species on site and concludes that the site is otherwise of low ecological value. She highlights that the development proposals are unlikely to result in a net loss of biodiversity within the site and whilst a number of trees will be lost, the compensatory planting ensures at least a 1:1 replacement.

The River Avon is a locally designated SNCI and the site boundary is approximately 10-15m from the riverbank. The river is a known commuting/foraging corridor for bats associated with the nearby Bath & Bradford on Avon Special Area of Conservation (SAC). The council's ecologist has confirmed that whilst the redevelopment of this site has the potential to impact on the river corridor and its associated habitats through excessive light spill, this particular scheme will not have an adverse impact on the SAC; lighting issues are considered to be satisfactory subject to a condition securing the fine details of lighting design once that is known.

The council's ecologist has raised concern not on ecological grounds but on the grounds of a perceived lack of Green Infrastructure (GI). Whilst noting the proposed off-site riverside planting, the ecologist opines that the proposed areas of hard standing are excessive and damage the site's potential for green infrastructure and wildlife. The council's landscape officer however has raised no such concerns and is considered to be broadly content with the hard and soft landscaping proposals. The ecologist's comments are noted but a preference for a higher quantum of GI must be balanced against the fact that this area is highly trafficked in terms of pedestrian and cyclist movements and this will

increase further following redevelopment (indeed that is one of the requirements of Policy SB7). According, it is necessary for the main thoroughfares, pedestrian/cycle links and the immediate circulation space around buildings to be of hardstanding.

There is to be extensive tree planting within the public realm and substantial planting within the Building A/B courtyard area as well as within the private amenity area and along the riverside elevation. The level of GI provision is ultimately considered to be acceptable however there remains the potential to increase planting and soft landscaping across the scheme; for this reason it is recommended that a revised landscape plan be secured by condition.

In respect of biodiversity net gain, the development includes a number of bird (swift and sparrow) and bat boxes integrated into the built form. These will be positioned on elevations facing the river corridor as well as areas adjacent to areas of green space. Hedgehog connectivity is also to be provided across the site. The detail of the biodiversity net gain measures will be set out in a comprehensive Wildlife Protection & Enhancement Scheme which will be subject to the council's approval and secured by condition. The application accords with Policy NE3 of the Placemaking Plan and the scheme is acceptable in respect of its impact on ecological and biodiversity interests.

7. Arboricultural Matters

Placemaking Plan Policy NE6 seeks to manage trees and woodland on development sites. This policy states that development will only be permitted if it seeks to avoid adverse impacts on trees of value; if it includes appropriate tree retention and planting and; if there is no impact on ancient trees or ancient woodland. If adverse impacts on trees are unavoidable (to allow for an appropriate development) the policy is clear that compensatory provision will be required in accordance with the provisions of the 'Planning Obligations' SPD.

A number of trees are located within and adjoining the application site. The existing Homebase car park contains a significant number of young/semi-mature Lime trees scattered across the site primarily in traffic islands and landscaped areas; these are mostly defined in the submitted Arboricultural Impact Assessment (AIA) as Category C trees (low quality). There are a number of semi-mature trees alongside the River Avon; these are identified as Category B and C trees (medium and low quality). It is important to note that the riverside trees are off-site and are intended to remain mostly as existing. Also, off-site, within the adjoining Sainsbury's car park, is an avenue of mature London Plane Trees (mostly Category B trees) protected by a Tree Preservation Order (TPO); these will also remain as existing.

Within the site 43 trees are to be felled; these trees are small semi-mature trees located within the Homebase car park which will have formed part of the original 1980's landscaping scheme for the Homebase site. The overwhelming majority of these trees are categorised at Category C trees and are therefore considered to be of a low quality; the 44 trees for removal also include however two Category B trees as well as three Category U trees (unsuitable for retention). The submitted AIA also confirms that there are approximately four trees situated very close to the boundary which may also need to be removed.

