

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **25th September 2024**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

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.

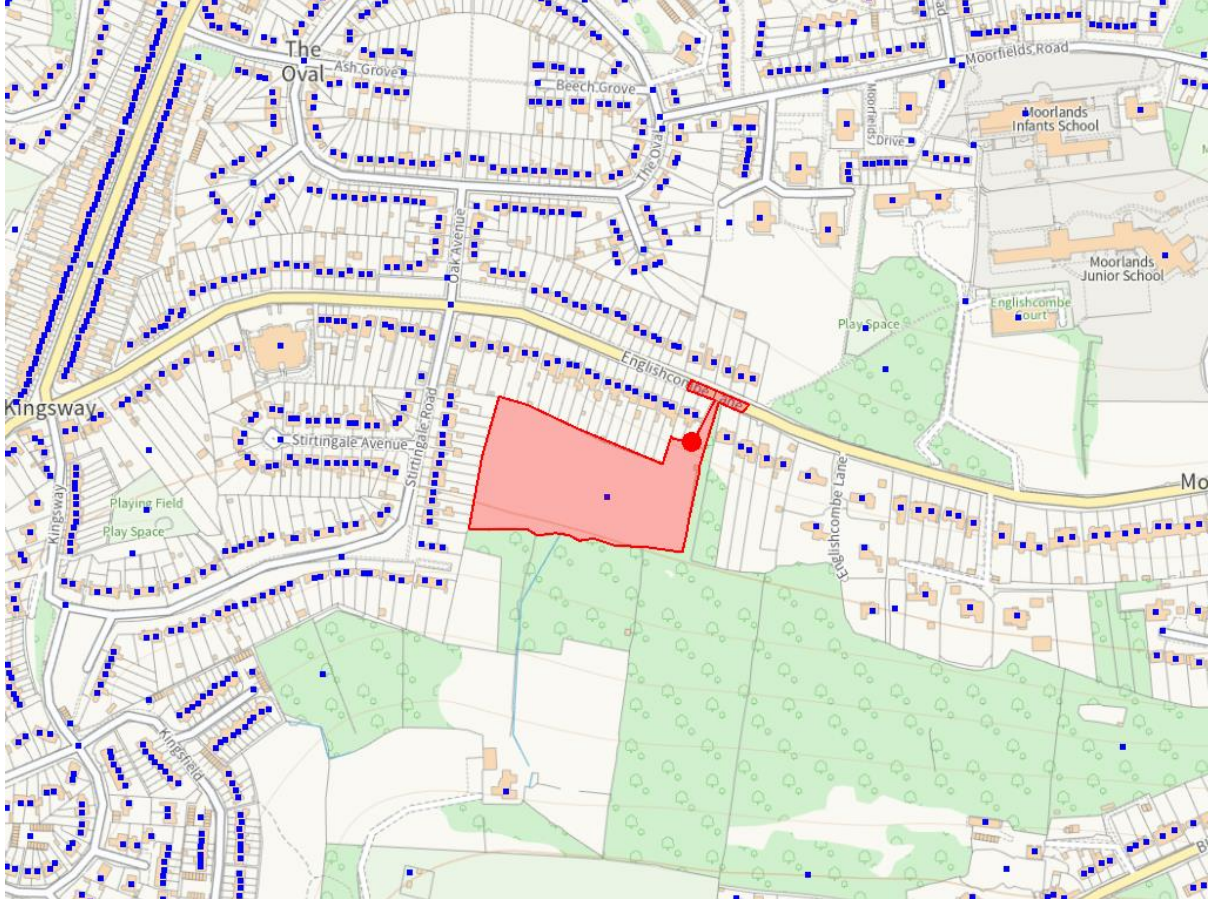
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	23/04136/RES 30 August 2024	SR Catchers Ltd 37 Coombend, Radstock, Bath And North East Somerset, BA3 3AN, Approval of reserved matters with regard to outline application 20/03800/OUT (Proposed demolition of existing buildings, change of use of land to residential and erection of 5no. dwellings (1no. 3 to 4 bedroom detached and 4no. 3 bedroom terraced) at Coomb End Garage, Coomb End, Radstock, BA3 3AN (Outline Application to determine access with all other matters reserved)).	Radstock	Danielle Milsom	PERMIT
002	24/01160/FUL 29 August 2024	Mr & Mrs Melbourne 11 Richmond Road, Beacon Hill, Bath, Bath And North East Somerset, BA1 5TU Erection of 1no 3 bed dwelling on land to the rear of 11 Richmond Road.	Lansdown	Ed Allsop	PERMIT
01	24/01168/REG03 16 July 2024	Ms Hayles Land To The Rear Of 89 To123, Englishcombe Lane, Southdown, Bath, Bath And North East Somerset The erection of 16 no. supported living units (Use Class C3(b)) with associated communal hub (to include ancillary carers accommodation), access, landscaping and ancillary works	Moorlands	David MacFadyen	PERMIT
02	24/00523/FUL 11 April 2024	Ms Stephanie Machin Chalfont , Charlcombe Lane, Lansdown, Bath, Bath And North East Somerset Erection of 2 no. detached houses with garages and home offices following demolition of existing house.	Lansdown	Danielle Milsom	PERMIT

03	23/04243/OUT 7 August 2024	Mr Richard Evans Hartley Wood , King Lane, Clutton, Bristol, Bath And North East Somerset Outline application for the erection of 9 residential dwellings with access to be determined and all other matters reserved (resubmission).	Clutton And Farmborough	Ed Allsop	REFUSE
04	23/02251/FUL 28 December 2023	Garbild Ltd 48 Hillcrest, Pensford, Bristol, Bath And North East Somerset, BS39 4AT Erection of 2no. bungalows	Publow And Whitchurch	Ed Allsop	PERMIT
05	24/01947/FUL 2 August 2024	Mr J Pullan 21 Darlington Place, Bathwick, Bath, Bath And North East Somerset, BA2 6BX Demotion of existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration; re-cladding of elevations and dormers; and associated retrofitting works.	Bathwick	Ed Allsop	PERMIT
06	24/00319/FUL 14 June 2024	Mr and Mrs Timothy and Diane Gregory Town Mills , Mill Road, Radstock, Bath And North East Somerset, BA3 3PB Conversion of the vacant ground floor office into 1 No. 2 bedroom flat, and provision of a flood refuge at first floor level. Change of use of the vacant shop into office use and a communal cycle store. Change of use to the external yard from sui generis use to residential use only.	Radstock	Angus Harris	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 24/01168/REG03
Site Location: Land To The Rear Of 89 To123 Englishcombe Lane Southdown Bath
Bath And North East Somerset



Ward: Moorlands **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Jess David
Application Type: Regulation 3 Application
Proposal: The erection of 16 no. supported living units (Use Class C3(b)) with associated communal hub (to include ancillary carers accommodation), access, landscaping and ancillary works
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Network Policy NE5, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,
Applicant: Ms Hayles
Expiry Date: 16th July 2024

Case Officer: David MacFadyen

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

REPORT

Reason for Planning Committee Decision:

This application is referred for decision by the Planning Committee in accordance with the Planning Scheme of Delegation because the Council is the Applicant and the development involves more than two properties. Such applications are reported to the Planning Committee unless the Chair and Vice-Chair of the Planning Committee deem them too trivial. However, this application is for 'major' scale development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015. The application has also received substantial local interest. It is therefore a non-trivial Council development and a decision on the application is appropriate to be taken by the Council's Planning Committee in accordance with the Planning Scheme of Delegation.

Site Background

The application relates to a parcel of land located to the rear of nos. 89 - 123 Englishcombe Lane, Southdown, Bath. The site is previously undeveloped greenfield land that is predominantly grassland. There are scrub, hedgerows and woodland around the outer periphery of the site.

The site is broadly rectangular in shape and around 1.4ha in area. It is accessed from a track on the southern side of Englishcombe Lane, entering in the north east corner of the site. The topography at and surrounding the site increases significantly to the south, forming part of Rush Hill. The change in ground levels varies between 5 - 10m difference in elevation across the site.

The site is bound to the north by nos. 89 - 125 Englishcombe Lane and is adjacent to the rear gardens of these homes. Nos. 1 - 27 Stirtingale Road are located to the west of the site and the rear gardens of these homes also back onto the site. There is a narrow strip of woodland adjacent to the east of the site, adjacent to no. 87 Englishcombe Lane. Stirtingale Farm (now a private home) is located to the south at higher elevation above the site, with an area of woodland immediately adjacent to the south of the site.

The site is subject to a Site Allocation Policy in the Council's adopted Local Plan (Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update, 2023). This is Policy SB17 'Englishcombe Lane'. The vision for the site is for a suburban residential development that makes efficient use of the site for development of around 40 homes. The policy was introduced in the Placemaking Plan adopted in 2017 and retained in the Local Plan Partial Update adopted in 2023.

The site is located within the City of Bath and Great Spa Towns of Europe UNESCO World Heritage Sites. The site is also within the Entry Hill, Perrymead and Prior Park Character Area of the Bath Conservation Area. The nearest listed buildings are 'The Moorlands' (now known as Englishcombe Court) around 200m to the north, Sladebrook House around 450m west and Bloomfield Crescent around 350m south east.

The site is also designated as an area contributing to the Landscape Setting of the Settlement under Policy NE2A of the Local Plan.

The site is part of the Stirtingale Farm (including Rush Hill Open Space and Corston View) Site of Nature Conservation Interest under Policy NE3 of the Local Plan.

The site is in Flood Zone 1, an area with low probability of flooding from rivers and the sea. There are some areas at low risk (between 0.1% and 1% chance each year) of surface water flooding across the site and some small areas at medium risk of surface water flooding (between 1% and 3.3% chance each year) on lower lying neighbouring land to the north. The areas of surface water flood risk are caused by natural springs located to the south on Stirtingale Farm, that flow across the site before entering the surface water drainage network to the north.

Planning History

18/01516/REG04 Development of 37 residential dwellings (Use Class C3, including affordable housing), vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works. RESOLUTION TO PERMIT BY PLANNING COMMITTEE - 26.08.2020 (DECISION PENDING - SEPT 2024).

Development

The application seeks full planning permission for the development of 16 no. part single storey, part two storey houses (use class C3b) for habitation by residents with autism spectrum disorder and learning difficulties as a supported living community. The development will also include a communal hub building and staff office as well as associated access, parking, hard and soft landscaping and drainage works.

The site would be accessed by a revised version of the existing access from Englishcombe Lane at the north east corner of the site. This would be widened and surfaced with permeable paving. A parking area of 6 no. car parking spaces is proposed nearby the entrance, at the rear/south of nos. 89-91 Englishcombe Lane.

Within the site itself, the proposed houses would be grouped in two clusters, each of 8 no. houses, located to the east and west of the site respectively. An area of grassland habitat with drainage water cascade feature and pond would separate the two housing clusters. This area would be crossed by a vehicle access route to the north and raised pedestrian walkway to the south.

The development includes 10 no. one-bedroom single storey houses, 5 no. two-bedroom houses (1 no. single storey, 4 no. two storeys) and 1 no. three-bedroom single storey house. The one-bedroom houses would have floor area totalling 68m², two-bedroom houses floor area totalling 105m² and three-bedroom house floor area totalling 144m². All the houses are designed and proposed to be constructed to be compliant with both categories 2 and 3 of Part M of the Building Regulations for accessible and adaptable homes, as well as wheelchair adaptable homes.

The houses would be positioned in lower and upper terraces to the north and south of the site respectively. The layout would create courtyard spaces between the terraces, incorporating hard and soft landscaping. The buildings would have rectangular footprints and flat green roofs.

Externally the buildings would be constructed with a combination of natural Bath stone, cast Bath stone piers and banding, render, timber cladding and screens and reconstituted tumbled stone walls with metal railings. Windows and doors would have powder coated aluminium frames.

A communal hub building is proposed to the north west of the site. This would house an overnight office and allow use for communal activities by approximately 20 residents. This building would be clad entirely with timber. A drainage pond is proposed to the east side of the communal hub building.

It is necessary to remove nine individual trees and two groups of multiple trees to facilitate the development. These are located within, or immediately adjacent to development works. Most trees proposed for removal are to the east side of the access road and need to be removed to allow widening of the access. There is also a group of blackthorn within the footprint of the western cluster of houses.

It is proposed to plant a total of 126 new trees on site to replace those removed and provide landscape enhancement. The development would be surrounded by areas of species rich grassland for biodiversity value. The central southern part of the site would be retained and protected as riparian grassland. A swale drainage feature and bund landform are proposed to the north of the site as part of the surface water drainage system.

8 no. car parking spaces are proposed at the site, which would be allocated as 5 staff, 3 visitor and 3 blue badge disabled spaces. 2 no. bin stores are proposed on site and bins would be managed by staff and collected from the entrance adjacent to Englishcombe Lane. 6 no. cycle parking spaces are proposed on site which would be allocated as 3 long stay spaces for staff and 3 short stay spaces for visitors.

The houses and communal hub will incorporate energy efficient building fabric, mechanical ventilation with heat recovery systems, air source heat pumps for heating and hot water as well as solar PV systems to supply renewable and low carbon electricity. Energy use predicted for the development will be matched by renewable energy generation capacity onsite, to achieve a net zero emissions development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Internal Consultation

Housing Services, Bath & North East Somerset Council:

This application is a result of Corporate cross working to enable a scheme to meet Adult Services strategic requirements, which are experiencing a significant undersupply of supported housing options for people with Learning Difficulties / Autism & mobility issues to live independently, whilst greatly assisting the Councils drive for reduced expenditure.

The drive is to bring home people that have been placed out of district and whilst not a planning issue the level of social and wellbeing benefits to the clients and their families should not be overlooked.

The scheme is designed to be specific for both the client group, which requires a quiet peaceful environment and attractive to care workers in terms of sleep-in provision and safety.

The scheme will be a 100% affordable housing in perpetuity with PPG compliant affordable housing tenures.

The aspiration is this will be a flagship scheme for B&NES, the scheme will be owned, managed and the care provided by Council so ensuring complete control in the long term.

Economic Development, Bath & North East Somerset Council:

B&NES Planning Obligations SPD (April 2015) has a requirement for developers to provide targeted recruitment and training (TR&T) opportunities and contribution for residential developments over 10 units and commercial developments over 1000sqm.

Should the application be approved a S106 Site Specific Targeted Recruitment and Training in Construction Obligation should therefore be applied. This is estimated to be the following targeted recruitment and training outcomes:

- Work Placements: 3
- Contribution: £495

It is a requirement of the developer to provide a method statement following a template and guidance produced in partnership with the B&NES Learning Partnership that will outline the delivery of the TR&T target outcomes. The developer will also be required to participate and contribute to a TR&T Management Board supported by the B&NES Learning Partnership that will have the overall responsibility of monitoring the outcomes.

Conservation, Bath & North East Somerset Council:

The principle of development on the site has been accepted. The layout is considered appropriate for the site. More details of materials are required and there are concerns with the use of charred timber and extent of re-con stone and cast stone as set out in the full comments.

[External materials revised - submitted 28th August - Further Conservation comments:]

There have been changes to the materials initially submitted and the removal of charred timber is supported. Changes have also included the use of natural stone in places which is also beneficial to this location in the conservation area and world heritage site. Render has also been included and is acceptable.

Where timber is proposed, the supporting information states that this will be treated to reduce maintenance and retain colour. Whilst there are no objections to treating timber to reduce maintenance, there are some concerns with the colour of the timber shown in the supporting information. This timber has a red hue which could contrast poorly with the colours of the other material palette. The final colour of the timber can be agreed by condition should the application be approved.

The application retains use of re-con stone and cast stone and sample panels of these will be required to ensure the finishes are acceptable.

Aluminium faced windows and doors are supported as an appropriate finish in the conservation area. These windows will need to be set back in a reveal as indicated in the CGI images provided - a typical cross section of the window/door openings would be sufficient to demonstrate this. This can be requested by condition.

Landscape, Bath & North East Somerset Council:

Landscape design proposals

The indicative landscape general arrangement plan (Dwg. No.LA-0012 Rev P07) and the illustrative landscape masterplan (Dwg. No. LA-0005 Rev P14) are supported and will provide a satisfactory basis for the formulation of detailed hard and soft landscape design details which could be secured via standard landscape Condition.

Landscape, townscape and visual impact assessment

Two assessments have been provided. As previously indicated, the conclusions of the Townscape and Visual Appraisal (TVA) (version 01, March 2024) that the level of townscape and visual effects from public viewpoints is not an issue of concern is accepted.

The revised Residential Visual Amenity Assessment (Rev 01 dated July 2024) is considered satisfactory. Minor amendments have been made following earlier comments but the overall conclusions remain the same, namely that although there would be temporary major adverse effects during the construction phase, the levels of permanent adverse effect would be less and would decrease over time as new planting becomes established, and the effects would not reach the Residential Visual Amenity Threshold, i.e. would not be so great as to constitute grounds for refusal in the public interest. These conclusions are accepted.

The outline Landscape and Ecological Management Plan (LEMP) (as updated July 2024) is considered satisfactory. The management objectives have been comprehensively reviewed and are now clearly set out and can be supported. The commitment in the LEMP to achieve appropriate management of the site in perpetuity is welcome.

It is noted that a full management and maintenance plan will be brought forward as part of the detailed landscape specification for the development.

Subject to clarification and agreement of the lighting strategy [received 4th September], remaining matters (landscape design and management) can be secured via conditions.

Transportation and Highways, Bath & North East Somerset Council:

The proposals have been reviewed in the context of the prospective residents access and travel requirements, and it is particularly noted that a low level of car parking (eight spaces) would be provided to fulfil the needs of staff and visitors. There are no objections to this approach. The access route would be suitable for both pedestrians and cyclists, with a segregated footway provided. It is expected that vehicle movements along the

access road would be lower in number than previously considered, and the risk of any conflict between users is expected to be low.

There are a number of public transport routes that are within a reasonable walking distance to the site. The submitted Transport Statement considers the required Active Travel Checklist, and it is noted that most residents are likely to be escorted if travelling offsite. There are no obvious requirements for offsite active travel improvements. The scale of the development would not justify the requirement for a Travel Plan Statement.

Given the scale and type of development proposed, there would be no material safety or capacity impact on the operation of the local highway network. Due to the proposed use, it is assumed that the internal site access routes will all be privately managed, and that there is no requirement for any part of the site highway to become adopted.

Site access / offsite highway works

The highway authority previously challenged whether the proposed scale of highway access works were necessary for the scale and type of development being proposed. The applicant has now provided further justification to clarify why the proposed scheme remains the same as that agreed as part of an earlier application.

The final technical design can be agreed as part of the S278 agreement process, and the need for the access works would need to be secured as part of any planning approval. There are some comments in response to incorporate the "standard design" details that were previously advised; however, this can be further agreed as part of the technical design approval process.

Parking arrangements

The proposed on-site access and parking arrangements have been adjusted. Having reviewed the detail of the proposed site layout, there are no significant concerns relating to the parking layouts as presented.

Waste and emergency access

There are no concerns relating to the proposed approaches for access by emergency services, or for the collection of waste. It is assumed that there will be a management plan in place to ensure that waste collection requirements are co-ordinated by staff, and this should avoid any bins encroaching onto Englishcombe Lane. There would be a need for a refuse collection vehicle to wait on the highway, however, this is unlikely to represent a significant road safety issue. Visibility for motorists travelling in both directions is good at this location.

In summary, there is no highway objection to the planning application, however, there is a need to secure the access work requirements and given the site location, a Construction Management Plan would also be needed.

Ecology, Bath & North East Somerset Council:

The scheme is considered to be in accordance with Policy NE3, and therefore does not give rise to ecological objection, subject to:

- o It being considered that the principle of development has already been established (*see note below);
- o it being considered that material considerations are sufficient in this case to outweigh the ecological value of the site; and
- o conditions as requested, and any further comments by Natural England with regard to the conclusions of the Habitats Regulations Assessment.

I defer to case officer judgement regarding whether material considerations are sufficient to outweigh the ecological value of the site.

A Habitats Regulations Assessment (HRA) is attached for comment by NE, comprising the submitted shadow HRA. A shadow Habitats Regulations Assessment has been submitted and is attached. It concludes that the scheme would not have an adverse effect on the Bath and Bradford on Avon Bats SAC either alone or in combination with other plans or projects. The submission of the shadow HRA is welcome and its contents and conclusion are accepted. It is recommended that the Council formally adopts this document as the Habitats Regulations Assessment for the scheme. This is subject to any further comments from Natural England who must be consulted on the scheme and HRA prior to any decision being issued to approve the planning application.

*It should still be noted that the allocation for development within the Local Plan of this site as a designated Site of Nature Conservation Interest (SNCI) does give rise to potential conflict with Local Plan Policy NE3, and does not necessarily allow for best long term solutions to safeguard, restore and optimise the ecological value of the site, by comparison with favourable habitat management of the site without development.

Arboriculture, Bath & North East Somerset Council:

The site is within Bath Conservation Area and is the subject of planning application 18/01516/REG04 for the development of 37 residential dwellings.

In my opinion, overall the current proposal represents significant betterment in respect of the separation distances from existing trees and green infrastructure and also the amount of green infrastructure and potential tree canopy cover introduced.

Amendments to the layout have been made to provide sufficient buffer zone around the veteran T15 field maple at the site.