The council's Arboricultural Officer has reviewed the proposed scheme and has not challenged the categories assigned to the trees in question. Whilst the Arboricultural Officer's objections to tree removal are acknowledged, it must be noted that these trees are not the subject of any TPOs nor is the site within the conservation area; the trees therefore benefit from no formal protection. Furthermore, it is agreed that the trees are mostly of a low quality (Category C and U). As noted above, Policy NE6 does not require the retention of trees per se, rather development is required to 'seek to avoid' any adverse impact with compensation required where harm is unavoidable. It is adopted council policy that the site be comprehensively redeveloped for a significant quantum of development; it is not considered that this objective can be realised without substantial tree removal. The development has sought to avoid an adverse impact on trees, but an adverse impact is clearly unavoidable. The submitted AIA and landscaping scheme confirm that the proposed development will include the planting of some 72 new trees (some of which may be transplanted existing trees) and a financial contribution can meet any shortfall; this will be secured by means of S.106 Agreement. The application therefore complies with Policy NE6 in respect of its impact on-site trees.

The council's Arboricultural Officer has also raised concerns in respect of the proposed development's potential impact on the adjacent off-site London Plane trees which are the subject of a TPO (Ref: 500/297). Policy SB7, as reference above, envisages the formation of a new 'Sydenham Park Street' created through the retention and possibly extension of this avenue of London Plane trees; it is important therefore that the proposed development does not have an unacceptable adverse impact on these trees. The Arboricultural Officer is concerned that given that the submission states that overhanging foliage will be cut back to the boundary, this demonstrates that the presence of the trees has not been properly taken into account. Whilst the Arboricultural Officer's comments are noted, the need for the overhanging foliage to be pruned does not amount to an existential risk to the trees, The Tree Protection Plan and Arboricultural Impact Assessment will ensure the ongoing protection of these trees during demolition, construction and going forward, albeit pruned. The application accords with Policy NE6 in respect of arboricultural matters.

8. Flood Risk

The application site sits alongside the River Avon. The majority of the site falls within land identified by the Environment Agency as being at a medium risk of flooding i.e. Flood Zone 2. Flood Zone 2 is land identified as having between a 1 in 100 years and 1 in 1000 years risk of flooding. A small part of the site is identified as being within Flood Zone 1 i.e. low risk.

Policy CP5 of the Core Strategy deals with flood risk management. This policy requires development to follow a sequential site-selection approach to ensure that vulnerable development avoids areas at risk of flooding; the policy explicitly directs development away from areas at the highest risk of flooding. In addition, Policy CP5 requires that where development does go ahead in areas at risk of flooding it be made safe throughout its lifetime.

The NPPF at paragraph 162 is clear that where applications come forward on allocated sites, the application of the sequential test is not necessary (because it has already been undertaken at the plan-making stage). As stated above the application site forms part of

the Sydenham Park mixed-use allocation pursuant to Placemaking Plan Policy SB7; the sequential test is not necessary.

Notwithstanding no necessity for a sequential test, it is necessary for the development to be planned such that the most vulnerable development is located in areas of lowest flood risk; appropriately flood resistant and resilient; incorporate sustainable drainage systems; residual risk managed safely and; that safe access and escape routes be included (NPPF Paragraph 163). A site-specific Flood Risk Assessment (FRA) has been submitted with the application (Hydrock, 17 January 2020).

The submitted FRA concludes that the site is at a negligible risk of tidal flooding, low risk of surface water flooding, low risk of ground water flooding, low risk from infrastructure failure flooding but as mentioned above at a medium risk from fluvial (i.e. river) flooding. The finished floor levels (FFL) across the development have been set to avoid the modelled flood levels. The residential FFLs are to set at 600mm above the modelled 100-year flood event (plus a 35% allowance for climate change). The commercial elements will be set at 300mm above the modelled 100-year flood event (plus a 25% allowance for climate change); these can be secured by condition. The Hydrock modelling identifies that once an allowance for climate change is taken into account, over the scheme's 100-year design life, then a flood flow route across the site is initiated. The proposed layout ensures that this flow route is not impeded. The FRA reviews potential flood evacuation routes - Stothert Avenue and Pines Way are predicted to be flood free during a 1 in 100-year flood event and these will allow onward movement beyond the floodplain. Flood resilience measures are to be incorporated into the development's construction and the details of these can be secured by condition for the council's approval.

Ultimately the FRA concludes that the proposed buildings will remain free from flooding and that no unacceptable impact on flood risk is predicted for the wider area. The submission has been reviewed by the Environment Agency which has raised no objection to the scheme on flood risk grounds subject to a number of conditions. The application is therefore in compliance with CS Policy CP5 as well as the NPPF in so far as it relates to flood risk matters.