Relatively minor works are proposed on the trees proposed to be retained beside the access (T16, T17, T33, T34 and T35). There is no opportunity to use no-dig methods of construction within their root protection areas and trenching is inevitable to provision the site with services. The Arboricultural Impact Assessment considers this with heads of terms presented which will need to include arboricultural supervision.

The proposed landscaping includes tree planting which more than compensates for the tree losses along the access road in respect of planning obligations.

The indicative Tree Protection Plan demonstrates that construction exclusion zones can be maintained with fencing for much of the site but will need to include areas where activities will require arboricultural supervision.

Tree protection conditions apply to secure a detailed arboricultural method statement and revised tree protection plan.

Parks, Bath & North East Somerset Council:

The scale of the development does not meet the threshold for providing publicly accessible green space under Placemaking Policy LCR6, however the landscaping is welcomed and has the potential to provide useful recreational amenity and biodiversity net gain subject to design.

The Tree team within the Parks section of the Council currently manage the trees on this site under a service level agreement (SLA) with Property Services. The Parks Service have therefore provided general advice to the Applicant (Housing Services) with regards to long term management and maintenance of the site taking account of the proposals.

Environmental Protection, Bath & North East Somerset Council:

Construction

If the application is recommended for approval, I would suggest the following condition to protect neighbouring residents from the impacts of construction.

No development shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

Noise

The acoustic assessment submitted with the application concludes that the existing noise climate would have a negligible impact on the proposed residential accommodation and as such need not be considered further. However, there will be potential for noise to arise from plant associated with the proposed development and the identified plant noise criteria should be secured by condition, if the application is recommended for approval:

Cumulative plant noise associated with the development shall comply with limits detailed in Table 6-2 of Acoustic Noise Study, dated April 2024.

Climate Policy, Bath & North East Somerset Council:

The issues previously raised have been addressed and the proposal is compliant with the relevant sustainable construction policies - Policy SCR5 and Policy SCR6.

All the proposed dwellings are now compliant with all of the requirements of Policy SCR6. The renewable energy generation for plots 6 -11 has been increased to match each individual dwellings Total Energy Use, as per SCR6 requirement.

Additionally, all of the proposed components listed below are strongly supported:

- o Development aim to achieve a heat loss form factor of 3 or less and to achieve Passivhaus Standard in this area;
- o Proposal to install MVHR systems;
- o Proposal for ASHPs to provide space heating and domestic hot water;
- o All the proposed U-values meet or are better than best practice values;
- o All dwellings air permeability of <1;
- o Proposed to install WWHRs in all showers in the development;
- o The recommendation to include green roofs; and
- o The fabric first approach being adopted.

Drainage and Flooding, Bath & North East Somerset Council:

Latest revision to the Drainage Strategy [received 6th September] for the site has resolved previous comments. This is therefore agreed subject to a pre commencement condition regarding submission of detailed drainage design supported by updated onsite infiltration testing.

Archaeology, Bath & North East Somerset Council:

The submitted Cultural Heritage Desk-Based Assessment concludes that there is low potential for archaeological remains of significance to be impacted by this proposal. This is based mainly on the location and aspect of the site and its landscape context.

Based on this information we have no objection to this proposal as there is likely to limited or no archaeological impacts.

Contaminated Land, Bath & North East Somerset Council:

The following report has been submitted with the application:

- o Englishcombe Lane. Geo-Environmental, Hydrogeology and Geotechnical Ground Investigation Report. By AtkinsRealis. 22 January 2024. Ref: 5223796/GIR/001/04

The following report has previously been submitted with the pre-application:

- o Englishcombe Lane. Desk Study Interpretative Report. By Atkins Ltd. March 2023. Ref: 5208627/DS/R001/V1

Taking account of the investigation and risk assessment, its findings and conclusions, I recommend that an 'Unexpected Contamination' condition is placed on the application, if granted.

External Consultation

Natural England:

Bat surveys undertaken for the current application and previous applications at the site have demonstrated that the site is used by SAC bat species. Notably the eastern and southern boundaries provide good quality commuting habitat with crossing point surveys conducted for previous applications (referenced in the submitted Ecological Impact Assessment (Engain, July 2024)) showing that lesser horseshoe bats cross Englishcombe Lane north to south and commute along the eastern boundary of the site.

It must be demonstrated that the proposed development would not result in severance of these commuting corridors. SAC bat species are highly light sensitive, light spill from artificial lighting can render habitat inaccessible to these species.

Whilst the modelling of light spill provided suggests light spill is restricted to the road and pavement for the northern section of the site access road, light spill extends into the green infrastructure that forms the commuting corridor further to the south of the entrance road, starting from the area around the car park. Amendments to the lighting strategy are required to reduce the light spill onto the eastern boundary, confining the light spill to the road and pavement, in order to provide a dark commuting corridor along the eastern boundary.

Additional information is also required to demonstrate that the proposed lighting strategy would not result in light spill onto the proposed dark corridors. Whilst we welcome the modelling of light spill provided on the horizontal plane, modelling of light spill is also required on the vertical plane to demonstrate that proposed lighting would not result in light spill onto the corridor at heights.

The maintenance factor used in the light spill modelling must also be confirmed, a maintenance factor of 1 must be used to represent a worst case scenario.

This information is required to inform the HRA therefore must be submitted prior to determination.

[NOTE: Revised Lighting Strategy received 4th September 2024 - further comments from Natural England awaited]

Wessex Water:

Consulted on 18th April 2024 and 26th July 2024.

No response received.

Designing Out Crime Officer, Avon and Somerset Police:

I note that there appears to be a general lack of consideration documented that would show that safety and security have been adequately considered in order to comply with the above legislation.

The supporting documents do not appear to include a robust statement detailing how this would be achieved.

I understand that this supported living development will cater for residents with Autistic Spectrum Disorder and note the unique requirements and design of the living space.

I note para 6.1 of the Landscape strategy refers to Private and defensible space and I would strongly recommend that this is delivered.

A lack of defensible space has the potential for occupants to feel insecure in their own homes.

Each residents needs will vary but as well as improving security, establishing defensible space would help to reinforce personal space and foster a feeling of security.

The 'Engawa' porches whilst creating a place to sit and meet also create hiding places.

The circular paths around the development are meandering and lead on to extensive woodland where the development boundary appears extremely porous.

I would ask that clear plans be provided detailing how the secure perimeter will be achieved so as to prevent entry from the adjacent woodland area.

Lack of a robust perimeter treatment could facilitate crime such as burglary and anti-social behaviour including strangers using the pathways or establishing desire lines to travel through the development which is of increased concern when considering the potential vulnerability of residents.

The lighting around the path ways is provided by low level bollard lighting, which is not sufficient to illuminate faces for identification purposes. This style of lighting does not work to support CCTV.

I note that at this stage neither a management plan, nor CCTV plan have been submitted which would also help me to assess this development.

The car park is remote and on the approach to the development and has no line of sight view from any building that would improve ownership, there is no tie in with the development.

It is located off of the access road and although there is lighting provision, as I have stated there are no opportunities for surveillance.

The remote and secluded location lends its self to anti-social activity and crime, vehicles parked here will be vulnerable to attack.

I am concerned, that in the areas I have set out above, on the information available, that at this time this application does not yet meet the safety and security requirements of the National Planning Policy Framework or the B&NES Core Strategy.

Bath Preservation Trust:

The proposal site is in the World Heritage Site (WHS) and Bath City-wide conservation area. Policies NE2A (landscape setting of settlements), NE3 (sites, habitats and species), NE5 (ecological networks and nature recovery) and SB17 (Englishcombe Lane) are applicable to the site.

The character of the conservation area in the immediate vicinity of the site is chiefly defined by the undeveloped land to the south and east. The ground level rises to the south.

The site was subject to application 18/01516/REG04 (Development of 37 residential dwellings (Use Class C3, including affordable housing), vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works). "A decision was made not to pursue the proposed scheme and a decision notice was not issued" (Planning Statement [application 24/01168/REG03], para. 1.2.2, p. 4). The planning committee of the Local Planning Authority (LPA) agreed to grant permission.

BPT provided comment on the 2018 scheme and found the application broadly satisfactory. Observations included - the success of the assimilation of this scheme will rest with the effectiveness and quality of the landscaping and tree planting, to allow the scheme to blend into the urban townscape in long views, relatively small gardens, contextual 3D street views or aerial views would be useful as would photomontages. Concerns with the proposed materials (timber and buff brick) in the immediate context and in the context of the scheme being an urban extension rather than a rural development.

The 2018 scheme included two and three storey properties, whereas the subject scheme mainly comprises single storey buildings. The proposed material palette comprises timber, Bath stone and buff brick, with green roofs with photo voltaic panels (PVs).

The palette of building materials in the immediate vicinity of the site (Englishcombe Lane and Stirtingale Road) comprises Bath stone, red and brown roof tiles and painted render. The majority of buildings are of two storeys.

It is noted that the submission contends that it has demonstrated that a bio-diversity net gain of 10% is feasible.

The principal of residential development on the site has been established via policy SB17 and perhaps decision makers will give some material weight to the LPA's position on the 2018 application, though not formally determined, as above.

It appears that the site will have negligible impact on long distance views from within the WHS and whilst the development will be glimpsed in views from the roads immediately surrounding the site, the overall design of the proposed scheme will present a relatively low impact development.

The proposed lighting provision appears to be acceptable, as does tree retention and planting. Contributing to a development that is appropriate to the site and immediate vicinity.

Reservations with the use of buff brick remain, given the use of Bath stone in the vicinity of the site. Given the elevated position of the site, it is recommended that a condition

relating to the specific design, location and form of the PVs is attached to any positive decision. Similarly, the removal of permitted development rights will subject any alterations to the provisions of the planning system. Allowing scrutiny of works that may detract from the broad nature of the scheme.

The proposal is contrary to the main character of the conservation area; however, the development is of relatively low impact and policy SB17 is in place. The benefits of the provision of supported living units are of course welcomed.

Moorlands Ward Councillor, Cllr Jess David:

Site suitability

This is a well known local green space that was a grazing area for many years. It is home to many types of local wildlife including slow-worms and various invertebrates, is a foraging area for bats, and is part of the landscape setting of the local area and within the Stirlingale Site of Nature Conservation Interest (SNCI). The site has visible overland streams, and water from the site has caused flooding to local gardens - most recently in January 2024. There are also areas of unstable land or mud-lobes which are noted on the site plan. I share the concerns communicated by many local people about its suitability for development because of the established habitats on site, because of the drainage and land instability issues, and because of the narrow access to the site. These issues were raised extensively in relation to application 18/01516/REG04 and as part of the ongoing Local Plan process, where I called for the site allocation to be removed.

Comments in reference to application 24/01168/REG03

This application is for a smaller scheme than was proposed in 2018, and proposes to leave more of the site undeveloped. It is also for a type of specialised social housing that is needed in B&NES. This is recognised, as is the effort to design scheme that is more compatible with the landscape and of high standards of sustainable construction.

My comments and concerns focus on the following areas of this application that are of particular concerns to local residents:

- o Flooding and drainage.
- o Ecological impact and trees.
- o Access road, parking and transport.
- o Bin storage and collection arrangements.
- o Construction management plan.

Flooding and drainage

In the flood risk assessment, I note the assurance that "Given the implementation of the drainage strategy, no sources of flooding are considered to pose a significant risk to the site in the context of the proposed development. The proposed development would be safe and would not increase flood risk to third parties over its lifetime, including the projected effects of climate change".

However, the Council's drainage and flooding team has raised some concerning issues in their consultation response:

- The risk of infiltrated water reemerging downslope.
- The need for a climate change allowance of 45% (not 40%) to be part of calculations.
- Queries about the strategy to discharge excess water to the centre watercourse via the existing 150mm pipe.

Given the history of this site, and the concerns raised by neighbouring residents who have experienced flooding from the field, it is of fundamental importance that the council is confident of the drainage strategy for the site. In revising the application, the applicant should show that the development would decrease the risk of flooding to neighbouring properties and is compatible with future climate change scenarios. This should include further details of the swale feature and how it will prevent water from running into neighbouring gardens, as well as assurances that the water company has agreed to the connections necessary to manage any excess surface water from the site.

Ecological impact and trees

I recognise that the design of the scheme incorporates a number of features intended to support nature and biodiversity including areas of planting, open space and green roofs. However as noted in the EIA the proposal would result in a net-loss of biodiversity on site. This is disappointing.

I note the proposal for off-site units in order to secure the overall net gain required by planning policy and the ambition to exceed this. I would like to see some of this secured in the immediate local area such as Moorlands Park, or through work with Stirlingale Farm, and would welcome further detail on the locations being considered.

I note the commitment that "the project's potential impacts on wildlife during construction will be very carefully managed to ensure compliance with all the relevant policies and legislation". Local residents are very aware of the nature on this site. Should development go ahead, a specific point of contact should be in place to deal with any concerns during the construction process.

I regret that the installation of the access road will require the removal of c9 trees. I am pleased to see the proposal for the provision of 126 new trees to be incorporated into the scheme and welcome further discussion with B&NES tree officers on the species and location of these, including for screening.

I note concerns in the arboriculture responses about the root protection area of a veteran tree. I would like to see how impacts to this will be addressed and avoided in a revised site plan. I also await the consultation feedback from the council's ecology, conservation and landscape officers.

Access road, parking and transport

I welcome the proposal for a continuous footway which will support pedestrian routes along Englishcombe Lane and require vehicles coming out of the access lane to slow down and give way.

Englishcombe Lane is a through route and can be busy at peak times. I am concerned that potential developers of sites behind Englishcombe Lane could seek to use this site as an access point. As this will be an unadopted road, and part of a quiet setting for residents, I hope this can be explicitly ruled out.

The proposals allow for 8 car parking spaces and 6 bike parking spaces. This is estimated to provide for c5 staff and 3 visitors. I am concerned that this may not be enough to cater for all staff and visitors when the site is occupied at full capacity. It is indicated that the development will allow for 23 bed spaces of which c16 will be adults living in the supported accommodation - with around 10 carers. The site plan should indicate where additional parking can be accommodated in site during busy times.

As noted in the Transport Statement, the nearest local bus service is the Number 8 bus which operates a limited service on weekdays and Saturdays - operating at 45min intervals during the day. This service is greatly valued by existing local residents and is now a supported service funded by the Council. Further investment must be secured to make this a more frequent 7-day service and a viable alternative to visiting the site by car. I would like this to be considered for funding via the Community Infrastructure Levy.

Bin storage and collection arrangements

I share the concerns raised by many residents about the proposed bin storage area. To serve the 16 properties the refuse strategy suggests this will include 16 wheelie bins and 2 large food waste bins.

This will require a large storage area, set into the pavement of the access road. Dimensions for this are not provided in the site plans.

I am concerned that this large waste area will cause a loss of amenity (smell, litter, noise from collections) to neighbouring households and ask that this is reconsidered in the site design. This could be done by amending parking arrangements on site to provide an alternate storage area/s, and/or by amending the proposed waste collection arrangements so that collection is done by smaller vehicles from within the site.

Construction management plan

I agree with the comments from environmental health that development should not go ahead until a specific Construction/Demolition Environmental Management Plan is in place - with input and the opportunity to comment by local residents. This should adopt best practice reduce the effects of noise, vibration, dust and site lighting on residents living adjacent to the site.

Please note that there appears to be an old stone boundary marker in the side of the access lane. Pictures have been shared with the housing team. I have requested that this is salvaged and re-sited by the council.

Public Consultation

The public consultation process involved neighbour notification letters being sent to 53 neighbouring addresses. A site notice was erected at the site and a press advert was published in the local newspaper. The application was also listed on the weekly list of planning applications published by the Council and listed on the Planning section of the Council website.

The deadline for public consultation responses was 24th May 2024.

To date, a total of 50 responses have been received in relation to the application. 45 responses objected to the application, 5 comments were in support and 1 response was a general comment.

Grounds of objection are summarised as follows:

- o Potential for increased flood risk at neighbouring properties as a result of changes to the hydrology and ground conditions resulting from the development;
- o Development will increase run off rates forcing water downhill towards Moorlands Junior School increasing flood risk and causing safety issues at adjacent sites including the school;
- o Costs for drainage works could escalate from planned budgets;
- o Standing water in the soak way system is a mosquito breeding zone resulting in an infestation of mosquitos;
- o Development may destabilise ground conditions resulting in landslides and damage to neighbouring properties;
- o Harmful impact to ecology at the site including bats, slow worms, deer, foxes, badgers, buzzards, pheasants, owls, butterflies and insects;
- o Development will cause net loss of biodiversity rather than net gain;
- o Harmful impact to geology, tufa formations and last unimproved calcareous rough pasture site in the authority area;
- o Site is part of a green corridor and ecological network and development will harm this;
- o Vegetation and hedges removed prior to previous application;
- o Field previously mowed by Council causing harm to ecology;
- o Construction of access road requires removal of trees causing harm to habitat used by wildlife;
- o Loss of trees will be harmful to microclimate, air quality, aesthetic and recreational value and planting young saplings will not provide sufficient mitigation for the community as they will take decades to establish;

- o Loss of trees will reduce ground stability, cause increased water logging and flooding;
- o Highway safety issues on Englishcombe Lane relating to traffic levels and speeds;
- o The proposed access and associated traffic restrictions will cause congestion, creating highways obstructions;
- o The application lacks a comprehensive traffic audit;
- o Road Safety Audit visit was conducted whilst road closure in place influencing results;
- o Road Safety Audit undertaken by same company as highway designers;
- o No Designers Exception Response available for Road Safety Audit;
- o Vehicles reversing out of the site may cause highway hazards;
- o Proposed access requires Traffic Regulation Order outside planning process which may be refused resulting in highways works not being capable of implementation;
- o Further information required regarding services and drainage to understand how these works and maintenance will impact neighbouring residents;
- o Level of parking proposed on site is inadequate for proposed use;
- o Parking overspill to Englishcombe Lane will worsen existing highway conditions, causing safety issues;
- o Parking conditions worsen on Englishcombe Lane at school drop off and collection times;
- o Options for reducing traffic on Englishcombe Lane such as LTN schemes should be considered before this development goes ahead;
- o Concerns over ability of emergency services vehicles to access the site;
- o On collection day, bins will restrict width of access;
- o Bins will attract rats and cause hygiene issues when out for collection;
- o Bin collection location will be harmful to amenity and living conditions of no. 89 Englishcombe Lane;
- o Concerns over bins attracting fly-tipping;
- o Concerns over ice forming in winter on access road causing safety issues with bins;

- o Concerns regarding gradient of access road and gradients on site given design mobility standards;
- o Concerns regarding width of access road and potential conflict between pedestrians and vehicles;
- o Access issues demonstrated by recent accident at the site;
- o Construction traffic may also cause health and safety risks when accessing the site;
- o Vehicles accessing site will create conflict with pedestrians including school children;
- o Concerns over security of the site, issues with boundary fences and neighbouring properties, possible antisocial behaviour and lack of CCTV system;
- o Concerns of noise pollution including from proposed air source heat pumps and vehicles driving on the site;
- o Clarification required over lighting strategy due to possible conflicts between security and causing disturbance to bats;
- o Concerns that light spill and light pollution from lighting columns will harm amenity of no. 89 Englishcombe Lane;
- o Overlooking from upper floors of proposed houses towards properties on Englishcombe Lane to north causing loss of privacy and harm to amenity of neighbours including rear gardens;
- o Site is unsuitable location for people with special needs due to no local amenities and poor bus service;
- o No bus service nearby the site on Englishcombe Lane;
- o No convenient doctors or dentists nearby the site and surgeries oversubscribed;
- o Nearest shop is some distance away;
- o There are other brownfield sites in more accessible parts of Bath such as Debenhams site in city centre that would be better suited to the development;
- o This land is totally unsuitable for any development and should be taken out of the Local Plan;
- o Plans for development at this site go against previous promises by Council administration;
- o Rolling over of development sites between Local Plans has not accounted for change in circumstances such as climate change and ecological emergency;

- o Land becomes wet in autumn and winter, likely to cause access issues;
- o Grass at the site is full of tics;
- o The site is unspoilt land that contributes to the scenic beauty of Bath and should be left undeveloped;
- o Green field and hillside visible between houses gives neighbourhood spacious and open character which development will harm;
- o Development will fail to preserve The City of Bath World Heritage Site Setting;
- o Flat roofs; facing brick and timber cladded wall finishes are not in keeping with the surrounding stone-built pitched roof properties;
- o Proposed use of brick not inkeeping with character and appearance of local area;
- o Flats roofs have limited lifespan;
- o Flat roofs will encourage nesting by gulls;
- o Development will cause harm to amenity of neighbouring occupiers and negatively impact quality of life during construction;
- o A construction management plan should be secured by condition and
- o Too many homes located on west side of site adjacent to Stirtingale Road causing harm to amenity;
- o The large site should be utilised more effectively to distribute dwellings evenly across the site;
- o There are more veteran trees on site than are recorded in the Arboricultural Impact Assessment;
- o Development of this site creates a clear precedent that could lead to further in-fill behind the houses on Englishcombe Lane;
- o The proposed access could be used to access future developments to the north of Englishcombe Lane;
- o The Council should restrict any further development within the decision on this planning application or through legal covenant to provide reassurance to the neighbourhood;
- o Construction traffic may cause damage to neighbouring properties such as no. 89 Englishcombe Lane situated directly adjacent to the access;
- o The development should respect and provide for the right of way established from the east side of no. 89 Englishcombe Lane onto the access;

- o The current application does not include repairs to the boundary wall adjacent to the pavement to north of no. 89 Englishcombe Lane;
- o Concerns regarding boundaries and Party Wall Act issues;
- o Concerns that the development will impact neighbours ability to work from home and effect quality of local broadband services;
- o Concerns over whether there will be public access to the site to promote social interaction;
- o Permitted development rights for the houses should be removed to allow full scrutiny of any extensions and avoid detracting from the holistic nature of design;
- o Public consultation exercises by the Council with the community have been confirmatory and not collaborative;
- o It must be ensured that expenditure for this project aligns with Bath's financial reserves to ensure long-term sustainability of the Council to continue to provide for the area;
- o It must be ensured that the project meets it's 20% biodiversity net gain target;

Summary of comments in support:

- o Support for the proposed use and development for housing for residents with learning difficulties which is laudable;
- o There is a need for more schemes like this for people with learning difficulties so it is a great idea;
- o Balance is required between need for accommodation for people who are poorly served by the current availability and offering, and ecological conservation;
- o All sites can conceptually be considered ecologically important in some manner;
- o There is significant social need which must be weighed against ecological impacts;
- o Concerns about ecological impact but believe development will be better in long term for families with neurodivergent children;
- o Supportive of this application's compliance with policy SCR6 to include ASHP, MVHR and solar PV;

POLICIES/LEGISLATION

National Legislation:

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

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

There is a duty placed on the Council under section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

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

National Policy:

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

Local Plan:

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

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

The Local Plan for Bath and North East Somerset comprises:

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

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

- DW1 District-wide Spatial Strategy
- SD1 Presumption in favour of Sustainable development
- SCR6 Sustainable Construction Policy for New Build Residential Development
- SCR2 Roof Mounted/Building Integrated Scale Solar PV
- SCR5 Water Efficiency
- SCR9 Electric Vehicle Charging Infrastructure
- CP5 Flood Risk Management
- SU1 Sustainable Drainage
- CP6 Environmental Quality
- D1 General Urban Design Principles
- D2 Local Character & Distinctiveness
- D3 Urban Fabric
- D4 Streets and Spaces
- D5 Building Design

D6 Amenity
D7 Infill & Backland Development
D8 Lighting
D10 Public Realm
HE1 Historic Environment
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE2A Landscape Setting of Settlements
NE3 Sites, Habitats and Species
NE5 Ecological Networks and Nature Recovery
NE6 Trees and Woodland Conservation
CP7 Green Infrastructure
PCS1 Pollution and Nuisance
PCS2 Noise and Vibration
PCS3 Air Quality
PCS5 Contamination
PCS6 Unstable Land
CP9 Affordable Housing
CP10 Housing Mix
H7 Housing Accessibility
LCR7B Broadband
LCR9 Increasing the Provision of Local Food Growing
CP12 Centres and Retailing
ST1 Promoting Sustainable Travel
ST7 Transport Requirements for Managing Development and Parking Standards
CP13 Infrastructure Provision
B1 Bath Spatial Strategy
B4 The World Heritage Site and its Setting
BD1 Bath Design Policy
SB17 Englishcombe Lane

Supplementary Planning Documents and relevant planning guidance:

Planning Obligations SPD (2023)
Transport & Development SPD (2023)
Sustainable Construction Checklist SPD (2023)
The Setting of the City of Bath World Heritage Site SPD (2013)
Bath City-wide Character Appraisal SPD (2005)
Bath Building Heights Strategy (2010)
Bath World Heritage Site Management Plan 2016 - 2022
West of England Sustainable Drainage Developer Guidance (2015)

Climate and Ecological Emergency

The Council declared a climate emergency in March 2019 and in July 2020 declared an Ecological Emergency. These matters are material considerations in the determination of this application. The declarations have directly informed the preparation and content of planning policies adopted within the Local Plan Partial Update (2023).

Low Carbon and Sustainability Credentials

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Strategic Principle of Development

Policies DW1 (District-Wide Spatial Strategy) and B1 (Bath Spatial Strategy) of the Local Plan identify requirements for delivery of 13,000 new homes in Bath and North East Somerset, with 7,020 new homes in Bath within the plan period.

Most homes planned for by the current Local Plan in Bath are located on large sites in the Central Area and Enterprise Area, large sites in outer neighbourhoods such as former MoD land, small scale intensification distributed throughout the existing urban area and land adjoining Odd Down.

Subject to compliance with all other policy considerations residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt boundary.

Policy H1 (Housing and Facilities for the Elderly, People With Other Supported Housing or Care Needs) of the Local Plan sets out that housing and facilities people with other supported housing or care needs, will be permitted, where:

- a) The use is compatible with the locality and existing/future uses in the locality, and does not create potential conflicts with existing uses (e.g. potential for visual and noise intrusion if in a city/town centre);
- b) There is adequate
 - (i) communal space (including cooking and dining areas); and
 - (ii) garden/ outdoor space within the curtilage of the property to meet the needs of the residents. National best practice standards should be met relevant to the type of development proposed, for example development should, follow best practice identified by HAPPI 12, in particular the 10 elements critical to age-inclusive housing:
 - o Generous internal space standards.

- o Plenty of natural light in the home and circulation spaces.
- o Balconies and outdoor space, avoiding internal corridors and single-aspect flats.
- o Adaptability and "care aware" design which is ready for emerging assistive technologies.
- o Circulation spaces that encourage interaction and avoid an "institutional feel".
- o Shared facilities and community hubs where these are lacking in the neighbourhood.
- o Plants, trees and the natural environment.
- o High levels of energy efficiency, with good ventilation to avoid overheating.
- o Flexible extra storage for belongings, including bicycles and mobility scooters.
- o Shared external areas such as "home zones" that give priority to pedestrians.

Policy ST1 promotes development located where there are a range of realistic travel opportunities to provide genuine alternatives to private car usage and where opportunities to reduce travel distances exist.

There are a total of 26 site allocations for Bath in the Bath Volume of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (2023). These identify the locations of most homes planned in Bath within the current plan period.

Site allocation Policy SB17 relates to land south of Englishcombe Lane, i.e. the development site. The supporting text identifies that:

"This is an undeveloped plot of around 1.4ha to the north of Stirtingale Farm SNCI and to the rear of Englishcombe Lane and Stirtingale Road. The site is secluded from most public views and is subject to topographical, geotechnical, and ecological issues."

Policy SB17 itself sets out the following 'Development and Design Principles':

1. Around 40 dwellings;
2. Vehicular access from between numbers 87-89 Englishcombe Lane, retaining as many trees as possible and replacing those lost, elsewhere within the site;
3. Retention of hedgerows along the boundaries of the site;
4. Identify and assess the ecological interests of the site and the likely effects of development on them. Protect and enhance these aspects and mitigate to avoid or minimise the effects;
5. Lighting and Green Infrastructure at this location must be designed to safeguard the ecological and habitat requirements of bats; and
6. Undertake a detailed historic environment assessment, and where necessary evaluation, in order to identify and implement appropriate mitigation.

This policy was first adopted within the Placemaking Plan in 2017 and was retained unedited within the Local Plan Partial Update adopted in 2023. The housing planned for at this site will classify as small-scale intensification distributed throughout the existing urban area as planned for under Policy B1.

The current application follows a previous application (ref: 18/01516/REG04) submitted in 2018. The previous application sought permission for development of 37 homes at the site. The application was considered by the Council's Planning Committee on 26th August 2020, who resolved to grant permission for the development. A change in corporate priorities resulted in these proposals being abandoned and a final decision remains pending. The previous application is likely to be withdrawn in light of the revised proposals subject of current consideration.

The current application seeks permission for development of 16 no. houses for supported living by residents with autism spectrum disorder and learning difficulties (use class C3b - Use as a dwellinghouse by not more than 6 residents living together as a single household including a household where care is provided for residents).

Firstly, the site is allocated under Policy SB17 in the Council's adopted Local Plan specifically for residential development. This means that housing development at the site is acceptable in principle. The acceptability of housing development on this land in principle is not under assessment or available for challenge as part of this application. The merits of allocation of the site in the Local Plan were subject to consultation, consideration and formal examination on behalf of the Secretary of State as part of the Local Plan making process.

The starting point for assessment of this application is that development of up to 40 no. houses in this location is acceptable in accordance with the Local Plan. The current application is for development of 16 no. houses. Whilst this is a significantly lower amount of development than anticipated by the Local Plan allocation, the development remains compatible with, and within the parameters of, the site allocation Policy SB17.

Development of housing at this location is acceptable because the site is within the urban area of Bath and the site is not within the Green Belt as set out in Policy B1.

Englishcombe Lane is within a long inhabited and well established, suburban part of south Bath. The area is accessible by public transport services such as the no. 1 bus route which stops around 550m west of the site, near the top of Sladebrook Avenue. The R3 service run by Abus also provides weekday access from Englishcombe Lane to Bath south and west suburbs including the Royal United Hospital. There are community facilities, shops, gym, sports centre, schools, dentists and GP surgery within 1km of the site.

Due to being roughly equidistant from main roads and local centres, the site is further than some others from services. However, fundamentally the site is within an established residential area inside the urban conurbation of Bath. Public transport is available, and the area cannot reasonably be considered inaccessible or an unsustainable location for living.

The proposed housing is supported living accommodation specifically for residents on the Council's housing register with autism spectrum disorder and learning difficulties. This is a type of specialist accommodation for people with supported housing and care needs and therefore Policy H1 applies.

Policy H1 states that such housing will be permitted where the use is compatible with the locality and existing/future uses in the locality, and does not create potential conflicts with existing uses (e.g. potential for visual and noise intrusion if in a city/town centre).

The site to the south of Englishcombe Lane is located within a quiet, suburban context with a close connection to undeveloped green space and woodland, forming part of the Stirtingale Farm Site of Nature Conservation Interest. The proposed use for residential housing would be directly compatible with adjacent sites which are also housing. No conflict is considered to exist in relation to the proposed accommodation and current or future uses of adjacent land.

The residents of the support living housing would have specialist needs from proposed housing. The location and close connection with the natural environment are understood to offer benefits for residents that variously require high and low stimulating environments as well as privacy, seclusion and safety. Therefore, the site and location provides some benefits, opportunities and merits for supporting housing use.

A detailed assessment of the adequacy of communal space, garden and outdoor space as well as relevant design guidance will follow under the 'Amenity Standards' subheading.

It is noted that availability of land and sites for specialist supported housing developments is severely limited. There are significant challenges and pressures supplying enough land to meet housing need currently. Specialist supporting housing does not have the economic viability of sales or market rental revenue associated with traditional open market housing development. Within this context, specialist supported housing projects are unable to compete on the open market for land and sites. These projects generally rely on grant or charitable funding and are typically unviable developments. Yet specialist supported housing development is essential to the lives of those in need and these groups are undoubtedly underserved by the open market. The social benefits of purpose-built supported housing to meet the needs of these groups is worthy of significant weight in accordance with para. 63 of the NPPF and Policy H1 of the Local Plan.

The development would also contribute to general housing supply targets for the District and City as identified in Policies DW1 and B1 respectively. This would also represent a benefit of development and accords with the Local Plan.

Overall, the principle of development of 16 no. homes at the site is compliant with the spatial strategy for the District and for Bath and directly in accordance with the site allocation policy SB17 for housing development at this specific site. The site is in an established suburban neighbourhood within the city, that is served by some local facilities and accessible by bus services. The site is a sustainable and accessible location for housing. The specific use for supported housing for residents with autism and learning difficulties is found to be compatible with the residential use of adjacent sites, including accounting for consideration of any future uses likely in the area. The proposed use is unlikely to create potential conflicts with existing uses in the area. This accords with Policy H1 and therefore such development can be permitted. Considerable social benefits are associated with provision of housing towards delivery targets but especially development of purpose-built supported housing for this group and meeting associated specialist housing needs. The principle of development is therefore acceptable and assessment of the detailed impacts of the development shall follow beneath.

Affordable Housing

Para. 64 of the NPPF states that:

"Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities."

Para. 66 of the NPPF states that:

"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

...

- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

and ...

- d) is exclusively for affordable housing, a community-led development exception site or a rural exception site".

Policy CP9 (Affordable Housing) of the Local Plan states that:

"Affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies). The following percentage targets will be sought

- 40% in Prime Bath, Bath North and East, Bath Rural Hinterland;
- 30% in Bath North and West, Bath South, Keynsham and Saltford, Midsomer Norton, Westfield, Radstock, Peasedown St John, Paulton and Chew Valley.

"Affordable housing will be delivered in accordance with the Council's Housing Strategy or equivalent."

The site at Englishcombe Lane is in the Council's 30% Bath South affordable housing zone.

The proposed development would deliver 16 no. homes as supported housing to be managed by the Council's Adult Care Specialist Services. All 16 no. homes would qualify with the definition of affordable housing provided at Annex 2: Glossary of the NPPF. This is housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers). The housing for supported living by residents with autism and learning difficulties will fall into this category and will be provided as affordable rented tenure, either social or affordable rent.

Therefore, the development will in effect be 100% affordable housing. This exceeds the level of affordable housing required by Policy CP9 and the development will therefore meet the requirements of local affordable housing policy.

As planning permission runs with the land rather than the Applicant, to safeguard against an unlikely scenario where the site is sold and permission implemented by a party other than the Council, a planning condition is recommended to be attached to any permission securing submission of an affordable housing scheme including a minimum of 30% affordable housing for approval by the Council, prior to commencement. Subsequently, implementation of the development will be required in accordance with the approved affordable housing scheme. This is secured by planning condition, rather than s106 agreement as the Council is the Landowner, Applicant and Local Planning Authority, preventing entering a s106 agreement with itself and meaning obligations secured would not be legally enforceable.

Subject to this measure, the development will deliver at minimum the policy compliant 30% affordable housing and there is a high probability will deliver all 16 no. houses or 100% of the housing as a form of affordable housing.

Housing Accessibility

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

For affordable housing, 7.8% of dwellings be built to meet Building Regulation M4(3)(2b) standard (wheelchair accessible housing) and the remainder to M4(2) accessible and adaptable dwellings standard within houses, ground floor flats and upper floor flats where a lift is installed, and age restricted homes.

The proposed 16 no. homes have all been designed to meet both categories 2 and 3 for accessible and adaptable dwellings as well as wheelchair user dwellings. Homes will be fitted ready for occupation by a wheelchair user household subject to allocation of a person with such needs by the Council's Adult Services team. Therefore, the development will be fully accessible and adaptable to the current and future needs of residents.

This meets the requirements of Policy H7 and the development fulfils policy objectives of enabling people to live more independently, while also saving on health and social costs in the future by building accessible and adaptable home from the outset.

Heritage & Conservation

The site is in the 'City of Bath' and 'Great Spa Towns of Europe' World Heritage Sites. The site is also within the Entry Hill, Perrymead and Prior Park Character Area of the Bath Conservation Area. The nearest listed buildings are 'The Moorlands' (now known as Englishcombe Court) around 200m to the north, Sladebrook House around 450m west and Bloomfield Crescent around 350m south east.

Para. 195 of the NPPF states that:

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

Para. 200 of the NPPF states that:

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

Para. 201 of the NPPF states that:

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

Para. 205 of the NPPF states that:

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

Para. 208 of the NPPF states that:

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

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

"The District's historic environment shall be sustained and enhanced. This includes all heritage assets including the Bath World Heritage Site, historic buildings, conservation areas, historic parks and gardens, landscape, archaeology and townscapes of importance."

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

Policy B4 (The World Heritage Site and its Setting) of the Local Plan states that:

"There is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity. This presumption applies equally to development within the setting of the World Heritage Site. Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against the level of harm to the Outstanding Universal Value of the World Heritage Site."

The Council's Conservation Officer has been consulted on the application twice and confirmed in their most recent comments (10th September 2024) that they have no objection to the development on heritage or conservation grounds.

Historic England were consulted on the previous application for 37 no. houses and responded confirming they did not wish to comment, deferring to the views of the Council's Conservation Officer. Given the significantly lesser scale of development now proposed, Historic England have not been consulted on the revised application.

Impact to World Heritage Sites

The outstanding universal value of the City of Bath World Heritage Site relates to its roman archaeology, hot springs, 18th century architecture, 18th century town planning, green setting of the city and Georgian social aspirations.

The outstanding universal value of the Great Spa Towns of Europe World Heritage Site relate to the international European spa culture that developed from the early 18th century to the 1930s, associated spa buildings, architecture, support infrastructure and overall urban context that includes a carefully managed recreational and therapeutic environment in a picturesque landscape.

The Council's Conservation Officer has highlighted in their response that the only attribute of outstanding universal value that applies at and nearby the site, is the green landscape character and contribution to landscape setting. They note that the area surrounding the site contributes to the setting of some important Georgian architecture and town planning such as the Royal Crescent and Lansdown Crescent. The Conservation Officer does not cite any concerns over the impact of development to either landscape character or the

long-range landscape setting of Georgian terraces. They defer to the Council's dedicated Landscape Officer regarding appraisal of this impact.

The Council's Landscape Officer has reviewed the Townscape and Visual Appraisal prepared as part of the application. This includes a range of viewpoints that were agreed with the Landscape Officer at pre-application stage. The viewpoints demonstrate some limited long-range visibility of the site from the opposite northern side of the city. The site is visible, with some difficulty, in the context of the wider Moorlands and Southdown neighbourhoods on Rush Hill. The wooded Stirtingale Farm located at higher level to the south is more prominent. However, the development site itself is a lot less visible as a result of the topography and two storey development to the southern side of Englishcombe Lane. There are more prominent near range views, glimpsed between houses to the South of Englishcombe Lane.

The Council's Landscape Officer finds the site is well-contained visually and agrees with the conclusion that the changes in long range views resulting from development would be almost imperceptible. They find that the changes in nearer views would be minor and find that overall, the level of effects on public viewpoints is not an issue of concern, accounting for the 1-2 storey scale of development and visibility of the site.

Taking account of the professional advice of both Conservation and Landscape Officers, it is concluded that the development would have negligible effects on the Outstanding Universal Value of the City of Bath and Great Spa Towns of Europe World Heritage Sites. The development is not identified to pose harm to either World Heritage Site as heritage assets.

Impact to Conservation Area

The site is within the Entry Hill, Perrymead and Prior Park Character Area of the Bath Conservation Area. The significance of this area is described in the Draft Entry Hill, Perrymead and Prior Park Character Appraisal, which states:

"The Character Area includes the slopes south of Bathwick Hill, Widcombe and Prior Park, Perrymead and Lyncombe Vale, Entry Hill and Wellsway, the slopes around Bloomfield Road to the north of Englishcombe Lane, as far west as Sladebrook. The playing fields between Englishcombe Lane and Moorlands Junior and Infants Schools are also included. The following general characterisation will deal with each of these areas in turn."

"The final sub-area forming the Entry Hill, Perrymead and Prior Park Character Area is that to the west of Bloomfield Road, incorporating the open space westward to Stirtingale Farm and Corston View playing fields. From here the western boundary of the Character Area is formed by the outskirts of South Down, mainly housing of the 1950s to 1970s. From the junction with Stirtingale Road, the Character Area boundary largely follows Englishcombe Lane with its fringe of early 20th century housing, briefly stepping north to include the recreation ground and playing fields between Moorlands Schools and Englishcombe Lane. Then it follows Bloomfield Park and St. Luke's Road back to the junction with Wellsway."

"The western end of the Character Area (Sladebrook, Bloomfield, The Tumps and Englishcombe Lane) are visible from numerous points in the city centre and the northern

slopes, especially from Kelston, Lansdown Ridge and Beckford's Tower, Weston, Newbridge, Royal Crescent, and Camden etc."

"The third component of the building stock consists of later development from Victorian times through to the present day. In most cases it respects the Georgian context and character, for example in the use of Bath stone, the hierarchy and scale of buildings and in the provision of trees and open space. The period from c. 1870 to 1940 saw substantial expansion throughout the Character Area. Greenway Lane, Lyncombe Vale, along the north side of Perrymead, around Entry Hill and Wellsway, St Luke's Road, Bloomfield Road and the east end of Englishcombe Lane are all of this era. Interwar ribbon development follows major routes, e.g. upper Wellsway and Bloomfield Road."

"There are few public buildings and the character area is predominately residential. Formal terraced housing in Bath's urban tradition is rare here: most houses are detached or semi-detached. Occasional short rows of houses are found, and in general these are Victorian artisan or working-class cottages, such as the mid-19th century examples at the foot of Entry Hill. The building height is generally one to three storeys."

"In the early 20th century the national fashion for roughcast render or pebbledash was sometimes followed, e.g. in houses on Wellsway, Englishcombe Lane and Bloomfield Road. Reconstituted Bath stone is widespread in middling 20th century houses, cheaper than Bath stone but less satisfactory for its lifeless appearance. There are some recent examples of rendered blockwork, such as Millennium Court, 376 Wellsway, a three-storey block of flats with glazed balcony fronts."

"In higher status houses the roof is often hidden by a parapet, as is the norm for central Bath. But in most houses the slated or tiled roofs come down to exposed eaves and guttering."