9. Archaeology

Placemaking Plan Policy HE1 seeks to safeguard the district's heritage assets including archaeological remains. It requires therefore, amongst other things, for archaeology to be sustained and enhanced and sufficient information to be submitted demonstrating how development proposals will contribute to an asset's conservation. Furthermore, the policy is clear that great weight is to be given to the conservation of a heritage asset and that any harm must be justified as well as weighed against the public benefits. More specifically to archaeology, Policy HE1 requires scheduled monuments or archaeology of equivalent significance to be preserved in situ; if this is not possible provision must be made for the remains' excavation and recording.

An Archaeological Evaluation & Watching Brief (Cotswold Archaeology, January 2020) has been submitted with the application. The report, in summarising the submitted Heritage Assessment, confirms that the site is beyond the known extent of Roman Bath however it also acknowledges that the B&NES Historic Environment Record (HER)

records two possible routes of the Fosse Way Roman road through the site. The application site is understood to have remained in agricultural use such as pasture or water meadow until relatively recently. The site was developed as a railway yard, depot and goods sheds from the 1870s and the site remained in various industrial uses, including sawmills and an engineering works, until the mid to late twentieth century when the current Homebase store was constructed.

Archaeological fieldwork has been undertaken prior to submission of the application including the opening of a trench across the projected Fosse Way alignment (Trench 2) as well as a number of test pits elsewhere across the site. A metallised surface was identified within Trench 2 and the report tentatively concludes that this may relate to a continuation of the Fosse Way. The remainder of the trenches identified various materials/strata indicative of the site's industrial uses during the 19th and 20th centuries, including for example a length of railway track and area of hardstanding. A Written Scheme of Investigation for a Programme of Archaeological Works (Bristol & Bath Heritage Consultancy Ltd, January 2020) has been submitted alongside, and informed by the Archaeological Evaluation and Watching Brief. The original WSI has been subsequently supplemented by an addendum. The WSI makes a number of recommendations including the opening of a further six trenches targeting the potential alignment of the Roman road (to confirm it) as well as targeting various industrial buildings known from historic mapping to have once been present. Importantly the WSI clarifies that if these further trenches confirm that the modern made ground is over 2m thick then other than piling works the development will have few notable impacts upon archaeological remains.

The submission has been scrutinised by the Council's archaeological advisors whom have raised no objection to the scheme or the proposed WSI. The Council's archaeological advisors are content that the WSI and the information that informs it follows the requirements of the NPPF Paragraph 189 and 199 and that implementation of the WSI be effectively secured by condition. The application, subject to conditions, accords with Policy HE1 in respect of archaeological matters.

10. Contamination/Ground Conditions

The application site as stated above has been in a variety of industrial uses throughout the 19th and 20th centuries; the potential for ground contamination and associated risks is therefore clear. Furthermore, the site is identified as a 'Site of Potential Concern', in respect of contaminated land, in the council's records.

PMP Policy PCS1 (pollution and nuisance) prescribes that development will only be permitted on the proviso that there is no unacceptable risk to the development from existing or potential pollution sources as well as no unacceptable risks of pollution arising from the development itself. Policy PCS5 (contamination) states that development will only be permitted on land known to be, or suspected to be, strongly contaminated provided that there is no significant harm or risk of significant harm to health or the environment; appropriate remediation measures are in place and harm can be suitably mitigated.

A suite of documents has been submitted with the planning application including a Phase 1 and Phase 2 Risk Assessment, a Remediation Implementation Plan, and a Controlled Waters Risk Assessment. Unsurprisingly the Preliminary Risk Assessment identifies potential sources of contamination on and off site and recommends that further

investigations are undertaken. Comprehensive investigation is hindered to a certain extent by the presence of the existing Homebase building and as such further investigation is recommended by the report post demolition.

The submission has been reviewed by the council's Scientific Officer who agrees that further investigation of currently inaccessible areas (such as beneath the building) will be necessary. Furthermore, greater lateral coverage of the site will be necessary as will investigation of the culvert and further gas monitoring and completion of the gas risk assessment. The council's Scientific Officer is broadly satisfied with the work that has been undertaken to-date but requires further investigatory work to be undertaken prior to the commencement of development, together with confirmation that the initial remediation strategy is indeed appropriate; to this end a number of land contamination related conditions are recommended (see below).