"On the steep slopes e.g. between Bloomfield Road and Englishcombe Lane, there is limited opportunity for access to allow for more housing. Therefore, the rear gardens here are generally very large and the density low."

"The area has a semi-rural character in many places. This results from its evolution as a place of retreat from the growing urban centre of Bath; these open spaces represent the seclusion being sought and so have been preserved. Some roads are directly bordered by open fields or woodland, e.g. Perrymead, Lyncombe Vale, Entry Hill, parts of Wellsway. Significant bands of woodland enclose the Character Area, most notably around Rainbow Wood and the upper slopes of Perrymead where it backs onto the Foxhill site."

The Conservation Officer notes that houses immediately adjacent to the site are outside the Conservation Area, but located in City-wide Character Area no. 12 'Twerton, Whiteway, Southdown and Moorlands'. This area has not warranted Conservation Area designation through historic significance to date.

The Conservation Officer notes that although immediate views of this site are limited from Englishcombe Lane, the site can be glimpsed between the existing dwellings. They highlight that external materials will be important to ensure the buildings are acceptable in the context of the Conservation Area. They initially raised concerns regarding original proposals including use of reconstituted stone, cast concrete, brickwork and charred

timber. It was considered that the original proposals were not inkeeping with the local context and prevailing patterns that characterise the Conservation Area. These are described above in the Conservation Area Character Appraisal as predominantly including Bath stone, although some render has been introduced in the 20th Century.

Following initial conservation feedback, the proposed materials palette was revised to incorporate natural Bath stone, cast Bath stone piers and banding, render panels and natural timber cladding and screens. Use of reconstituted stone will be limited to lower-level tumbled stone style retaining walls. Windows and doors would have powder coated aluminium frames.

Following these changes to the scheme, the revised materials palette has been confirmed as beneficial to this location in the Conservation Area and World Heritage Site. Render has also been included and is acceptable. It is noted that final colours of any treatment to the timber cladding and screening will need to be submitted and approved through a samples condition to ensure this is appropriate. Similarly, reconstituted stone and cast stone items will require approval of final specifications through samples to ensure these are complimentary to the context and wider palette, achieving a natural and inkeeping appearance.

Subject to external materials samples secured by planning condition, the Conservation Officer has confirmed they consider the impact of the development to the Conservation Area to be acceptable. Taking account of this advice, it is found that the development would preserve the character of the Conservation Area and avoid harm to this designated heritage asset.

Listed Buildings

The nearest listed buildings are 'The Moorlands' (now known as Englishcombe Court) around 200m to the north, Sladebrook House around 450m west and Bloomfield Crescent around 350m south east.

The Conservation Officer has confirmed they do not consider there to be any listed buildings in near proximity of the site. Therefore, they do not consider that the proposal will affect the setting of any individual listed buildings, taking account of the scale of proposed development and geographic distances, topography and intervening buildings.

Taking account of this advice, it is consequently found that the development would preserve the setting and significance of all statutorily listed historic buildings in the area surrounding the site. No harm to the setting of listed buildings as designated heritage assets is identified.

Heritage Conclusion

It is concluded that the development will pose no harm to the World Heritage Sites or the setting of surrounding listed buildings or structures. Following changes to the proposed external materials palette for the development during the course of the application, the development is found to preserve the character, appearance and historic significance of the Entry Hill, Perrymead and Prior Park Character Area of the Bath Conservation Area. Overall, no harm to the significance, character or value of any relevant heritage asset is

identified following assessment. Therefore, the development accords with the objectives of Section 16 of the NPPF and Policies HE1, B4 and BD1 of the Local Plan.

Landscape

The site is positioned within a high-quality natural environment and the area has a close relationship with the green wooded hillside of Stirtingale Farm and Rush Hill to the south. This landscape forms part of the landscape setting of Bath and is part of the city's outstanding universal value contributing to UNESCO World Heritage Site inscriptions.

Policy NE2 (Conserving and Enhancing the Landscape and Landscape Character) of the Local Plan requires proposals with potential to impact on the landscape / townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

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

Policy NE2A (Landscape Setting of Settlements) of the Local Plan states that any development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

As noted above when assessing effects on the World Heritage Sites, a Landscape / Townscape Visual Impact Assessment has been prepared and submitted accompanying the application. This has been reviewed by the Council's Landscape Officer who has raised no objection to the proposals.

They note that the assessment generally follows conventional methodology, although there is some lack of clarity in relation to magnitude and overall level of effect on landscape/townscape character, and character effects are not assessed to the same level of detail as visual effects. Overall, the assessment accepts that there would be initial adverse effects on character, described as being 'medium to low', but that these would decrease over time as the new landscape and mitigation measures such as 126 proposed trees and wider soft landscaping become established, and the development becomes more integrated into its surrounds. The Council's Landscape Officer finds this conclusion to be reasonable.

In relation to public viewpoints, a reasonable selection of nearer and more distant viewpoints have been assessed, and the TVA concludes that the changes in view would be almost imperceptible. The assessment of change in view being negligible in respect of viewpoints VP01-08 and VP10 is agreed. In respect of VP09, it is considered that the change would be minor rather than negligible, but overall, the assessment that the level of effects on public viewpoints is not an issue of concern is agreed.

The landscape strategy as set out in the submitted Landscape Strategy Report dated March 2024 is supported. The Vision and Design Principles set out on pp24-25 are ambitious and comprehensive and are supported. The landscape masterplan (p50) and design principles for the nine key areas identified are supported.

Full details of hard and soft landscape proposals based on the approaches and principles set out in the landscape strategy and landscape general arrangement plans will be required. It is accepted that full details of hard landscaping and soft planting proposals, as well as landscape management and maintenance can be secured by planning condition. Subject to this measure, the Landscape Officer is satisfied that the development will have acceptable effects on landscape character and the landscape setting of the city. This accords with the requirements of Policies NE2, NE2A, B4 and BD1 of the Local Plan.

Appearance & Design

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

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

Policy BD1 (Bath Design Policy) of the Local Plan requires that: All significant or sensitive development proposals within Bath are required to incorporate in their Design and Access Statement:

1. How the Bath design values and the relevant evidence base, have informed the chosen urban design, architectural and landscape approach, in terms of the pattern of development, aesthetics, building form, use, materials and detailing.
2. How the height and scale of proposed development has respected, responded and positively contributed to the character of Bath, its heritage and the values associated with it, and important views.
3. How the proposals maintain the significance, integrity and authenticity of the World Heritage Site
4. How the proposals preserve or enhance the character or appearance of that part of the conservation area.

Proposals that fail to adequately address these issues will not be supported.

The site allocation policy SB17 (Englishcombe Lane) anticipates development of 40 no. houses at the site. Vehicle access is anticipated between nos. 87 and 89 Englishcombe Lane, retaining as many trees as possible and replacing those lost elsewhere within the site. Retention of hedgerows at the boundaries is also expected and the development should identify ecological interests and protect and enhance these aspects and mitigate to avoid or minimise the effects.

The current proposals have evidently been designed to minimise ecological effects. The amount of proposed development has been significantly scaled back from 40 no. houses envisaged by the local plan policy to 16 no. houses. This decision has primarily been ecologically influenced, reducing the scale of development to maximise retention of existing ecology and green infrastructure, whilst minimising the footprint and impact of development. The buildings will be surrounded by significant areas of undeveloped land that will incorporate tree planting and species rich grassland. The proposed access is in the location expected and tree loss is accepted to be necessary to accommodate this. The proposals are compatible with site allocation policy SB17, except for the amount of development however this remains within acceptable parameters.

The site has an area of 1.4ha (1,400m²) and the application proposes 16 no. houses. This provides a net density for the site of approximately 11 dwellings per hectare at the site. This is an exceptionally low density for a suburban area of most cities. This density of development could be argued to represent inefficient use of urban land in most other cases. However, it is considered justified by the natural and ecological characteristics specific to the site in this instance.

The development will be located away from the boundaries of the site, allowing existing boundary trees and hedgerows to predominantly be retained. The layout preserves the riparian area, associated habitats and features at the centre of the site. The layout also responds to other natural features such as being positioned away from woodland, highest topography and therefore most prominent areas to the south of the site.

The proposed layout demonstrates response and regard for the natural characteristics and value of the site. The site plan does not adopt the formal street layout and consistent building lines found on adjacent streets or within the proposals presented under the previous application. This is felt to be a positive progression and provides a bespoke approach that is more responsive and respectful of the unique natural and topographical character of the site. This provides a more dynamic and more sensitive overall masterplan for the site.

The riparian area, associated habitats and features at the centre of the site are actively incorporated within the site layout. These features are utilised as a feature of the site with boardwalks running across linking the two clusters. The houses, central courtyard areas and communal hub face onto this area. This will provide a strong link between the development and the natural environment, providing high quality public realm that will benefit the amenity and lives of residents.

The layout and scale of roads have been kept to the minimum necessary to achieve safe access and servicing of the development. Cars will be limited to the northern part of the site and largely concentrated on the eastern part where the existing access track

terminates. This layout will contribute to the quality of environment within the site, further emphasising the importance of nature and human scale design within the scheme.

In relation to the buildings themselves, the proposed scale is predominantly single storey, with some two storey buildings located on the upper southern part of the site. Flat roofs with green roofs have been selected to reduce the profile and integrate sensitively with the natural environment. The height and scale of development is generally less than two storey houses that surround the site, some of which also have roof dormers. This provides a subservient relationship with main frontage buildings on Englishcombe Lane which is considered appropriate for what could be considered a large 'backland' site. The scale and height of development is notably significantly less than the previous application. Whilst the site is relatively secluded from the public realm on Englishcombe Lane and Stirlingale Road, the proposed scale and height will minimise the impact to character and appearance in any glimpsed views.

The proposed architectural design clearly diverges from the traditional 1920s 1930s architecture of tiled hipped roofs and bay windows found on adjacent streets. Given that the site layout is less formal and more organic, a bespoke architectural strategy is considered justified.

The buildings have rectilinear forms providing modernist influences, achieving a simple, coherent and minimal architectural form. Flat green roofs have been chosen to provide a sensitive design that minimises environmental impact. Large windows and recessed porches/terraces have been incorporated maximising light and functionality for residents, supporting the connection to the natural environment. The materials palette is soft, natural, varied and contextual. The introduction of natural Bath stone is welcomed given the predominance of this material in buildings and geology of the area. Full details of all external materials will be sought via condition to ensure quality and character.

The proposed communal hub would take a similar architectural approach, but would be entirely timber clad. This is considered appropriate to differentiate the communal role, functionality and use of this building, within the context of dwellings comprising the wider development. The communal hub will include large windows and a terrace onto a drainage pond feature which forms part of the drainage strategy. This layout will provide high quality public realm and emphasise the connection to the natural environment.

Concerns were raised in a consultation response from the Crime Prevention Through Environmental Design Officer at Avon & Somerset Police regarding site security. These concerns were echoed in some subsequent public consultation responses also. These issues have been considered during the application process and discussed between parties although have not been addressed in full. There were found to be certain conflicts and trade offs that would be necessary to fully resolve security concerns. Some of these were not considered appropriate taking account of the proposed supported housing use.

The site layout has not included defensive space to the front and rear of homes. The intent is to create a supported living community that is easily accessible and navigable. Defensive features such as walls, fences or delineated gardens would detract from this. The proposed porches are wide and open, reducing opportunities for hiding. It is impossible to remove all 90-degree corners from the development and revisions to the porches would reduce the effectiveness as covered outdoor terraces and the contribution

to the architectural design. The security risk associated with the porches is not found to be directly consequential or significant.

CCTV is not commonplace on suburban housing developments and there is not considered to be strong evidence necessitating CCTV at this site. This could be introduced later if there was evidence of need. With regard to lighting and boundaries, the development will retain existing boundaries, predominantly fencing shared with neighbouring gardens. As such, this security situation will not significantly change. It was considered whether the development would be gated. However, this was considered harmful to accessibility and permeability, therefore not incorporated in the scheme at planning stage. This could also be introduced later if security became an issue, but would need to be balanced against accessibility and permeability. The lighting strategy has needed to balance security, accessibility and ecology constraints. Further details will be secured by condition, but the strategy presented is found to balance these issues acceptably.

Overall, the development is found to respond successfully to the natural character of the site and avoid posing harm to the character and appearance of the wider area. It is considered a sensitive and responsive, bespoke planned layout and architectural design that has had high regard for the qualities and character of the existing site and local area. A high quality and comprehensive hard and soft landscaping scheme is proposed and will be secured by condition. This will minimise impact on the existing and surrounding environment and provide a high-quality environment for residents to live within. The development is compliant with Section 12 of the NPPF as well as Policies CP6, D1-D10 and BD1 of the Local Plan.

Arboriculture

Paragraph 131 of the NPPF states that:

"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

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

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

If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with

guidance in the Planning Obligations SPD (or successor publication) on replacement tree planting.

An Arboricultural Impact Assessment with tree survey have been submitted with the application. These identify that it is necessary to remove nine individual trees and two groups of multiple trees to facilitate the development. These are located within, or immediately adjacent to development works.

Most trees proposed for removal are to the east side of the access road and need to be removed to allow widening of the access. There is also a group of blackthorn within the footprint of the western cluster of houses.

The site allocation policy SB17 in the Local Plan refers to the likelihood trees will need to be removed to facilitate vehicular access to the site and this is clearly envisaged as part of the policy, which states:

"Vehicular access from between numbers 87-89 Englishcombe Lane, retaining as many trees as possible and replacing those lost, elsewhere within the site."

The proposals are for removal of 9 no. trees to facilitate the access road. Of these trees, 7 no. trees are categorised as 'C' level trees of low value and 2 no. are categorised as 'B' level trees of moderate value.

The Council's Arboricultural Officer has reviewed the Arboricultural Impact Assessment and deems the level of tree felling acceptable subject to the proposed replacement planting within the development site. They accept that there is no opportunity to use no-dig methods of construction on the access within their root protection areas and trenching is inevitable to provision the site with services. It is proposed to plant a total of 126 new trees on site to replace those removed and provide landscape enhancement. Tree canopy cover will eventually be replaced at a rate of 2:1 which will provide long term enhancement.

The Council's Arboricultural Officer has reviewed two iterations of the Arboricultural Impact Assessment. Revisions were made to the access road layout to increase the buffer zone provided for a veteran field maple tree (T15). It has been confirmed that the indicative Tree Protection Plan demonstrates that construction exclusion zones can be maintained with fencing for much of the site but will need to include areas where activities will require arboricultural supervision.

Tree protection conditions are recommended if permission is granted to secure a detailed arboricultural method statement and final tree protection plan as well as landscaping conditions to secure planting of 126 trees. Subject to this measure, the development has demonstrated acceptable agricultural management and offers required mitigation for unavoidable tree felling. This accords with para. 131 of the NPPF and Policies NE6 and site allocation SB17 of the Local Plan.

Ecology & Biodiversity

Para. 180 of the NPPF outlines that:

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

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

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

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

For designated sites and other important habitat, this means:

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

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

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

a) the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest

b) mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ; and

c) provision of replacement habitat creation and bespoke measures.

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

a) for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site; where impacts have been minimised; and where there are opportunities to replace and/or offset the loss to at least equivalent or greater ecological value

b) for UK Priority Habitats (not covered by Clause 4), where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat; and where impacts have been minimised; and where it can be demonstrated that it is possible to replace and/or offset the loss to at least equivalent or greater ecological value

c) for locally important habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the habitat;

d) for features of the landscape such as trees, copses, woodlands, grasslands, batches, ponds, roadside verges, veteran trees, hedgerows, walls, orchards, and watercourses and their corridors if they are of amenity, wildlife, or landscape value, or if they contribute to a wider network of habitats, where such features are retained and enhanced unless the loss of such features is unavoidable and material considerations outweigh the need to retain the features.

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

5. In all cases:

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

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

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

d) Then, as appropriate:

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

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

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

For protected species this means:

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

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

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

(iii) where impacts have been minimised; and

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

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

The Council's Ecologist has been consulted on the application and involved in revisions to the supporting ecological documents throughout the application process. They note that this is a substantially revised proposal compared with the previous scheme (18/01516/REG04), and is supported by new and updated ecological survey and assessment, biodiversity net gain (BNG) assessment and metric, and a Landscape and Ecological Management Plan (LEMP).

The site is a designated Site of Nature Conservation Interest (SNCI), forming part of the SNCI "Stirtingale Farm (including Rush Hill Open Space and Corston View)", designated for diverse semi-improved limestone and neutral grasslands supporting botanical interest, wetland vegetation and springs, and semi-natural broadleaved woodland and scrub. Policy NE3 applies. The site has been left unmanaged for a considerable time and the condition and species diversity of its grassland habitats has declined over a period of years as a result of this; it would however be capable of restoration to former or enhanced habitat value, if under appropriate management.

Ecology input and advice to the previous scheme (18/01516/REG04) was extensive and remains relevant, and includes details of the site's ecological value and SNCI status therefore this information won't be repeated here.

The Council's Ecologist accepts that this scheme offers a considerable improvement, ecologically, compared with the previous scheme, with a greater overall area of habitat retention, and improved scope for future ecologically favourable management and restoration of habitats at the site (albeit still not without risk to retained habitats).

The current scheme now also demonstrates with a higher level of confidence, using the most recent (statutory) biodiversity net gain metric, the ability to deliver net gain for biodiversity, with proposed off-site delivery of BNG alongside on-site habitat retention and enhancement. This was neither a statutory requirement, nor were processes in place to secure off site enhancements when the previous application was subject to consideration.

Policy NE3 requires that, for Sites of Nature Conservation Importance, development will only be permitted where:

"material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site; where impacts have been minimised; and where there are opportunities to replace and/or offset the loss to at least equivalent or greater ecological value".

The Council's Ecologist notes that the question of whether impacts have been minimised, is dependent on the scale of development - i.e. the smaller the scale of development, the more successful the scheme could be at minimising impacts on ecology. This application and the current proposals have minimised impacts in comparison to the previous proposals for 37 homes.

Consideration to alternative options for the site, other than its development, might also offer better ecological outcomes for the site, e.g. its potential use as a BNG off-setting site to generate BNG units. However, this is not what the current application seeks permission for and would also be contrary to other policies within the Local Plan, namely site allocation Policy SB17 which identifies and establishes the acceptability of development of up to 40 houses at the site.

Policy NE3 section 5 also requires:

"in all cases:

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

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

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

d Then, as appropriate:

- i. Measures for the protection and recovery of priority species are made.
- ii. Provision is made for the management of retained and created habitat features.
- iii. Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological corridor.

For protected species this means: Adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible"

Overall, the scheme as it stands is considered to meet these requirements (section 5) of Policy NE3, subject to the comments below.

Initial feedback regarding the planning application was provided in discussions during a site meeting on 19th June 2024.

This involved:

- o requests for changes to the landscape / planting scheme to ensure this is fully in accordance with the proposed BNG habitats, and to minimise habitat losses especially with regard to grasslands;
- o discussion regarding the BNG assessment including an appropriate date for the baseline habitats and condition assessments, and appropriate habitat categories, and the requirement for inclusion of a watercourse assessment.
- o The need for minimal lighting and retention of dark corridors for bats (in particular bats associated with the SAC) was also discussed.

Since the site meeting, additional and revised documents have been submitted and comments below are based on the most recent versions. This includes the Ecological Impact Assessment (Rev 4, received 10th July 2024, by Engain).

- o The report provides updated survey and assessment to ecological assessments. Surveys include botanical, and updated reptile, badger and bat surveys. Findings, including the findings of protected species surveys (including confirmation that the site continues to support badger activity and a slow-worm population) are accepted. Details and implementation of mitigation can be secured by condition.
- o The botanical survey results show the previously evident ongoing decline in habitat condition of the grassland has continued, since previous surveys were undertaken. This will be due to the ongoing absence of suitable habitat management.
- o No reference is made within the ecological report to the presence of the "calcareous / basic" (or "tufa") -depositing nature of the wet flushes / watercourses as described in previous ecological reports, which is a little surprising. However, the report confirms that the watercourse habitat remains at the site and in similar condition. This and the proposals for retention of the wet flushes / watercourses are appropriate and welcome.

A revised Biodiversity Net Gain Assessment (Rev 3, received 27th Aug 2024) has also been submitted:

- o The BNG assessment and metric have been updated to now include the watercourse assessment, which is welcome and accepted.
- o The date for the baseline assessment of May 2023 and the reasonings given re the decision for this within the report are accepted. Although the update surveys show continued decline of the condition of the grassland habitats on site, it is agreed that use of an earlier date to capture the condition of the site (eg at Jan 2020) would have been unlikely to have made a significant difference to the baseline habitats, and the BNG and condition assessments currently submitted are supported by an appropriate level of survey and data.
- o The scheme requires both on- and off-site habitat delivery to achieve the mandatory requirement for 10% net gain. Additional off-site provision (beyond / outside of the mandatory requirement) is also being proposed with a target of bringing the total net gain for biodiversity to 20%. Final details of how this will be achieved have yet to be provided; this can be secured via the standard BNG condition. To achieve the minimum of 10% net gain, the scheme must address BNG unit shortfalls of an estimated 2.64 area habitat units and 0.53 watercourse units.
- o The standard BNG condition will be required to secure final details of BNG provision, and a condition is required to secure long term habitat maintenance, monitoring and reporting for both on- and off-site habitats.
- o A Monitoring Fee will also be payable to the relevant team within the Council and will need to be secured by condition and agreed between Council departments and budgets.

Revisions have been made to remove proposed tree planting from areas of retained grassland and ensure the landscape scheme is fully in accordance with proposed delivery of BNG habitats. This is welcome and accepted. Careful consideration and further ecological consultation regarding the final details of proposed tree and shrub planting, including proposed numbers and species, is therefore requested, but final details can be secured as part of a landscaping condition.

The Council's Ecologist has suggested further consideration of incorporating more planting and vegetated area into the courtyard spaces between the buildings. These "courtyard" spaces appear to be dominated by paving would benefit from an increased planting component if this could be achieved. This would also improve the permeability of the site for wildlife and add interest and access to wildlife for residents in more immediate proximity to residential units; increased planting within all areas of the site are also particularly relevant due to the site's SNCI status. However, it is noted that the Council's Landscape Officer has agreed the landscaping scheme to be acceptable. This includes significant areas of planting and habitat across the site.

Where boundary fencing is considered essential, consideration to alternatives to panel fencing is requested and if panel fencing is considered to be essential, it must be installed

in such a way as to allow optimal permeability for wildlife. Access holes for wildlife such as badger and hedgehog will be required at frequent intervals; in addition the fence should be raised from the ground (all the way along) by a minimum distance to enable free movement of other wildlife such as reptiles amphibians and small mammals. Where possible, fencing should allow visual access to habitats beyond and adjoining the site. The proposed fencing is chestnut paling which will ensure permeability for wildlife. Further details can be secured as part of the landscaping condition.

With regards to the Landscape Ecology Management Plan, the Council's Ecologist has made a series of recommendations of ways that this could be improved. These are not considered to be sufficient to undermine long term management and biodiversity value of the site and can likely be resolved as part of the biodiversity net gain plan for the site, secured by condition.

Revisions to the proposed lighting (Revised lighting Strategy Rev P03 Sept 2024 by Arcadis) have been made to further reduce light spill onto the eastern boundary, and additional lux plots on the vertical plane have been submitted; the lighting strategy has updated accordingly.

The lighting for the scheme has been designed to enable dark corridors for bats to be retained along boundary vegetation, with particular attention to the eastern boundary and connective north/south habitat corridor along the access route. The submitted details provide confidence that the scheme is capable of achieving the predicted very low levels of light spill onto sensitive habitats whilst being suitable for the uses and lighting required for the site. The sensitive lighting design is being relied upon as a key mitigation measure within the Habitats Regulations Assessment. It will need to be carefully adhered to and secured by condition.

A shadow Habitats Regulations Assessment has been submitted and added to the application file. It concludes that the scheme would not have an adverse effect on the Bath and Bradford on Avon Bats SAC either alone or in combination with other plans or projects.

The submission of the shadow HRA is welcome and its contents and conclusion are accepted. It is recommended by the Council's Ecologist that the Local Planning Authority as competent authority formally adopts this document as the Habitats Regulations Assessment for the scheme. Taking account of this advice, this approach is adopted by the Local Planning Authority.

Key mitigation measures are the sensitive lighting to maintain low light levels along features and habitats that provide connective flight routes, and the retention of habitat connectivity and suitable flight route habitat within the landscape scheme. These measures will need to be carefully adhered to and their implementation, and compliance monitoring, must be secured by condition. Subject to this, adverse effects on the SAC can be ruled out.

This is subject to any further comments from Natural England who have been consulted on the scheme and HRA. The lighting scheme has been revised in accordance with Natural England's requests. It is noted that further comments have been requested from Natural England but are outstanding to date, due to case worker annual leave. Final

comments are awaited prior to the eventual decision being issued by the Local Planning Authority.

Transport & Highways

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

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

Para. 115 of the NPPF states that:

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

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

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

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

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

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

The Council's Transport Development Management Officer has been involved in reviewing various iterations of the proposals and supporting information. They have confirmed they now find the transport and highways impacts associated with the development would be acceptable and have no objection to the development.

The proposals have been reviewed in the context of the prospective residents specific access and travel requirements noting supported housing for autism and learning difficulties. It is particularly noted that a low level of car parking (eight spaces) would be provided to fulfil the needs of staff and visitors. There are no objections to this approach. The access route would be suitable for both pedestrians and cyclists, with a segregated 2m footway provided. It is expected that vehicle movements along the access road would be lower in number than previously considered (under the 37 house application), and the risk of any conflict between users is expected to be low.

There are a number of public transport routes that are within a reasonable walking distance of the site. These include the bus routes nos. 1 and R3. The submitted Transport Statement considers the required Active Travel Checklist, and it is noted that most residents are likely to be escorted if travelling offsite. There are no obvious requirements for offsite active travel improvements. The scale of the development would not justify the requirement for a Travel Plan Statement.

Given the scale and type of development proposed, there would be no material safety or capacity impact on the operation of the local highway network. Due to the proposed use, it is assumed that the internal site access routes will all be privately managed, and that there is no requirement for any part of the site highway to become adopted.

The Highway Authority previously challenged whether the proposed scale of highway access works were necessary for the scale and type of development being proposed. The Applicant has now provided further justification to clarify why the proposed scheme remains the same as that agreed as part of an earlier application.

The final technical design for the access and crossover can be agreed as part of the S278 agreement process, and the need for the access works would need to be secured as part of any planning approval. There are some comments in response to incorporate the "standard design" details that were previously advised; however, this can be further agreed as part of the technical design approval process.

The proposed on-site access and parking arrangements have been adjusted. Having reviewed the detail of the proposed site layout, there are no significant concerns relating to the parking layouts as presented.

There are no concerns relating to the proposed approaches for access by emergency services, or for the collection of waste. A management plan will be secured by condition to ensure that waste collection requirements are co-ordinated by staff, and this should avoid any bins encroaching onto Englishcombe Lane. Bins will only remain in situ at the collection point on collection day, minimising impact to local amenity. This arrangement can be secured within the waste management plan. There would be a need for a refuse collection vehicle to wait on the highway during collection, however, this is unlikely to represent a significant road safety issue and is commonplace in many other streets. Visibility for motorists travelling in both directions is noted to be good at this location.

In summary, there is no highway objection to the planning application, however, there is a need to secure the access work requirements and given the site location, a Construction Management Plan would also be needed.

Subject to conditions, the development is found to be in accordance with Policies ST1 and ST7 of the Local Plan. It will not result in any severe impacts to the local highways network and provides acceptable accessibility provisions. The development is supported from a highways and transport perspective.

Neighbouring Amenity

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

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

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

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

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

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

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

- 1) Development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.

2) Noise-sensitive development should avoid locations wherever possible where the occupants would be subject to unacceptable levels of noise or vibration from an existing noise source.

The site has close relationships with the rear of properties to the south of Englishcombe Lane (nos. 87 - 125) and to the east of Stirtingale Road. Stirtingale Farm to the south is located around 170m south and at higher elevation.

In all areas, the proposed houses will be inset at least 10m from the boundary between the site and neighbouring gardens. Neighbouring gardens on both Englishcombe Lane and Stirtingale Road are at least 20m in depth (except for nos. 89-91 which would back onto the proposed car park). This means that there would be at minimum 30m between the proposed houses and communal hub, and neighbouring homes adjacent to the site.

The two storey buildings within the development are positioned to the southern side of the site, further away from neighbouring properties. Taking account of the site layout and development predominantly being single storey, as well as the position of neighbouring homes, the development will avoid adversely effecting daylight, sunlight and outlook at neighbouring homes.

Due to single storey scale of buildings to the north of the site and separation distances and boundary treatments, the development will not accommodate overlooking or harmful loss of privacy at neighbouring sites, including rear gardens and houses. Retained trees and vegetation at the site boundaries will also support this, in addition to the extensive tree planting proposed on site.

A Residential Visual Amenity Assessment has been submitted with the application. This models the impact of the development to views from neighbouring properties. The assessment illustrates that many neighbouring homes will be unaffected by the development. Where views will be obtained, the low-profile scale of the development with flat roofs and integrating with topography will minimise impact. Furthermore, when proposed tree planting matures, the development will largely be screened from view. The assessment concludes that the final visual effects of the development on neighbours will be minor and not significant. The Planning Officer agrees with this conclusion.

With regards to noise, many concerns have been raised in public consultation regarding noise emissions from air source heat pumps. This equipment is likely to be located a significant distance from neighbouring living accommodation which would reduce audible effects. Due to proximity, the proposed houses at the development itself would more likely be more affected by such equipment rather than neighbours.

To address this issue, the Council's Environmental Health Officer has advised that noise generated by plant and equipment forming part of the development is limited to levels set out in Table 6-2 of the submitted Acoustic Noise Study. They consider that subject to these limits, the equipment will not disturb neighbouring residents. Therefore, it is recommended these limits are secured by condition attached to any planning permission.

The development will also generate noise from general activity, comings and goings, residential use, vehicles and access to the site. This will represent a clear departure from existing conditions where the site is undeveloped, largely disused and not subject to

regular management. Whilst this would be distinct change in comparison to existing conditions, the proposed development is for residential use. This is the same use as neighbouring sites and the character of use will be compatible and in-keeping with the character of the area. Taking account of this, there is not found to be undue conflict between land uses.

The site is allocated in the Local Plan for development of up to 40 no. houses. This site allocation will inevitably lead to a change in use and associated increased awareness of the site in comparison to existing conditions. However, the amount of development and therefore the impact to neighbours will be significantly less than planned for in the Local Plan. The development will be managed by Council staff and maintained by the Council as a single public owner and entity. This provides many benefits for neighbours in comparison to residing adjacent to 40 no. privately owned or rented homes.

The impacts of construction works such as noise, vibrations, dust, site management, parking, deliveries etc. can be managed by securing a Construction Management Plan and Construction Environmental Management Plan by condition. Any issues concerning breach of the site management plans can be reported to the Local Planning Authority and resolved through breach of condition process. Construction impacts will be temporary in nature and are insufficient to warrant the refusal of permission for the development outright.

Overall, whilst the change in comparison to current conditions is recognised and significant, the impacts of the proposed development to living conditions and residential amenity experienced by neighbours are not considered to be unacceptable. The proposed amount, scale, height and layout of development are deemed sensitive to neighbours and their properties. The long-term effects and awareness of the development will largely be offset by extensive landscaping as part of the development. Other impacts such as noise emissions and construction activity can be managed by planning conditions. The application is therefore found to accord with para. 135 of the NPPF and Policies D6, PCS1 and PCS2 of the Local Plan.

Amenity Standards

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

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

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

- a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light;
- b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance;

- c. Allow for provision of adequate and usable private or communal amenity space and defensible space.;
- d. Include adequate storage and functional arrangements for refuse and recycling; and
- e. Ensure communal refuse and recycling provision is appropriately designed, located and sized.

Policy H1 (Housing and Facilities for the Elderly, People With Other Supported Housing or Care Needs) of the Local Plan sets out that housing and facilities people with other supported housing or care needs, will be permitted, where:

There is adequate

- (iii) communal space (including cooking and dining areas); and
- (iv) garden/ outdoor space within the curtilage of the property to meet the needs of the residents. National best practice standards should be met relevant to the type of development proposed, for example development should, follow best practice identified by HAPPI 12, in particular the 10 elements critical to age-inclusive housing:
 - o Generous internal space standards.
 - o Plenty of natural light in the home and circulation spaces.
 - o Balconies and outdoor space, avoiding internal corridors and single-aspect flats.
 - o Adaptability and "care aware" design which is ready for emerging assistive technologies.
 - o Circulation spaces that encourage interaction and avoid an "institutional feel".
 - o Shared facilities and community hubs where these are lacking in the neighbourhood.
 - o Plants, trees and the natural environment.
 - o High levels of energy efficiency, with good ventilation to avoid overheating.
 - o Flexible extra storage for belongings, including bicycles and mobility scooters.
 - o Shared external areas such as "home zones" that give priority to pedestrians.

In relation to amenity of residents of the development itself, the proposed housing is spacious as a result of being designed to be meet the wheelchair accessibility requirements for M4(3) of the Building Regulations. The homes would all significantly exceed the requirements of national space standards. The homes all feature outdoor terraces to facilitate outdoor recreation. All homes would have dual aspect access to light and outlook. All homes incorporate dedicated areas for storage of mobility equipment.

The development will achieve high levels of energy efficiency, providing a comfortable climatic environment in extreme temperatures with minimal heating and cooling intervention. Large windows and doors are available to provide high levels of natural ventilation, and parts of the development integrate with the topography to benefit from natural heating and cooling. This will be addressed further beneath.

The development also incorporates a dedicated communal hub building, available for use by residents for community activities. This will contribute towards fostering a community within the development.

The site incorporates extensive outdoor areas with both hard and soft landscaping, creating opportunities for dwelling, relaxation and enjoyment of the natural infrastructure at the site. A comprehensive landscaping scheme is proposed which will contribute positively to the quality of life and amenity of future residents.

Overall, the development will provide a very high standard living environment for future occupiers and the requirements of para. 135 of the NPPF, Policies D6 and H1 have been met.

Sustainable Construction

Policy SCR6 (Sustainable Construction Policy for New Build Residential Development) of the Local Plan states that "new build residential development will be required to meet the standards set out below.

New build residential development will aim to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Through the submission of an appropriate energy assessment, having regard to the Sustainable Construction Checklist SPD, proposed new residential development will demonstrate the following;

- o Space heating demand less than 30kWh/m²/annum;
- o Total energy use less than 40kWh/m²/annum; and
- o On site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV
- o Connection to a low- or zero-carbon District heating network where available

Major residential development

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

The Council's Climate Policy Officer has reviewed the application and submitted Sustainable Construction Checklist. They have confirmed they are satisfied that the development has demonstrated full compliance with Policy SCR6.

The development will incorporate a heat loss form factor of 3 or less and aims to achieve Passivhaus Standard in this area. The air tightness of all buildings will be less than 1. The energy performance of built fabric all meets or exceed best practice requirements. All homes are proposed to have mechanical ventilation with heat recovery systems (MVHR) to provide fresh air and reduce heating and cooling demands. Air source heat pumps will be used for all hot water and space heating demand. Wastewater heat recovery units are

proposed to take heat energy from hot water from showers before entering the drainage system. The development will also incorporate green roofs.

The aforementioned measures result in the development achieving space heating demand of 10-17kWh/m²/annum, which is significantly under the 30kWh/m²/annum policy requirements. Total energy use of the development is predicted to be between 27-40kWh/m²/annum, which is also less than the 40kWh/m²/annum policy requirements. The houses will all incorporate a solar PV array to offset the energy use of the development in full. This will provide net zero carbon development and complies with the Policy SCR6 requirements.

The development accords with relevant policy and will make a positive contribution to reducing the effects of climate change through energy efficiency, sustainability and renewable energy.

Flood Risk, Drainage & Land Stability

Policy CP5 (Flood Risk Management) of the Local Plan requires that: "Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF).

Policy SU1 (Sustainable Drainage) of the Local Plan requires that: "Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of runoff from both major development (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100year+ climate change event)."

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

Policy PCS6 (Unstable Land) of the Local Plan states that:

"Where there is a risk that the land may be unstable, development will only be permitted where it is demonstrated that:

- 1) the site is capable of being developed without adversely affecting the stability of the development or that of neighbouring land; and
- 2) any remedial and/or precautionary measures proposed as a result of the development do not adversely affect local amenities and/or environmental interests.

The onus will be with the developer and/or landowner for securing a safe development and for submitting the necessary Risk Assessment(s) to support the proposal."

The site is located within Flood Zone 1 and has a very low risk of fluvial flooding (less than 0.1% in any year). The site itself is in an area with low risk of surface water flooding. As

such, risk of the development site flooding is low and development in this location is appropriate in terms of flood risk to the proposed development.

It is noted that there are some small areas at medium risk of surface water flooding (between 1% and 3.3% chance each year) on lower lying neighbouring land to the north. The areas of surface water flood risk are likely caused by natural springs located to the south on Stirtingale Farm, that flow across the site before entering the surface water drainage network to the north.

A sustainable drainage strategy for the site has been prepared to address the surface water discharge issues and mitigate surface water flood risk on neighbouring land. The drainage strategy incorporates a range of measures to reduce run off rates at the site and improve the risk of surface water flooding surrounding the site. Ground investigations have indicated that infiltration is a viable drainage solution and following the sustainable drainage hierarchy, it is therefore proposed that surface water runoff from the proposed development will be infiltrated to the ground.

The drainage strategy has been designed to attenuate run off from storm events up to and including the 1 in 100-year return period storm events, with a 45% allowance added to adjust for the effects of climate change. This has been calculated to provide a discharge rate of 13.3 litres per second.

The drainage strategy to provide attenuation incorporates subterranean geocellular attenuation tanks or crates to the north west of the vehicle access route to attenuate and discharge surface water from green roof areas, bin storage and pedestrian access within Cluster 2. Geocellular crates are also proposed to attenuate the surface water falling upon Cluster 1 are beneath the car park area at the rear of no. 89-91 Englishcombe Lane and occupy the entire footprint of this space.

The attenuation crates are designed to have water storage capacity for up to a 100yr storm event plus 45% climate change, however for more extreme events an overflow into the Wessex Water sewer in Englishcombe Lane has also been proposed.

The access road to the north of the geocellular storage crates will drain either to a soakaway or positively drain to the Wessex Water sewer located within Englishcombe Lane.

The road, footpaths and parking areas will all be permeable surfaces, either block paving or porous asphalt. These will therefore allow drainage directly into the ground and avoid increasing run off rates.

It is also proposed that the plots to the south of the site are built into the embankment and retaining features will be used to stabilise the ground. Drainage channels will be required upslope behind these retaining features to capture overland surface water runoff from the catchment above the proposed development and route this away from the proposed development, towards the central drainage channel to mimic existing overland flow routing across the site. This will route into a land drain or dry swale, proposed to intercept surface water overland flows across site. This will be located to the north of the site.

A small planted earth bund is proposed on the north boundary to deflect any surface water overland flows as a further impediment to overland flows entering gardens to the north, retaining these on site where possible and improving on the existing situation.

The drainage strategy has been reviewed by the Council's Drainage and Flooding Engineer. They have requested a series of changes during the application process, to improve the performance of the system and provide more certainty regarding outcomes for neighbouring residents. They have confirmed that the latest strategy (submitted 6th September 2024) now meets all requirements and is consequently acceptable. This is subject to a pre-commencement condition securing submission of detailed drainage design supported by updated onsite infiltration testing.

In relation to ground conditions and stability, it was established during assessment of the previous application that whilst there are some complexities within the site, development of the site is feasible, providing suitable precautions are taken to reduce the risk of slope failure. As set out in Policy PCS6, onus will be with the developer to ensure a safe development and undertaking necessary risk assessment and engineering design.

A Rigorous Slope Stability Assessment was submitted with the previous application and the contents and conclusions remain relevant to the current proposals. Conditions at the site are not considered likely to have changed significantly since the previous application which was decided in 2020. Ultimately it will be the responsibility of the developer (the Council) to ensure sufficient engineering design is undertaken and this is safeguarded by the Building Regulations process. As a result of these factors, no conflict with Policy PCS6 is identified.

Overall, subject to necessary conditions, the development will avoid increasing flood risk at or adjacent to the site. The development will implement a drainage strategy that will safeguard both residents of the development and neighbouring properties against increased flood risks associated with climate change. This accords with national and local planning policy objectives and the development is acceptable in this regard.

Land Contamination

Para. 180 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by:

"preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."

Policy PCS5 (Contamination) of the Local Plan states that:

"Development will only be permitted on land either known to be or strongly suspected of being contaminated, or where development may result in the release of contaminants from adjoining land, provided:

1. the proposal would not cause significant harm or risk of significant harm to health or the environment or cause pollution of any watercourse, water body or aquifer
2. remediation measures are put in place as appropriate, and
3. any identified potential harm can be suitably mitigated

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

The Council's Contaminated Land Scientific Officer has reviewed the submitted Contaminated Land & Geotechnical Desk Study Report. Following review, they have confirmed that they are satisfied the development will not put future residents at risk of health consequences as a result of contaminated land. They have recommended a condition relating to reporting of unexpected contamination during construction. Subject to these measures, the Local Planning Authority is satisfied that any contamination capable of posing risk to human health can be adequately identified and mitigated as part of the development. This will provide compliance with national and local planning policies, ensuring a safe and acceptable development.

Other Matters

Planning Obligations and Community Infrastructure Levy

The development will also be associated with the following planning obligations which will be secured by planning condition due to the Council being Applicant and Landowner:

1. A minimum of 5 no. homes or 30% of the development to be delivered as affordable housing;
2. Offsite biodiversity net gain to achieve a total net gain of 20%;
3. Installation and 5 years maintenance of 2 no. fire hydrants at the site;
4. 3 work placements and contribution to Targeted Recruitment and Training within the Council;

As an affordable housing development, the development is likely to be exempt from paying Community Infrastructure Levy. Further information is available at the following website:

<https://www.gov.uk/guidance/community-infrastructure-levy#relief-and-exemptions>

Environmental Impact Assessment Screening

This development 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.

Public Sector Equalities Duty

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to

the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application process and when considering the merits of the development itself. Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process are set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required. These measures have been implemented in accordance with the Council's adopted Statement of Community Involvement prior to and during processing of this planning application.