Subject to compliance with the below contaminated land conditions it is considered that the risk to the development from pollution sources will be acceptable and that no significant harm or risk of significant harm to health or the environment will result. The development itself presents no unacceptable pollution risks. Accordingly, the application complies with Policy PCS1 and PCS5 of the Placemaking Plan.

11. The Climate Emergency and associated Policy/Technical Requirements

Policy SCR1 (On-site Renewable Energy Requirement) requires development to demonstrate a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. This 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions.

Policy CR2 (Sustainable Construction) requires an overall 19% reduction in regulated CO2 emissions from the development. As set out above 10% of this reduction must be met by renewable energy sources (Policy SCR1); the remaining 9% may be met from other means (such as better insulation for example). The baseline for calculating this reduction in carbon emissions is the level of emissions that would be produced by the development if constructed to simply meet Part L of the Building Regulations (2013).

Placemaking Plan Policy CP4 (District Heating) states that the use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged within a 'District Heating Priority Area' (DHPA). The application site falls within Bath Riverside DHPA and in such locations the policy requires development to firstly incorporate the necessary infrastructure for district heating and secondly connect to existing systems where and when this is available, unless it can be demonstrated that this would render development unviable. There is not currently a district heat or energy network that the site can connect to, however the energy strategy has been developed to allow connection the proposed Enterprise Area network, in the event that it become available during the lifetime of the development.

An Energy & Sustainability Statement has been submitted with the application. The statement confirms that a fabric first approach to design has been followed; this provides a 1.1% saving in regulated carbon emissions. The scheme has been designed to be future proofed for a subsequent connection to the Enterprise Zone heat network; this will

contribute to a 3.1% reduction in regulated carbon emissions overall. In addition, the proposed design includes a substantial number of photovoltaic arrays (184kWp) on the rooftops of Buildings A, B and C; these will increase the reduction in regulated carbon emissions to 19.1% overall. In the event that the heat network is initially unavailable, the submitted statement confirms that a transitional gas boiler solution will instead be implemented and that in that event the 19% policy target would still be met on-site. The calculations and assumptions forwarded in the submitted Energy & Sustainability Statement have been independently verified by the council's consultants.

It is not clear if and when the Enterprise Zone heat network will become available, but it is important that when/if it does, the development connects to it to ensure ultimate compliance with Policy CP4. It is recommended therefore that should permission be granted provision be made in the S.106 Agreement to secure this future connection.

Policy SCR5 (Water Efficiency) requires all dwellings to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. Furthermore rainwater harvesting or another means of capturing rainwater is required if it is technically feasible; this matter can be ensured by means of a compliance condition.

Planning Balance and Conclusion

The application site forms part of the wider 'Sydenham Park' site which is allocated for mixed-use redevelopment pursuant to Policy SB7 of the council's adopted Placemaking Plan. The mix of uses proposed accords with the schedule of uses prescribed by Policy SB7 and the quantum of each use is proportionate the size and nature of the application site as well as to the remaining elements of the Policy SB7 allocation. The scheme will not compromise the remainder of the Policy SB7 allocation coming forward for development.

The proposed scheme successfully reflects the aspirations of Policy SB7 in providing an architecturally distinct riverside community, with a nod to the site's industrial past, and incorporates effective pedestrian and cycling links to the city centre and beyond. The impact of the development on its immediate surroundings including on the amenity of neighbouring residents, the highway network and archaeology will be acceptable.

The scale and height of the development will not be inappropriate to its immediate context but it is acknowledged that a degree of harm will be caused to the World Heritage Site, conservation area and the setting of nearby listed buildings through the obstruction of visual connections between these heritage assets and the city's surrounding green hillsides. This harm will be 'less than substantial' in the terms expressed by the National Planning Policy Framework. The harm in question is considered justifiable due to the allocated nature of the site which requires a substantial quantum of development here; this cannot be achieved within a low-rise development. Meaningful visual connections with the surrounding green hillsides will remain in place in close proximity to the application site. The public benefits of the scheme, which policy requires to be weighed against the 'less than substantial harm', are substantial and include the realisation of the Policy SB7 aspirations for the site, the provision of a significant quantum of accommodation for those in society in need of care and the significant economic and employment benefits generated by the uses. The harm to heritage assets is afforded considerable and statutory weight but the public benefits are ultimately considered to outweigh this harm.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise". This application, for the reasons set out above, accords with the development plan (B&NES Placemaking Plan and Core Strategy). There are no material considerations indicating that a decision other than in accordance with the development plan ought to be taken (i.e. refusal) and as such it is recommended that, subject to a number of conditions and a S.106 Agreement, permission be granted.