In relation to the development itself, it is considered that the development will reduce inequalities, advance equal opportunity and foster good relations with those sharing protected characteristics in a variety of forms. As an example, the development itself is for supported housing, benefitting residents that have learning difficulties. This accommodation will clearly foster good relations, advance equality of opportunity and eliminate inequality that exists within the existing housing market against this group. The development also incorporates accessible, adaptable and wheelchair user dwellings which have been designed to meet the needs of disabled residents, both now and in the future.

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

Planning Balance & Conclusion

The application seeks planning permission for development of 16 no. homes for supported living by people with autism and learning difficulties as well as associated infrastructure.

The site is allocated in the Council's adopted Local Plan for housing development of up to 40 no. homes. The amount of development proposed has been significantly reduced on the level previously planned for, in recognition of the quality of the natural environment at and adjacent to the site. The development will deliver significant social benefits, providing affordable and high-quality accommodation for this marginalised group.

Given that the site is allocated for housing development, there are not found to be any locational issues that mean supported housing would be unacceptable in this location. The area is served by public transport and there are services and community facilities in the wider area. The quality of the natural environment at and surrounding the site will provide a tranquil, interesting and positive environment for supported housing.

Professionals from the Council's Conservation, Landscape, Archaeology, Highways, Ecology, Arboriculture, Drainage and Flooding, Sustainable Construction, Environmental Health and Contamination teams have reviewed the application and raised no objections.

The development has minimised its environmental impact to an acceptable and policy compliant level. The proposed design is found to be sensitive, responsive and inkeeping

with the character of the area. No harm is posed to designated heritage assets. The long term impacts to the amenity and living conditions of neighbours are assessed to be low. No adverse highways impacts have been identified. The houses will be net zero emissions homes, thus limiting carbon emissions and combatting climate change. The development includes a sustainable drainage scheme which will avoid increasing flood risk and future proof neighbouring properties from existing flood risk.

Overall, the development is found to fully accord with the Council's Local Plan and there are no material considerations identified that cannot be mitigated by planning conditions and that would warrant the refusal of permission. The development is considered exemplary in many respects and will represent sustainable development. The Case Officer's recommendation is for the application to be permitted subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Arboriculture - Arb Method Statement and Revised Tree Protection Plan (Pre-commencement & Compliance)

Prior to the commencement of development an Arboricultural Method Statement with revised Tree Protection Plan following the recommendations contained within BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. This shall reflect 'Option 3' within the Arboricultural Technical Note (ref: 30210292-ARB, dated 8th July 2024, by Arcadis).

The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority on completion of the development. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should"). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Thereafter, the development shall proceed in accordance with the approved Arboricultural Method Statement and all tree protection measures must be installed prior to the commencement of development.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a

condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

3 Construction Management Plan (Pre-commencement)

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

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

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

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

4 Construction Environmental Management Plan (Pre-commencement)

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

- o Procedures for maintaining good public relations with neighbours including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Environmental Protection Team;
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - o 08 00 Hours and 18 00 Hours on Mondays to Fridays and
 - o 08 00 and 13 00 Hours on Saturdays and;
 - o at no time on Sundays and Bank Holidays.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;

- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Procedures for emergency deviation of the agreed working hours;
- o Control measures for dust and other air-borne pollutants following BRE Code of Practice guidance on the control of dust from construction and demolition activities. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants; and
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The development shall be undertaken in accordance with all measures and mitigation set out in the approved Construction Environmental Management Plan.

Reason: To protect the health, wellbeing and amenity of neighbouring residents as well as the environmental quality of the area during construction in accordance with Policies D6, PCS1, PCS2 and PCS3 of the Local Plan.

5 Ecological Construction Environmental Management Plan (CEMP: Ecology) (Pre-commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Ecology (CEMP: Ecology) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Ecology shall include the following:

- a) Risk assessment of potentially damaging construction activities boundaries of mapped exclusion zones for the protection of ecologically sensitive species or retained habitats and features, with boundaries shown to scale on a plan, and details and specifications for proposed fencing, barriers and warning signs, as applicable;
- b) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- c) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works;
- d) Responsible persons and lines of communication; and
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), to include the location, timing and methodologies of specified works to avoid harm to wildlife and sensitive features, including proposed details for reptile mitigation scheme and translocation exercise; and mitigation schemes for badger, birds and mammals.

The approved CEMP: Ecology shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid harm to existing and retained habitats and species during site preparation and construction works in accordance with Policy NE3 of the Local Plan. 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.

6 Wildlife Mitigation and Enhancement Scheme (Pre-commencement)

No development shall take place until a Wildlife Mitigation and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

The Wildlife Mitigation and Enhancement Scheme must be produced by a suitably experienced professional ecologist. It shall be in accordance with (but not confined to) the recommendations and measures described in the approved Ecological Impact Assessment (Rev 4 10th July 2024, Engain) and shall include detailed proposals for implementation of the wildlife mitigation measures and recommendations of the approved ecological report, including wildlife friendly planting and landscaping details; provision of bat and bird boxes; provision of additional features and habitats to benefit wildlife. Details shall include proposed specifications; materials; dimensions; models; design; fixings (as applicable); and proposed numbers, heights and positions.

Specifications for fencing and boundary treatments shall include provision of a gap at the base of the fencing, and wildlife access points at intervals, to allow movement of wildlife. All details shall be fully incorporated into the scheme and shown to scale on all relevant plans and drawings. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development, and retained and maintained thereafter for the purposes of wildlife conservation.

Reason: To prevent ecological harm and to provide additional benefits for wildlife in accordance with policies NE3 and D5e of the Bath and North East Somerset Local Plan.

7 Biodiversity Gain and Habitat Management Plans (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall deliver 13.78 habitat units and 0.96 watercourse units. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment (Biodiversity Net Gain Assessment, Rev 03, dated 27th August 2024 by Matt Davies Engain) and with current best practice guidelines and shall include the following:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats;

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

Where on-site habitat is proposed/retained:

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

Reason: To protect and enhance ecological interests in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

8 Sustainable Urban Drainage (Pre-commencement)

Prior to the commencement of development, a detailed drainage design supported by updated on-site infiltration testing shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage design shall reflect the Drainage Strategy assessed and approved at application stage (Sustainable Drainage Strategy, 30210292-AUK-XX-XX-RP-DE-0001 P04, dated September 2024 by Arcadis, and Drainage Strategy drawing no. 30210292-AUK-XX-XX-SK-CE-0503-REV02, dated 6th September 2024).

The Drainage Strategy shall then be implemented in accordance with the approved details prior to first occupation of the development.

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

9 Affordable Housing Scheme (Pre-commencement)

Prior to the commencement of the development hereby approved, an Affordable Housing Scheme to secure a minimum of 30% affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the following:

1. The affordable housing mix
2. The tenure of the affordable units
3. The allocation standards
4. The management standards

Unless purchased under Right to Buy or other legislative scheme that compels the sale of residential units to a person for uses other than affordable housing, each of the affordable housing units on the site shall be permanently retained as affordable housing in accordance with the submitted Affordable Housing Scheme and shall not be occupied otherwise than in accordance with that scheme.

Reason: To ensure that the affordable housing is retained on site in perpetuity in accordance with Policy CP9.

10 Site Specific Targeted Recruitment and Training (Pre-Commencement)

Prior to the commencement of development a scheme of Site Specific Targeted Recruitment and Training shall be submitted to and approved by the Local Planning Authority. The scheme must incorporate a minimum of 3 no. work placements associated with the development and provide evidence of the necessary financial contribution towards Targeted Recruitment and Training. The proposed development shall be carried out in accordance with the approved scheme.

Reason: In the interests of promoting and delivering employment, training and regeneration opportunities that can contribute to a reduction in the health and social inequalities across the District, in accordance with policy SD1 of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Planning Obligations SPD (2023).

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

No construction of the external walls of the development shall commence until a detailed schedule of proposed construction materials and finishes, and samples (as necessary) of the materials to be used in the construction of the external surfaces (including walls, roofs, windows, doors, coping, sills, rainwater goods etc.) have been submitted to and approved in writing by the Local Planning Authority. The materials schedule must reflect the materials within the submitted Facade Material Strategy (drawing no. 145599-ARC-XX-

XX-EL-A-250-0006 P01 S3) and elevation drawings (145599-ARC-WS-XX-EL-A-250-0001 P06 S3 and 145599-ARC-WS-XX-EL-A-250-0002 P05 S3) and shall include:

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies HE1, B4, BD1, D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

12 Architectural Details - Large Scale Drawings (Bespoke Trigger)

No construction of the external walls of the development shall commence until large scale details and construction sections of the following elements of built fabric are submitted to and approved in writing by the Local Planning Authority.

1. Typical window construction including reveal and sill;
2. Banding detail;
3. Timber screens;
4. Wall and roof parapet junction;
5. Green roof construction;
6. Balcony railings;
7. Retaining walls and railings;

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

Reason: In the interests of safeguarding the architectural intent, design quality, the appearance of the development and contribution to the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies HE1, D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

13 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall reflect the landscape scheme hereby approved (Illustrative Landscape Masterplan, drawing no. 30210292-AUK-XX-XX-DR-LA-0005-P14 dated 12th July 2024 and Landscape General Arrangement, drawing no. 30210292-ARC-XX-XX-DR-LA-0012 REV P07 as well as the Landscape Strategy Report Englishcombe Lane Supported Living dated March 2024 by Arcadis) include, as appropriate:

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

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

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

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

14 External & Internal Lighting (Bespoke Trigger)

No internal or external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with the approved 'Lighting Strategy' (Lighting Strategy Rev P03 dated September 2024 by Arcadis) and the accompanying predicted light spill calculations, and shall include:

- 1) Proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions, numbers and heights, with details also to be shown on a plan;
- 2) Light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;
- 3) Details of lighting controls, proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land, and to limit use of lights when not required and to avoid harm to bat activity and other wildlife; and

4) Details of a proposed lighting compliance and operational monitoring and reporting scheme, to demonstrate that the scheme has been installed and is being operated in accordance with approved details and that light spill levels are in accordance with predicted lux levels, to be carried out by suitably experienced professionals and details of reporting to the Local Planning Authority and proposed actions for remediation if applicable.

The lighting shall be installed, maintained and operated thereafter only in accordance with the approved details.

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

15 Contaminated Land - Unexpected Contamination (Bespoke trigger)

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

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

16 Fire Hydrants (Pre-Occupation)

No occupation of the development shall commence until evidence demonstrating that 2 no. fire hydrants have been installed to serve the site and five years maintenance has been committed, is submitted and approved by the Local Planning Authority. The fire hydrants shall be retained and maintained in accordance with the approved evidence.

Reason: As required by B&NES Planning Obligations SPD to ensure the provision of a new fire hydrant in an accessible location within 100m of the development for fire safety purposes in line with Avon Fire and Rescue Service requirements.

17 Highway Access Works (Pre-occupation)

The development hereby approved shall not be occupied until the scheme of proposed 'Highway Works' are completed, and evidence of the completed works has been submitted to and approved in writing by the Local Planning Authority. The scheme of 'Highway Works' shall reflect the proposals shown on the Englishcombe Lane Concept Design Sheet 1 of 2 plan (drawing no. 30210292 - ARC - XX - XX - DR - HE - 00001 P03

dated 19th March 2024 by Arcadis). There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: In order that the development provides safe and appropriate access for pedestrians and vehicles prior to first use, as well as ensuring the public realm adjacent to the site is accessible, inclusive, safe and convenient for pedestrians to encourage walking and active travel by the public. Developments are required to fulfil such objectives by Section 9 of the NPPF, Policies ST1, ST7, DW1 and SD1 of the Bath and North East Somerset Local Plan Partial Update.

18 Dwelling Access (Pre-occupation)

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

Reason: To ensure that the development is served by a safe and suitable access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

19 Cycle Parking (Pre-occupation/Compliance)

Prior to first occupation of the development hereby approved, the cycle parking facilities as shown on the Proposed General Arrangement Site Plan (General Arrangement Plan - Proposed - Sheet 1 of 2, drawing no. 145599-ARC-WS-00-PL-A-250-0003 P05 S3 and General Arrangement Plan - Proposed - Sheet 2 of 2, drawing no. 145599-ARC-WS-00-PL-A-250-0004 P05 S3) shall be implemented, providing cycle parking for a minimum of 18 no. bikes. The cycle parking shall be retained thereafter, unimpeded and used solely for the purposes of parking bicycles.

Reason: In the interest of enabling cycling as genuine choice of travel mode, in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

20 Waste Management Plan (Pre-occupation/Compliance)

The bin and recycling stores forming part of the development hereby approved (identified on the Refuse Strategy drawing no. 145599-ARC-WS-XX-PL-A-100-0010 P08 S3) shall be constructed in accordance with the approved details, prior to first occupation of the development and used solely for the purpose of storage of bins, waste and recycling boxes thereafter.

From first residential use of the development, waste and recycling at the site shall be managed in accordance with the proposals shown on the Refuse Strategy plan (Refuse Strategy drawing no. 145599-ARC-WS-XX-PL-A-100-0010 P08 S3 by Arcadis dated 23rd August 2024). Bins and recycling boxes associated with the development shall be returned to the approved bins stores as soon as possible following collection and must not be stored outside the boundary of the site at any time.

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

21 Sustainable Construction SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development (as built) and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of Policy SCR6 of the Local Plan and Sustainable Construction Checklist submitted at application stage (V3.0, received: 15th July 2024).

PHPP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

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

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update and the Sustainable Construction Checklist SPD (2023).

22 Ecological Compliance Statement (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional Ecologist (based on post-construction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completion of the approved CEMP: Ecology and Wildlife Mitigation and Enhancement Scheme, in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the CEMP: Ecology and Wildlife Mitigation and Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan.

23 Implementation of Landscaping Scheme (Compliance/Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

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

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

24 Arboricultural Compliance (Compliance/Bespoke)

The development must be implemented in accordance with the Arboricultural Method Statement and Tree Protection Plan approved under condition no. 2 of the permission. Within 28 days of first occupation of the development, an Arboricultural Compliance Statement prepared and signed by the project Arborist shall be submitted to and approved in writing by the Local Planning Authority. This must detail and confirm compliance with the Arboricultural Method Statement and Tree Protection Plan for the duration of works on site.

Reason: To ensure that the approved Arboricultural Method Statement and all tree protection measures are complied with for the duration of the development to protect the retained trees as required by the NPPF and Policy NE6 of the Placemaking Plan.

25 Noise Levels (Compliance)

Any plant or equipment installed as part of the development hereby approved, shall not generate noise emissions at nearest noise sensitive premises exceeding levels listed at table 6-2 in the submitted Acoustic Noise Study (Acoustic Noise Study, ref: 30210292-ARC-P01-XX-TR-AE-00001, dated: April 2024).

Reason: To ensure the development does not generate noise pollution that causes disturbance to neighbouring residents and therefore preserves acceptable amenity standards at neighbouring properties in accordance with Policy D6 and PCS2 of the Bath and North East Somerset Placemaking Plan.

26 Water Efficiency (Compliance)

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

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

27 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:

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

Architectural Plans:

Site Location Plan	145599-ARC-WS-XX-PL-A-100-0000	P06 S3	11 April 2024
Existing Site Plan	145599-ARC-WS-XX-PL-A-100-0001	P04 S3	11 April 2024
Existing Site Sections	145599-ARC-WS-XX-SE-A-250-0001	P05 S3	11 April 2024
General Arrangement Plan - Existing - Sheet 1 of 2	145599-ARC-WS-00-PL-A-250-0001	P04 S3	11 April 2024
General Arrangement Plan - Existing - Sheet 2 of 2	145599-ARC-WS-00-PL-A-250-0002	P04 S3	11 April 2024
Communal Hub Proposed Plan	145599-ARC-WB-00-PL-A-250-0004	P04 S3	11 April 2024
Type 1 Unit (1 bed) Proposed Plan	145599-ARC-WB-00-PL-A-250-0001	P04 S3	11 April 2024
Type 2 Unit (2 bed) Proposed Plan	145599-ARC-WB-00-PL-A-250-0002	P04 S3	11 April 2024
Type 3 Unit (3 bed / 2 bed + office) Proposed Plan	145599-ARC-WB-00-PL-A-250-0003	P03 S3	11 April 2024
Proposed Roof Plan	145599-ARC-WS-RF-PL-A-250-0001	P05 S3	28 August 2024
Proposed Site Plan	145599-ARC-WS-XX-PL-A-100-0002	P08 S3	28 August 2024
General Arrangement Plan - Proposed - Sheet 1 of 2	145599-ARC-WS-00-PL-A-250-0003	P05 S3	28 August 2024
General Arrangement Plan - Proposed - Sheet 2 of 2	145599-ARC-WS-00-PL-A-250-0004	P05 S3	28 August 2024
Proposed Site Elevations 01	145599-ARC-WS-XX-EL-A-250-0001	P06 S3	28 August 2024
Proposed Site Elevations 02	145599-ARC-WS-XX-EL-A-250-0002	P05 S3	28 August 2024
Communal Hub Proposed Elevations	145599-ARC-XX-XX-EL-A-250-0004	P05 S3	28 August 2024
Facade Material Strategy	145599-ARC-XX-XX-EL-A-250-0006	P01 S3	28 August 2024
Proposed Refuse Strategy	145599-ARC-WS-XX-PL-A-100-0010	P08 S3	28 August 2024
Proposed Fire Strategy	145599-ARC-WS-XX-PL-A-572-0001	P07 S3	28 August 2024

Landscaping Plans:

Illustrative Landscape Masterplan 15 July 2024	30210292-ARC-XX-XX-DR-LA-0005 P14
Landscape General Arrangement 15 July 2024	30210292-ARC-XX-XX-DR-LA-0012 P07

Technical Plans:

Englishcombe Lane Concept Design Sheet 1 of 2 (Highways Access Works) 30210292 - ARC - XX - XX - DR - HE - 00001 P03	28 March 2024
Drainage Strategy September 2024	30210292-AUK-XX-XX-SK-CE-05 REV 02 06
Catchment Plan 2024	30210292-AUK-XX-XX-SK-CE-0500 REV 01 06 September
Overland Flows Plan September 2024	30210292-AUK-XX-XX-SK-CE-0504 REV 03 06
South Catchment Surface Water Strategy Section CE-0509 REV 01 06 September 2024	30210292-AUK-XX-XX-SK-
Standard Drainage Details Sheet 1 of 2 01 06 September 2024	30210292-AUK-XX-XX-SK-CE-0505 REV
Standard Drainage Details Sheet 2 of 2 01 06 September 2024	30210292-AUK-XX-XX-SK-CE-0506 REV
Gravel Blanket Standard Detail 01 06 September 2024	30210292-AUK-XX-XX-SK-CE-0510 REV

2 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

4 Biodiversity Net Gain - Standard Informative

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

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

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

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

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

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

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

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

5 Responding to Climate Change (Informative):

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

Item No: 02
Application No: 24/00523/FUL
Site Location: Chalfont Charlcombe Lane Lansdown Bath Bath And North East Somerset



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge
Application Type: Full Application
Proposal: Erection of 2 no. detached houses with garages and home offices following demolition of existing house.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE3 SSCI 200m Buffer, Ecological Networks Policy NE5, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: Ms Stephanie Machin
Expiry Date: 11th April 2024
Case Officer: Danielle Milsom
To view the case click on the link [here](#).

REPORT

Following the call in request made by Cllr Lucy Hodge, the application was referred to the Chair and Vice Chair of the Planning Committee. It was determined that the application be decided at committee for the following reasons:

Cllr Ian Halsall:

In agreement with Cllr Hodge in her capacity as ward member for Lansdown, I do agree that this application should be considered by the planning committee in order to discuss its merits in terms of suitability of design, density of development, amenity and impact on the character of this mature landscaped neighbourhood.

Cllr Lucy Hodge:

This application seeks to replace a single storey house with two houses with garages and home offices.

I recommend that the application is debated in public by the Planning Committee to discuss potential overdevelopment of this site, any amenity impacts for neighbours and green infrastructure considerations including viability of remaining TPO protected tree. Prior removal of seven trees and one hedgerow is noted in the report.

The application refers to the property known as Chalfont. The site is located within Lansdown, a primarily residential area comprises of a variety of detached dwellings. The site is located within the City of Bath World Heritage Sites. It is not within a Conservation Area.

Planning permission is sought for the erection of 2 no. detached houses with garages and home offices following demolition of existing house.

Relevant Planning History:

DC - 16/02051/TPO - CON - 17 June 2016 - 1x Horse Chestnut (T1) - remove. 1x Beech (T2) - pruning as detailed (further information provided). 1x Willow - fell

DC - 17/01366/TCA - APPRET - - T1 x Conifer - crown lift to 2m, T2 x Spruce - fell

DC - 23/01432/FUL - WD - 20 July 2023 - Erection of 2 no. detached houses with garages and home offices following demolition of existing house.

DC - 23/02460/TPO - CON - 17 August 2023 - T1-Beech-cut back branches close to Nash House by up to 3m; crown lift over garden of Chalfont to 4m above ground level. (amended description)

DC - 24/00523/FUL - PCO - - Erection of 2 no. detached houses with garages and home offices following demolition of existing house.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Drainage: Further information required

- o To be provided within update report

Ecology: Scope for revision

- o Further information sought from applicant to overcome remaining concerns.

Highways: No objection subject to condition

Arboriculture: Objection

Representations Received :

Call in request from Cllr Lucy Hodge. Comments are as follows:

- o If you are minded to permit this application, I would be grateful for it to be determined by the Planning Committee so that the planning policy reasons of overdevelopment of the site and any impact on residential amenity of the neighbours can be debated in public.

Three objections received. A summary is as follows:

- o Scheme has been redesigned from the previous withdrawn application but still presents issues
 - o Design and impact on the character and appearance of the area
 - o The site is not a 'double plot' as described
 - o Attempt to place two houses side by side has resulted in design difficulties
 - o Houses staggered to avoid overlooking issues
 - o Whilst footprint of houses is similar to neighbours, the plot sizes are smaller
 - o Desire to create a three bedroom property creates a contrived design where long side elevations are out of proportion
 - o Avoidance of overlooking requires bedroom windows to be on north and south elevations which is uncharacteristic
 - o Both dwellings sit forward of the established building line
 - o Placing the new Chalfont further forward than Tournesol will draw more attention to it
 - o Saltus would site very close to boundary line
 - o Substantial excavation will be required
 - o The green spaces around the property contribute positively to the area, hard standings and boundary treatments will result in a change out of character
 - o Scale and nature of planting is insufficient
 - o The greater height of the new Chalfont will conflict with the character of the street scene
 - o Impact upon residential amenity
 - o Neighbouring dwellings on both sides will experience increased level of overshadowing, from the increased height and additional dwelling
 - o Houses on landsdown road sit at a lower level which will increase the impact of overshadowing
 - o Occupiers currently enjoy a semi-rural outlook which will be removed
 - o Attention drawn to the new Chalfont due to single storey Saltus
 - o Local character and distinctiveness - materials out of keeping
 - o Harm to the Conservation Area due to Chalfont conflicting with dwelling to east by use of materials and subdivision of the plot resulting in narrow strips
 - o Large area of hardstanding

- o Root area of tree T12 require protection
- o No explanation given to justify the demolition of the existing dwelling with respect of CP1
- o No mention of intention to reuse stone on site
- o Two houses on this site will put pressure on drainage systems
- o Deep excavation located close to the boundary
- o Trees along the boundary will be removed to allow for the second house contrary to Council's Conservation policy
- o Directly impacted neighbours involve Hacienda, Hermitage Lodge and Wyvern Lodge
- o Over development leading to encouragement into neighbours
- o Gardens become unusable due to noise and material pollution
- o Will be unable to work from home
- o Protected trees will be at risk

Transition Bath:

We are supportive of this application's compliance with policy SCR6 but would have liked to have seen an exploration of the alternative of refurbishing the existing property which would probably have had very significantly lower embodied carbon emissions from construction. The comment in the Sustainable Construction Checklist "Mineral Wool with a thermal conductivity range of 0.022 W/mk" is clearly wrong Mineral Wool typically has a thermal conductivity of 0.036 W/mK, however we assume this was a mistake and not material to the application?

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

B1: Bath Spatial Strategy

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
D7: Infill and backland development
HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
D5: Building design
D8: Lighting

NE1: Development and green infrastructure
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation

SCR6: Sustainable Construction Policy for New Build Residential Development
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The site is located within the built-up area of Bath where residential development is considered acceptable in accordance with policy B1 of the Core Strategy.

DESIGN, CHARACTER AND APPEARANCE:

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

The site is located to the western end of Charlcombe Lane which is characterised by detached dwellings, mainly two storey. Chalfont itself is a detached single storey dwelling with accommodation in the roof. Dwellings along Charlcombe Lane are positioned in a staggered building line, progressing further forward in their plots from east to west. Chalfont is therefore the dwelling which sits closest to the road. Plot shapes are long, with widths varying between each dwelling. Most dwellings are afforded some distance between the side elevations and boundary lines. Neighbouring dwellings vary in design and materials with examples of stone, render, brown tiles and slate tiles. To the west of the site lies the rear of dwellings along Lansdown Road.

This existing dwelling has been extended significantly with single storey additions projecting towards to the road. The dwelling has a typical design for this area of Bath, with a hipped roof and external materials comprising primarily Bath Stone.

Whilst the existing dwelling is of a suitable design for its location and does not cause harm to the character and appearance of the area, it is considered that it is not of significant architectural merit and does not warrant retention. Its demolition is therefore considered acceptable.

There is evidence of plots that have already been subdivided along Charlcombe Lane, including the subdivision of the property known as Fordley. The property was split and additional dwelling constructed in 2014.

The siting of the replacement dwelling and proposed dwelling is consistent with the spacing of neighbouring dwellings along Charlcombe Lane. The siting of both dwellings also follows the staggered building line of dwelling projecting forwards to the west along Charlcombe Lane.

With regards to the proposed replacement dwelling, Chalfont, the design comprises a two storey, hipped roof dwelling with materials comprising Bath Stone Ashlar, slate roof tiles and grey powder coated fenestration. Stone quoin details are proposed to the corners and windows. The size and bulk of the dwelling is considered to be similar to the neighbouring sites. The increase in height from a single storey to a two storey is considered to be appropriate given the presence of the majority of neighbouring dwellings. The design of the dwelling is also considered to be acceptable in this location. It has taken cues from designs of neighbouring properties, such as the front bay window and hipped roof. The stone quoin detail also allows the dwelling to compliment the character of the area. Rubble stone to the side and rear elevations is considered acceptable as it would contribute to the soft natural pallet of the materials whilst creating some distinction.

The additional dwelling Saltus, is proposed to sit to the west of Chalfont, in a forward siting. The dwelling is single storey and also utilises a hipped roof with rear projection. The frontage presents two bay windows and this is complimentary of neighbouring properties which also have this design detail. Many neighbouring properties also take the form of a wider frontage with slimer rear projections. It is noted that the rear projection does extend further than other properties, but given its single storey nature and lesser scale overall, this is considered acceptable. The additional dwelling would carry on the pattern and grain of development of Charlcombe Lane through its siting, scale and design.

Both properties would benefit from front and rear garden spaces. Whilst this plot will be halved, the gardens to the rear would still retain their length as per other neighbouring dwellings. The subdivision down the middle would not result in a garden width which is significantly different to neighbouring dwellings. A generous amount of space would still be afforded to both properties in line with the pattern of development.

The front of the dwellings serve parking and turning spaces. Both dwellings would also be provided with a single storey garage. There is a large extent of hardstanding proposed, however it is noted that many other dwellings along Charlcombe Lane also benefit from onsite parking and turning spaces which result in the extent of hardstanding proposed. The submitted landscaping plan does present a large amount of soft landscaping which will help to blend the front area of the plots.

Overall it is considered that the proposed development responds to the character and appearance of the area through the siting and scale of the dwellings, and through their individual designs. As a result, the character and appearance of the site and wider area would be preserved.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character

and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

WORLD HERITAGE SITE:

The proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

A shadow study has been submitted in support of the application which identifies shadows resulting from the development at points throughout the day from February to June. The proposed property Saltus is sited approximately 4 meters from the boundary, measured from the boundary line to the western wall of the rear protrusion. From the western wall of Saltus to the eastern wall of the neighbour Hermitage Lodge, there is a separation of 15 meters. The shadow study identifies the likely impact resulting from the dwellings onto neighbouring properties and shows that the worst impact would be within winter months where shading would occur up until 9am to the properties to the west. The extent of this shade is however minimally additional to the existing arrangement resulting from boundary treatment and vegetation. This is due to the property Saltus being single storey with its hipped roof. The study shows the shadow to be outside of the neighbouring properties boundary by 10am. The neighbours would therefore not experience shading for the majority of the day, it would be limited to early mornings.

With regards to shading to the eastern property, this would be limited to evenings. There is a separation distance of 5 meters from Chalfont to the eastern neighbour. Whilst the amount of shading to the eastern property would be increased due to the increase in height, as this would be limited to evenings, it is considered to not be significant enough to warrant refusal. A similar relationship is experienced with shading being present from the dwelling to the east, onto the application site.

In terms of overlooking, it is considered that any impact has been adequately addressed through the design of the two dwellings. As Saltus is single storey, this limits direct overlooking due to existing boundary treatments. Additional vegetation is also proposed to reduce this further. Roof lights would not result in direct overlooking due to their angle.

Windows to the east elevation of Chalfont serve bathrooms. It is therefore expected that these would be obscurely glazed and a condition is attached to secure this. This would mitigate impact from overlooking.

Internal visibility between the two dwellings is also considered to be mitigated. Windows are present in side elevations however the first floor window also serves a bathroom which would be obscurely glazed. The larger window to the middle of the west elevation of Chalfont serves a staircase. This is not a main habitable room and therefore overlooking would be minimal.

Concerns raised with regards to noise arising from the construction of the site are afforded limited weight as this would be a temporary situation. A construction management plan would be secured by condition to confirm construction working hours.

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

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The proposal is shown to extend the existing access from Charlcombe Lane in order to allow both properties suitable access onto separate driveways, as shown on drawing number SITE 23c. Suitable visibility splays have been provided in accordance with Manual for Streets for the 20mph zone, which the highway falls under.

Vehicle parking at all developments should be provided in accordance with adopted parking standards at the time of the application. The above plan shows suitable parking and turning facilities contained within the driveway areas of each dwelling, in accordance with the standards set out in the Transport and Developments SPD.

Both properties are shown to contain sufficient space in order to accommodate suitable Electric Vehicle Charging facilities in accordance with Approved Document S; Infrastructure for the charging of electric vehicles of The Building Regulations 2010.

The Application Form states that 2 spaces are to be provided for each dwelling. The provision as set out in the Transport and Developments SPD, is for 3 spaces per a three-bed dwelling and 4 spaces per a four-bed dwelling, or greater. However, as the proposed garages are not counted as parking spaces for the purposes of deriving the parking standards, these are deemed acceptable to accommodate suitable bicycle parking.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

The applicant has received confirmation that the drainage system off site will be adopted by Wessex water. This is an agreeable solution and provides confidence that the works can be carried out to an adoptable standard.

On site, calculations are to be carried out to determine flow rate which will indicate the size of attenuation tanks. This would also provide a solution to the drainage issues found at the site resulting from the poorly draining ground material.

The application process has involved in-depth discussions with Wessex water and the Council's drainage team. The proposal is considered now to be likely to be acceptable by Wessex water and as such can be agreed.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

A protected Beech tree sits at the western boundary and is a significant individual and as stated within the arboricultural assessment, the tree is near veteran status and attains A1 and A3 categorisation based on BS5837:2012.

A recent consent for works, reference 23/02460/TPO, was limited to cutting back branches close to Nash House by up to 3m and crown lifting over the garden of Chalfont to 4m above ground level. This was a revised works description which was negotiated to avoid a full crown reduction which would have resulted in numerous wounds and loss of foliage bearing growth.

The Tree Protection, Tree Constraints and Possible Mitigation Tree Planting Positions Plan (Appendix 1a) highlights the large root protection area of the tree which is affected by the proposal to install two home offices with water and sewage connections. The tree protective fencing shown does not take into account working space required to erect the ancillary buildings. This however could be controlled by condition.

The Arboricultural Impact Assessment (AIA) refers to the use of screw piles and this has been reflected in the submission of revised plans for the home offices. The service trench

is to be hand dug under the supervision of an Arborist. The service would only contain foul drain and power supply located under the path. It is therefore considered that this has reduced any potential harm to the root area of the protected tree.

In addition to this, the erection of a home office, with the provision of services could be installed without planning permission, via Schedule 1, Part 1, Class E of the General Permitted Development Order (GPDO). There is therefore a fall back position where a home office could be erected at the rear bottom of the garden. As the home offices are included within the planning application, this presents increased control over arboricultural involvement which can be secured by condition.

Concern has been raised with regard to the splitting of the existing garden and subsequent additional pressure on the protected tree. Having regard to paragraph 090 of Planning Practice Guidance for TPO's, an application to prune or remove a protected tree which is stated to be causing an adverse impact on the living conditions and causing apprehension and nuisance to occupants of a neighbouring property may be hard to resist in the future. The splitting of the garden and reduction of sunny areas therefore may put pressure on the tree in the future resulting in applications prune or remove.

However, it is considered by officers that the garden space presented for both gardens is quite significant and would allow occupiers a sufficient amount of garden space which would not be impacted by shading. Considering the natural sun path, shading to the upper garden would only be present in late afternoons and evenings, allowing for sun to be received for most of the day in the majority of the gardens. The extent of enjoyable garden would reduce weight given to the argument upon living conditions nuisance within any application coming forward. It is therefore considered that potential future pressure on the protected tree would not be significant enough to result in refusal.

Conditions are recommended to secure compliance with an arboricultural method statements and for tree protection working methods.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

Following the most recent response from the Council's Ecologist, further information and evidence has been provided by the applicant. This has overcome the outstanding concerns.

Bats

The existing building has been assessed as having negligible potential to support roosting bats. An Officer site visit has confirmed the findings of the report.

Previously, trees within the garden identified bat roost potential. Prior to the submission of the application, the trees were removed due to rotting. Photos have been provided to demonstrate and it is agreed that the trees were not in a good state. This therefore removed the bat roost potential. In any case, to compensate for any loss, bat boxes are proposed and shall be installed prior to occupation.

The PEA identifies that the site comprises amenity (modified) grassland, scattered shrubs, and trees, native and non-native hedgerows and an ornamental pond. The Arboricultural Implications Assessment and Method Statement (AJ Engley, Jan 2024), indicates that 7 x trees (T7, T9, T11, T13, T15, T16 and T17) and 1 x hedgerow (H5) have already been removed. The site is not in a conservation area so their removal did not require consent. Revisions have been received to demonstrate that significant additional planting will take place, and these revisions have now proposed native species which is welcomed. This has overcome the issue with regards to a potential 'net-loss' of biodiversity. The scheme will therefore now not result in a net loss.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

Mandatory BNG specifies exemptions for minor planning applications. This involves applications for self build dwellings providing the development is for no more than 9 dwellings, on a site less than 0.5ha and meets the definition of self build as per the definition in section A1 of the Self-build and Custom Housebuilding Act 2015. The proposal meets with these criteria. Information has been submitted to state that the dwellings would be self-build and would both be occupied by the applicants who own the site, and their family. The application is therefore exempt from requiring BNG.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

In this case, the submitted SCC shows that both dwellings have been designed to incorporate features to incorporate passive design features. In addition, air source heat pumps are proposed to reduce overall energy demand, and PV panels, EV car charging and a waste water heat recovery system. These measures mean that both dwellings meet the requirements of SCR6 on all accounts. A condition is recommended to secure compliance to the standards, prior to occupation.

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g., border planting, window boxes, vertical planting, raised beds etc.).

PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Protected characteristics include disability.

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Implementation of Wildlife Scheme (Pre-occupation)

Notwithstanding the approved landscaping plan, prior to the occupation of development, details of the locations of bat boxes shall be provided and approved by the local planning authority. Following approval, the bat boxes shall be implemented prior to occupation of the dwellings. The boxes shall be retained permanently thereafter.

Reason: To ensure that the implementation and success of the Wildlife Protection and Enhancement Scheme to prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE5 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

3 Ecology report (compliance)

The development hereby approved shall be carried out in complete compliance with the recommendations and mitigations of the submitted Preliminary Ecological Assessment (Fed 24, Wessex Ecological Consultancy).

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

4 Arboriculture - Compliance with Arb Method Statement (Compliance)

All protective measures as stated in the approved ARBORICULTURAL METHOD STATEMENT (appendix 11) shall be fully implemented prior to the commencement of development and retained for the duration of the construction. No development or other operations shall thereafter take place except in accordance with the approved details.

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

5 Tree Protection Plan (Pre-commencement)

Prior to the commencement of development, a Tree Protection Plan following the recommendations contained within BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. All measures approved by the Local Planning Authority shall be implemented prior to commencement of development.

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

6 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development or use hereby permitted shall commence until an absolute minimum of the first 6 metres of the vehicular access beyond the back edge of the adopted public highway has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

7 Junction Visibility Splay (Pre-occupation)

No occupation of the development shall commence until the visibility splay shown on drawing number CHAR-004/A has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

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

8 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority.

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

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

9 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further

documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)
3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

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

10 Rainwater Harvesting (Pre-occupation)

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

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

11 Water Efficiency (Compliance)

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

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

12 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

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

13 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first floor, east elevation bathroom windows of Chalfont; shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with policy D6 of the Bath and North East Somerset Placemaking Plan.

14 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Drawing	08 Feb 2024	CHAL 01.A	CHALFONT: GROUND FLOOR
Drawing	08 Feb 2024	CHAL 01B	CHALFONT: GROUND FLOOR
Drawing	08 Feb 2024	CHAL 02A	CHALFONT: FIRST FLOOR
Drawing	08 Feb 2024	CHAL 02B	CHALFONT: FIRST FLOOR
Drawing	08 Feb 2024	CHAL 03A	CHALFONT: LOFT FLOOR
Drawing	08 Feb 2024	CHAL 04B	CHALFONT: BASEMENT
Drawing	08 Feb 2024	CHAL 05A	CHALFONT: SECTION A
Drawing	08 Feb 2024	CHAL 06A	CHALFONT: SOUTH ELEVATION
Drawing	08 Feb 2024	CHAL 07A	CHALFONT: NORTH ELEVATION
Drawing	08 Feb 2024	CHAL 09A	CHALFONT: EAST ELEVATION
Drawing	15 Feb 2024	CHAL 08A	CHALFONT WEST ELEVATION
Drawing	08 Feb 2024	CHAL 20A/CHAL 09A	CHALFONT: SECTION B
Drawing	08 Feb 2024	SALT 10A	SALTUS: GROUND FLOOR LAYOUT
Drawing	08 Feb 2024	SALT 10B	SALTUS: GROUND FLOOR
Drawing	08 Feb 2024	SALT 11A	SALTUS: FIRST FLOOR
Drawing	08 Feb 2024	SALT 12A	SALTUS: SOUTH ELEVATION
Drawing	08 Feb 2024	SALT 13A	SALTUS: EAST ELEVATION
Drawing	08 Feb 2024	SALT 14A	SALTUS: NORTH ELEVATION
Drawing	08 Feb 2024	SALT 15A	SALTUS: WEST ELEVATION
Drawing	08 Feb 2024	SALT 16A	SALTUS: SECTION B
Drawing	08 Feb 2024	SALT 17A	SALTUS: SECTION A
Drawing	08 Feb 2024	SALT 18A	SALTUS: BASEMENT
Drawing	15 Feb 2024	SITE 19A	SITE CROSS SECTIONS

Drawing	15 Feb 2024	SITE 21A	SITE SECTIONS SHOWING EAST AND WEST ELEVATIONS
Revised Drawing	09 Apr 2024	SITE 22A	HOME OFFICES
Revised Drawing	31 Jul 2024	SITE 23ZD	PROPOSED LANDSCAPING PLAN
Revised Drawing	09 May 2024	23Z	PROPOSED SITE PLAN

2 Biodiversity Net Gain - Exempt/Not required

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

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

3 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 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.

5 Community Infrastructure Levy - General Note for all Development

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

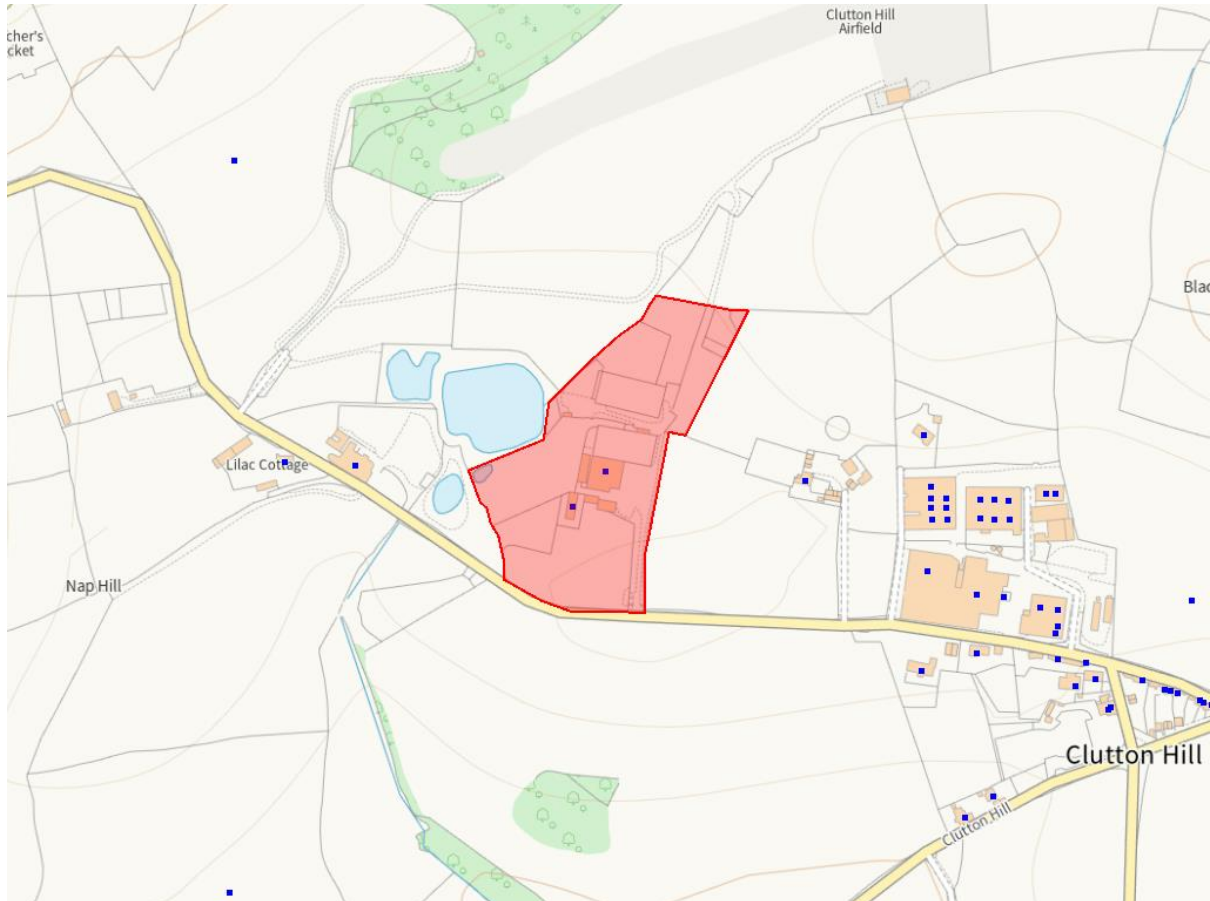
Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Item No: 03
Application No: 23/04243/OUT
Site Location: Hartley Wood King Lane Clutton Bristol Bath And North East Somerset



Ward: Clutton And Farmborough **Parish:** Clutton **LB Grade:** N/A

Ward Members: Councillor Sally Davis Councillor Sam Ross

Application Type: Outline Application

Proposal: Outline application for the erection of 9 residential dwellings with access to be determined and all other matters reserved (resubmission).