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

0 subject to the prior completion of a S.106 Agreement to secure the following matters:

1. A Targeted recruitment and training package;
2. Replacement tree planting and financial contribution where required;
3. Provision of fire hydrants x3 @ £1,500 per hydrant;
4. Future connection to the district heat network should one become available;
5. Securing the C2 use/level of care including (but not limited to) the following stipulations:
 - o A minimum resident age restriction of 65 years of age (excluding spouses/partners etc).;
 - o A qualifying care needs assessment prior to occupation (excluding spouses/partners etc);
 - o The provision of a minimum of 2.5 hours per week of personal care to each resident (excluding spouses/partners etc);
 - o The on-going provision of the communal and well-being facilities;
 - o Age-friendly and wheelchair accessible design;
 - o 24-hour nursing, personal and domestic care services available on site;
 - o 24-hour nursing care within the 'Care Suites'

and subject to the following 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 Withdrawal of PD Rights for Change of Use (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the ground floor commercial units hereby approved shall be used only for purposes defined as Use Class E(g)(i) and (ii) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use

Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt as to the extent of the permission granted. This application has been assessed on the basis that the commercial units will be used for office purposes (including R&D) only. Alternative uses may result in differing impacts which will need to be assessed by means of a planning application made for that purpose.

3 Archeological Written Scheme of Investigation

The applicant, or their agents or successors in title, must secure the implementation of the programme of archaeological work in accordance with the submitted written scheme of investigation which has approved by the Local Planning Authority (Ref: Bristol & Bath Heritage Consultancy Ltd, January 2020, Report 18010 Rev C) as amended by the WSI Addendum (Bristol & Bath Heritage Consultancy Ltd, 7 October 2020, Report 18010 Addendum Rev A).

The programme of archaeological work shall provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

4 Finished Floor Levels (compliance)

The development hereby permitted shall be constructed with Finished Floor Levels set at a minimum 20.360mAOD as per drawings 18119-MPI-XX-ZZ-DR-A-20-300 P2 Buildings A-B North Building elevation and courtyard and 18119-MPI-XX-ZZ-DR-A-20-301 P2 for Buildings A-B Southern Elevation Buildings. The proposed Finished Floor Levels for Buildings C and D shall be set at a minimum 20.310m OD and 20.250 mAOD respectively as per drawings 18119-MPI-XX-ZZ-DR-A-20-302 P2 and 303 P2

Reason To reduce the risk of flooding to the proposed development and future occupants.

5 Flood Resilience (Compliance)

The development hereby permitted shall be constructed with all flood resistance and resilience measures as detailed in page 13 of the submitted Energy and Sustainability Statement (Rev 00) dated 01 July 2020. The measures shall be fully implemented prior to first occupation and thereafter retained and maintained for the lifetime of the development.

Reason To reduce the impact of flooding to the proposed development and future occupants.

6 Drainage Approach (compliance)

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority which shall be obtained prior to the installation of any drainage works. Any proposals for such systems must be

supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants as required by paragraph 170 of the National Planning Policy Framework.

7 Piling (compliance)

Piling using penetrative methods shall not be carried out other than with the prior written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons To ensure that the proposed, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

8 Storage During Construction/Demolition Phase)

During the demolition and construction of the development hereby permitted, there shall be no storage of spoil, construction or demolition materials within 8 metres of the River Avon or within areas of the site designated as Flood Zone 3 by the Environment Agency Flood Map for Planning.

Reason To maintain the existing floodplain and ensure no material enters the watercourse which could result in a blockage or reduction in conveyance.

9 Prevention of Pollution Strategy (Pre-commencement)

No development approved by this planning permission (including demolition works) shall take place until such time as a scheme for the prevention of pollution during construction has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- o Site security
- o Fuel oil storage, bunding, delivery and use
- o How spillage will be dealt with.
- o Containment of silt/soil contaminated run-off
- o Disposal of contaminated drainage including water pumped from excavations
- o Site induction for the workforce highlighting pollution prevention and awareness

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

Reasons: To ensure protection of the water environment. A pre-commencement condition is necessary because the potential for contaminates is immediate upon commencement.

10 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA

and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

(i) a survey of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments,

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

11 Contaminated Land - Remediation Scheme (Pre-commencement)

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

(i) all works to be undertaken,

(ii) proposed remediation objectives and remediation criteria,

(iii) timetable of works and site management procedures, and,

(iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

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

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National

Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

12 Contaminated Land - Verification Report (Pre-occupation)

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

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

13 Contaminated Land - Unexpected Contamination (Compliance)

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

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

14 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statement to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

15 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

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

16 Details of Extraction (prior to installation)

Prior to installation, the details of any mechanical extraction or ventilation (excluding that serving individual residential apartments) including external flues and plant shall be submitted to and approved in writing by the local planning authority. All ventilation and extraction shall be installed in accordance with the details so approved.

Reason: In the interest of amenity. The development hereby approved includes various catering facilities which have the potential to emit odour, grease and noise.

17 Hours of Construction and Demolition (compliance)

There shall be no demolition or construction works, or any deliveries to or dispatches from the site, undertaken outside of the hours of 8am-6pm (Monday to Friday) and 8am to 1pm (Saturdays). There shall be no work and the site shall be closed on Sundays and public/bank holidays.

Reason: To protect local residents from undue noise and disturbance.

18 Construction Environmental Plan (pre-commencement)

Notwithstanding the submitted documentation, a site specific Construction Environmental Plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of development (including demolition). The plan must demonstrate the adoption and use of best practice means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include the following:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Environmental Protection Team.
- o Mitigation measures as defined in BS 5528: Part 1 and 2 shall be used to minimise noise disturbance from construction works;
- o Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to any air-borne pollutants.
- o Measures for controlling the use of site lighting whether for safe working or for security purposes.

Demolition and construction shall proceed in accordance with the details so approved.

Reason: To protect local residents from unacceptable environmental effects during the demolition and construction phase.

19 Hard and Soft Landscaping (Pre-occupation)

Notwithstanding the submitted documentation, no occupation shall commence until a further hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority showing details of all trees, hedgerows and other planting to be retained, finished ground levels, a planting specification to include numbers, density, size, species and positions of all new trees and shrubs, details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

20 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

21 Wildlife Protection and Enhancement (Pre-commencement)

No development (including demolition) shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed precommencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report and ecological addendum, including wildlife-friendly planting and landscape details; additional and strengthened Green Infrastructure; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife;

(iii) Demonstration of measurable biodiversity net gain

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.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan. NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

22 Ecology Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

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

23 Materials - Submission of Schedule and Samples (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

24 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of the proposed brickwork to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

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

25 Parking (Compliance)

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

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

26 Electric Vehicle Charging Points (Pre-Occupation)

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

27 Bicycle Storage (Pre-Occupation)

No occupation of the development shall commence until bicycle storage for at least 86 bicycles (43 stands) has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

28 Residents Welcome Pack (Pre-Occupation)

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

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

29 Travel Plan (Pre-Occupation)

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

Reason: In the interest of encouraging sustainable travel methods in accordance with Policy ST1 of the Bath and North East Somerset Local Plan.

30 Service Management Plan (Pre-Occupation)

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

Reason: In the interest of encouraging sustainable travel methods and in the interest of highway safety in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan.

31 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, 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.

32 No Window De-Cals (compliance)

No de-cals shall be fitted to the windows of the commercial units hereby approved unless first approved in writing by the local planning authority.

Reason: To ensure that active frontages remain as such.

33 No Consent for Gull Strategy (Pre-Occupation)

No approval is hereby granted for the submitted gull strategy (i.e 'Wildlife Impact Assessment & Strategy to Manage Risk, NBC Environment). A revised strategy shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development hereby approved. The strategy shall be implemented in accordance with the details so approved.

Reason: The submitted strategy is unacceptable, in particular the use of indiscriminate roof top netting which can harm other species. A more appropriate, targeted solution must be found.

34 Plans List (Compliance)

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

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

PLANS LIST:

1 PLANS LIST

The following plans/drawings are hereby approved:

- o A-01_001 Rev P01: EXISTING SITE LOCATION PLAN
- o A-01_100 Rev P01: EXISTING NORTH ELEVATION
- o A-01_101 Rev P01: EXISTING SOUTH ELEVATION
- o A-01_102 Rev P01: EXISTING EAST ELEVATION
- o A-01_103 Rev P01: EXISTING WEST ELEVATION
- o A-10_001 Rev P01: DEMOLITION PLAN
- o A-10_300 Rev P01: DEMOLITION - ELEVATION - NORTH AND SOUTH
- o A-10_301 Rev P01: DEMOLITION - ELEVATION - EAST
- o A-10_302 Rev P01: DEMOLITION - ELEVATION - WEST
- o A-01_002 Rev P03: PROPOSED SITE LOCATION PLAN
- o A-20_001 Rev P03: ROOF LEVEL MASTERPLAN / SITE PLAN
- o A-20_002 Rev P03: LEVEL 00 MASTERPLAN
- o A-20_003 Rev P03: LEVEL 01 MASTERPLAN
- o A-20_004 Rev P03: LEVEL 02 MASTERPLAN
- o A-20_005 Rev P03: LEVEL 03 MASTERPLAN
- o A-20_006 Rev P03: LEVEL 04 MASTERPLAN
- o A-20_007 Rev P03: LEVEL 05 MASTERPLAN
- o A-20_100 Rev P03: BUILDING A & B - LEVEL 00
- o A-20_101 Rev P03: BUILDING A & B - LEVEL 01
- o A-20_102 Rev P03: BUILDING A & B - LEVEL 02
- o A-20_103 Rev P03: BUILDING A & B - LEVEL 03
- o A-20_104 Rev P03: BUILDING A & B - LEVEL ROOF
- o A-20_107 Rev P03: BUILDING C & D - LEVEL 00
- o A-20_108 Rev P03: BUILDING C & D - LEVEL 01
- o A-20_109 Rev P03: BUILDING C & D - LEVEL 02
- o A-20_110 Rev P03: BUILDING C & D - LEVEL 03
- o A-20_111 Rev P03: BUILDING C & D - LEVEL 04
- o A-20_112 Rev P03: BUILDING C & D - LEVEL 05
- o A-20_113 Rev P03: BUILDING C & D - LEVEL ROOF
- o A-20_300 Rev P03: BUILDINGS A-B - NORTH ELEVATION & COURTYARD SECTION
- o A-20_301 Rev P03: BUILDINGS A-B - SOUTH ELEVATION & COURTYARD SECTION
- o A-20_302 Rev P03: BUILDING C - NORTH & SOUTH ELEVATIONS
- o A-20_303 Rev P03: BUILDING D - NORTH & SOUTH ELEVATIONS
- o A-20_304 Rev P03: SITE - EAST ELEVATIONS
- o A-20_305 Rev P03: SITE - WEST ELEVATIONS
- o A-20_306 Rev P03: SITE SECTIONAL ELEVATION E-E
- o A-20_307 Rev P03: SITE SECTIONAL ELEVATION F-F
- o A-20_308 Rev P03: SITE SECTIONAL ELEVATION H-H & I-I
- o A-20_310 Rev P03: CONTEXTUAL ELEVATIONS
- o A-21_300 Rev P03: TYPICAL BAY STUDY - SHEET 01
- o A-21_301 Rev P03: TYPICAL BAY STUDY - SHEET 02
- o A-21_302 Rev P03: TYPICAL BAY STUDY - SHEET 03
- o A-21_303 Rev P03: TYPICAL BAY STUDY - SHEET 04
- o A-21_304 Rev P03: TYPICAL BAY STUDY - SHEET 05
- o A-30_100 Rev P02: TYPICAL UNIT LAYOUTS - 1 BED M4(2) & M4(3)
- o A-30_101 Rev P02: TYPICAL UNIT LAYOUTS - 2 BED M4(2) & M4(3)
- o A-30_102 Rev P02: TYPICAL UNIT LAYOUTS - 3 BED M4(2) & M4(3)

- o A-30_103 Rev P02: TYPICAL UNIT LAYOUTS - AGED CARE SUITES
- o LTS 101(08) 101 Rev C: LANDSCAPE GENERAL ARRANGEMENT PLAN
- o A-20_115 Rev P01: BUILDING A & B - BASEMENT LEVEL
- o A-20_008 Rev P01: LEVEL B1 MASTERPLAN

2 Environmental Permitting

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Avon, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

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. **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

4 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.

5 Permit/Consent Decision Making Statement

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

6 Submission of Samples

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.