Constraints: Bristol Airport Safeguarding, Clutton Airfield, Agricultural Land Classification, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Ecological Networks Policy NE5, NRN Woodland Connectivity Opp Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Richard Evans

Expiry Date: 7th August 2024

Case Officer: Ed Allsop

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

REPORT

This application was referred to the Chair and Vice Chair following a support consultation response from the Parish Council.

Cllr Lucy Hodge (Vice Chair):

I note the support of the Parish Council for 9 new residential homes in this location. There are a number of important planning considerations including the location within the Green belt and the issue of lack of sustainable travel options. For these reasons, I recommend that this application is debated in public by the Planning Committee

Cllr Ian Halsall:

I acknowledge the support of the Parish Council to this outline planning application. Although no affordable housing is proposed, this proposal would make a significant contribution to the rural housing land supply. The site is located within the greenbelt although it is advised that will not affect the openness of the greenbelt given the potential siting, size, scale and design of the development - albeit this is outline but would set the parameters, but the proposal is potentially unsustainable and would be car dependent.

I consider that there are some important planning policy issues to consider in this regard and therefore ask that the Committee be able to debate the merits of the application in light of the recommendation but broad community support.

Therefore, the application will be determined by the planning committee

This application seeks outline planning permission for the erection of 9 residential dwellings with access to be determined and all other matters reserved (resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Clutton Parish Council- Support. The Site has already been developed and can be considered as Brownfield Site capable of development within the Greenbelt. Access is already established and suitable for caravans, horseboxes and large agricultural vehicles. Changing the site to a residential development will reduce the number of large vehicles on the lane currently associated with its existing use. The potential residents of this development will rely on their cars, but can easily access the A39 & A37. The indicative designs demonstrate an attractive development which would improve the visual amenity of the Greenbelt.

Highways- Object.

Ecology- No objection, subject to condition.

Landscape- No objection, subject to further information at reserved matters stage.

Drainage- No objection, subject to condition.

PROW- No objection, subject to condition.

Contaminated land- No objection, subject to condition.

Representations received:

3no. comments have been received.

Objection to the loss of equestrian use and loss of green space. Objection to a red line error on the site plan and 1no. general comment from Transition Bath in relation to the limited information submitted in relation to sustainable construction.

Officer note:

The site is understood to have not operated as equestrian for about 4 years. The red line error has been amended. Officers consider that sustainable construction compliance would be a matter concluded at reserved matters stage. This is because it requires a lot of detailed information and this is woven into the detailed design aspects of the scheme, which is not what this application is (outline, with all matters reserved, other than access).

POLICIES/LEGISLATION

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

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

Core Strategy:

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

B1: Bath Spatial Strategy
CP5: Flood Risk Management
CP6: Environmental Quality

CP8: Green Belt
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.4: Streets and spaces
D.5: Building design
D.6: Amenity
D.8: Lighting
ST1: Promoting sustainable travel and healthy streets
ST7: Transport requirements for managing development
GB1: Visual amenities of the Green Belt
PCS5: Contamination
NE1: Development and Green Infrastructure
NE5: Ecological networks and nature recovery
NE3: Sites, habitats and species
NE3A: Biodiversity Net Gain
CP5: Flood risk management

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle of development:

The site is in an isolated rural location away from existing settlements. Settlements are designated on the Local Plan proposals map with Housing Development Boundaries. The closest settlement is Clutton located about 1.1km from the application site.

NPPF Paragraph 84 states that decisions should avoid the development of isolated homes in the countryside unless one or more of the listed exceptions apply. The exceptions listed in Paragraph 84 are:

- o rural workers dwellings,
- o those involving the reuse of heritage assets,
- o the reuse of existing buildings i.e. barn conversions etc.,
- o residential subdivisions and
- o proposed dwellings of exceptional quality.

None of the exceptions apply.

The site is in a rural location away from existing settlements, as Clutton, the nearest settlement, is separated from the site by about a kilometre of open countryside. Caselaw (Bramshill v SSHCLG [2021]) has held that 'isolated' means, for the purposes of para 84, remoteness/isolation from an existing 'settlement'. The site is isolated from Clutton and therefore contrary to para 84. With regards to Local Plan policy, Policy DW1 is entitled 'District-wide spatial strategy'. It states that the overarching strategy for B&NES is to promote sustainable development by:

focussing new housing, jobs and community facilities in Bath, Keynsham, and the Somer Valley particularly ensuring:

d: development in rural areas is located at settlements with a good range of local facilities and with good access to public transport.

As the proposal is an inaccessible and unsustainable location, located a significant distance from settlements supporting a range of facilities and good access to public transport the proposal is contrary to policy DW1.

Clutton Neighbourhood Plan:

Policy CNP3 'Housing Development Boundary and Types of New Dwellings' states:

'housing development within the Green Belt will only be supported as a Rural exception site providing affordable homes for local people in housing need.'

The proposal is not a rural exception site as it does not propose affordable housing consistent with policy RA4 of the Core Strategy. As such, the proposal is contrary to policy CNP3.

With regards to future development policy CNP3 states:

'Should a review of B&NES's 2014 Adopted Core Strategy, or it's successor, establish a need for further housing, then development would be supported on the western side of the A37 in order to promote the use of public transport and more sustainable methods of

transport. This is subject to the removal of the protected by-pass route after review from the start of the Plan.'

This confirms that any future residential expansion within the Parish into the rural area should be confined to the western side of Clutton on the other side of the A37, further supporting that isolated countryside development is contrary to this policy.

With regard to the above, the proposal is in an isolated countryside location away from settlements. Given this and that it does not comply with the exceptions for isolated countryside housing listed at paragraph 84 of the National Planning Policy Framework (NPPF) the proposal is contrary to part 5 of the NPPF. In addition, as the proposal is an inaccessible and unsustainable location, located a significant distance from settlements supporting a range of facilities and good access to public transport (see Highways section below) the proposal is also contrary to policy DW1 of the Local Plan Partial Update 2023 and policy CNP3 of the Clutton Neighbourhood Plan 2015.

Highways:

Transport Development Management (TDM) recommends refusal for this planning application owing to the site's location and lack of accessibility by sustainable modes of transport which does not present realistic or genuine travel choice.

The proposal, located remote from services with limited potential of using active travel or public transport to make most journeys, is therefore contrary to the key aims of Policy ST1 and ST7 of the Bath & North East Somerset (B&NES) Local Plan Partial Update (LPPU) and the National Planning Policy Framework (NPPF), which seek to ensure that developments are well-connected, and provide a genuine travel mode choice.

There is a significant concern relating to the validity of the presented traffic survey information. The equestrian centre trip rate has been determined using a single site, and data collected on a Saturday. This trip information has been compared against weekday residential traffic counts, and presented in the documents as a potential direct change in traffic flows. Given the detail of the equestrian centre trip rate information, this cannot be the case and should not be used to justify a potential change in traffic levels associated with the site.

The nearest bus stops to the development site are the Hayeswood Bus Stops located on the A39 New Road approximately 1.3km walking distance to the east of the site via King Lane.

These stops are currently served by a single service (No. 349) which provides relatively frequent bus services to key destinations including Bath, Bristol, Midsomer Norton, Radstock and Keynsham. However, the southbound bus stop is served by a flag and pole arrangement only on a very narrow section of footway adjacent to a high speed and highly trafficked class A highway. The northbound bus stop is not served by any dedicated infrastructure. There are no crossing facilities over the A39 at this location to enable bus users to safely cross the road.

Therefore, whilst there is a reasonable level of service available from the stop, the infrastructure available at these locations is not considered to be suitable or conducive to

enabling public transport use amongst future residents of the site. Furthermore, as discussed above TDM has concerns regarding the suitability of King Lane to accommodate pedestrian movements safely and suitably along the desire line to these bus stops which further limits public transport accessibility.

There is little to no footway provision on any of the local highways, including on King Lane from which the development proposes to take access. King Lane, Lower Bristol Road and Clutton Hill are narrow single carriageway roads with no footways and limited street lighting, which raises potential highway safety concerns for pedestrians and cyclists and at the very least are not considered to be conducive to enabling walking or cycling above use of private vehicles.

There is a network of Public Rights of Way (PROW) to the south of the application site. Whilst these are traffic free routes available for pedestrians towards the nearby villages of Clutton, Temple Cloud and High Littleton, the routes are not surfaced or lit and therefore cannot be relied upon to provide suitable, secure and safe pedestrian access for all users to the proposed development for most day-to-day journeys, especially for disabled people. Therefore, whilst these provide some accessibility benefit as leisure routes, they are not considered to be suitable in the place of dedicated and accessible pedestrian infrastructure. In practice, walking routes to local villages using the PROW network would still need pedestrians to use oncarriageway sections.

Reference is also made the ability of the WESTLink demand responsive service to provide a viable connection to the site.

There are significant concerns with this proposal as the scheme (WESTlink) is currently a trial only and there is no guarantee that it would continue in perpetuity to provide any potential connection to the site (it is understood that the detail of the service has recently been reviewed by the public transport authority). Furthermore, the scheme has limited hours of operation and the nature of the scheme (e.g., that journeys must be pre-booked, journey times can be extended, users are sometimes required to catch connecting onward services and wait times for the service to arrive at a designated stop can be long) means that WESTlink is not an attractive mode choice in comparison to car use and is therefore unlikely to be a regular travel choice for residents of the proposed development.

In summary, the recommended reason for refusal relating to genuine travel choice is not influenced by the additional information submitted by the applicant. The proposals are therefore considered contrary to policy ST1 and ST7. It should be noted that there is no highways objection to the access in highways safety terms taking into account visibility.

Green Belt:

Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions, part g) is relevant:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The site is considered to be previously developed land (brownfield) due to the presence of equestrian buildings on the site. However, to be acceptable in Green Belt terms and comply with paragraph 154(g) of the NPPF) the development would need to:

1) not have a greater impact on the openness of the Green Belt than the existing development; or

2) not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The scheme does not provide affordable housing, therefore, only part 1 applies and will be assessed below.

Overall, the proposals are not considered to have a greater impact on openness on the Green Belt than the existing development. This is due to the size, scale, siting and indicated building heights of the proposed buildings on the site compared to the existing buildings.

Landscape:

The Council's landscape consultant raises no objection in principle, subject to more information being received at reserved matters stage. In summary, in landscape terms, there is considered to be an opportunity to provide a betterment compared to the existing built form on site.

Ecology:

The applicant has demonstrated that a policy compliant biodiversity net gain can be achieved and that the scheme is capable of avoiding harmful levels of light spill onto sensitive habitats, in particular habitats relied upon by bats and due to the known presence of bat roosts at the site, and associated use of the site by bats and their requirement for dark zones connecting to roosts, and connective dark habitats and flight routes.

There is no objection, subject to conditions

Drainage and flooding:

The Drainage and flooding team raise no objection subject to pre commencement conditions of the submission of a detailed drainage design and robust details of the complex control structure to be used at the site.

Character and appearance:

At Outline stage, the plans demonstrate an acceptable design in character and appearance terms, by reason of siting, size, scale and design. This would be subject to further review as part of a future reserved matters application.

Conclusion:

The site is located outside of, and a significant distance away from the identified housing development boundary. Locating new housing on this site would be contrary to the overarching strategy for promoting sustainable development which is one of the Authorities' main objectives. Therefore, the proposals would be contrary to policy DW1 of the Placemaking Plan.

The isolated and disconnected location of the site also means that it is remote from services with limited potential of using active travel or public transport to make most journeys, contrary to policy ST1 of the Placemaking Plan which seeks to ensure that developments are well-connected and provide a genuine travel mode choice. It should also be noted that sustainable development in highways terms was a specific focus of the Local Plan Partial Update.

The site's isolated rural location is also contrary to paragraph 84 of the NPPF which states that decisions should avoid the development of isolated homes in the countryside.

The proposals are also contrary to policy CNP3 'Housing Development Boundary' of the Clutton Neighbourhood Plan.

Therefore, officers recommend that this application be refused for the reasons set out above.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposal is in an isolated countryside location away from settlements, defined with Housing Development Boundaries (HDB) on the Local Plan Policy Map; the nearest being Clutton located a kilometre from the site. Given this and that it does not comply with the exceptions for isolated countryside housing listed at paragraph 84 of the National Planning Policy Framework (NPPF) the proposal is contrary to part 5 of the NPPF. In addition, as the proposal is an inaccessible and unsustainable location, located a significant distance from settlements supporting a range of facilities and good access to public transport the proposal is also contrary to policy DW1 of the Local Plan Partial Update 2023.

2 The proposal, located remote from services, employment opportunities, with limited potential of using active travel or public transport to make most journeys, is contrary to the key aims of Policy ST1 and ST7 of the Local Plan Partial Update (2023) and part 9 of the NPPF, which seek to ensure that developments are well connected and located to facilitate the use of sustainable modes of transport.

3 The proposal is not a rural exception site as it does not propose affordable housing consistent with policy RA4 of the Core Strategy. As such, the proposal is contrary to policy CNP3 'Housing Development Boundary' of the Clutton Neighbourhood Plan.

PLANS LIST:

1 This decision relates to the following plans:

Site location plan, site plan and site elevations-100 G
Access Plan- 1011 P02
Refuse vehicle tracking- 1015- P02
Visibility Splay P01

2 Community Infrastructure Levy

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

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

Item No: 04
Application No: 23/02251/FUL
Site Location: 48 Hillcrest Pensford Bristol Bath And North East Somerset BS39 4AT



Ward: Publow And Whitchurch **Parish:** Publow **LB Grade:** N/A

Ward Members: Councillor Paul May

Application Type: Full Application

Proposal: Erection of 2no. bungalows

Constraints: Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy GB2 Infill Boundary, Housing Development Boundary, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Garbild Ltd

Expiry Date: 28th December 2023

Case Officer: Ed Allsop

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

REPORT

This application was referred to the Chair and Vice Chair following the objection raised from the Parish Council.

Cllr Lucy Hodge (Vice Chair):

I note the Parish Council's objection to this development of two bungalows on an infill site within the Green Belt for a number of policy reasons including overdevelopment. I recommend that this application is determined by the Planning Committee to fully discuss the planning balance and policy considerations including potential impacts on the existing grain and character of the housing development, amenity impacts including overlooking weighed against the delivery of two smaller potentially more affordable homes.

Cllr Ian Halsall (Chair):

This is two proposed dwellings in a backland site. Whilst they may contribute towards delivery of housing land supply and indeed as bungalows have the potential to deliver Lifetime Homes, the question is raised as to whether given it's setting and in the Greenbelt this is potentially over development as infilling development despite their proposed scale and recommended need to withdraw Permitted Development Rights. It is considered that the Committee should be given the opportunity to debate the merits based upon the Officer's advice.

Therefore, the application will be determined by committee.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Publow with Pensford: Object due to overdevelopment.

Highways: No objection, subject to conditions.

Drainage and flooding: No objection, subject to condition.

Representations Received:

3no. objections have been received in relation to character and appearance, parking, residential amenity, infill development, harm to green belt, loss of biodiversity and overdevelopment.

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)

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

Core Strategy:

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

B1: Bath Spatial Strategy
 CP5: Flood Risk Management
 CP6: Environmental Quality
 CP8: Green Belt
 DW1: District Wide Spatial Strategy
 SD1: Presumption in favour of sustainable development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D4: Streets and spaces
 D5 and D5 (e): Building design
 D.6: Amenity
 D8: Lighting
 D7: Infill and backland development
 CP8: Green Belt
 GB1: Visual Amenities of the Green Belt
 GB2: Limited infilling in Green Belt villages
 ST1: Promoting sustainable travel and healthy streets
 ST7: Transport requirements for managing development
 NE1: Development and Green Infrastructure
 NE3a: Biodiversity Net Gain
 NE3: Sites, habitats and species
 SCR6: Sustainable construction policy for new build residential development

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

SPD:

Green Belt SPD

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

Principle of development in the Green Belt:

The site is located in the Green Belt. The NPPF states the Local Planning Authority should regard the construction of new buildings in the Green Belt as inappropriate, unless it meets one of the noted exemptions.

The applicant has brought this development forward under 'limited infilling in villages', which is one of the exemptions listed in paragraph 154 of the NPPF (154e). This is echoed more locally in placemaking plan policy GB2: Limited infilling in Green Belt Villages.

Policy GB2 states that infilling should 1) be located within the defined infill boundary shown on the policies map and 2) meet the definition of limited infill.

The site is located within the defined infill boundary as shown on the policies map (1), and officers also consider the proposals to meet the definition of infill (2).

Policy GB2 defines limited infill as the filling of small gaps in existing development comprising: a) The building of one or two houses on a small vacant plot in an otherwise extensively built-up frontage; and b) The plot is generally surrounded on at least three sides by developed sites or road.

A review of the site and built form demonstrates a 'built-up frontage', this is due to the layout and orientation of surrounding built form where this isn't a site which has an open character. The site is bordered by existing development and a rear access way serving a garage block which complies with criterion b).

To conclude, the site is located within the Green Belt infill boundary where the principle of 1 or 2 houses is acceptable. The site also meets the definition of a limited infilling site. Therefore, the proposals are an appropriate form of development as set out in both paragraph 154 E of the NPPF and also policies GB1 and GB2 of the Placemaking Plan.

Character and appearance:

The proposed plot sizes would not be harmful to a pattern of development, this sort of infill development can already be seen in the surrounding area. A review of the proposed block plan, A03 REV A demonstrates that this amount of development would respond positively to the existing pattern and would not disrupt or appear out of place within the existing setting. The proposals are for 2no. 1 bedroom bungalows. This type of housing can be found in proximity to the site. Each bungalow would have a garden area, off-street parking and be able to provide bin storage, whilst still being set in from both boundaries either side and set back in a staggered design from the road. As this is possible, officers do not consider the site to be overdeveloped, or sited in a way which is harmful to the areas character or appearance.

Similarly, the gable end design responds positively to local context. Dormer windows have been removed from the proposals and replaced with roof lights. The external walls will be rendered which will blend the proposal with local context.

Officers will recommend removing PD rights so that the bungalows cannot be altered or enlarged, in the interests of character, appearance and also residential amenity.

Residential amenity:

Due to the bungalow design, the development is of a size and scale which would not cause an overbearing impact of development on adjoining occupiers. In addition, the development is set in from both side boundaries and set a sufficient distance away from the north. The two bungalows are sited approximately 20-25m from no.48 hillcrest, 18m from the neighbour to the west, approximately 29m from the neighbour to the east, and 22m from the neighbour to the south which is further separated by the road. The omission of windows at 'first floor' level is positive and ensures neighbours are not directly overlooked.

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Ecology and Biodiversity Net Gain:

The findings and conclusions of the Biodiversity Net Gain Report and calculation are accepted; however, the results show a deficit of 0.63 units.

If the deficit is addressed and "net zero" achieved via off-site provision, and secured via legal agreement, this would address the objection (subject to conditions to secure the ecological mitigation and recommendations of the EclA). Due to the application being submitted before 4th April 2024, a mandatory 10% BNG is not required. The proposals will however have to show no net loss and an appropriate gain. The applicant will be purchasing off site units to accommodate this, and this will be conditioned.

Highways:

Following revised plans, the proposals were found acceptable from a highways perspective which includes visibility, vehicle parking, bicycle storage and refuse and recycling. This was subject to appropriate suggested conditions and the need for the applicant to apply for a S184.

Sustainable construction:

The applicant has submitted a Sustainable Construction Checklist which demonstrates compliance with policy SCR6 and the SPD. The proposals will produce a space heating demand of less than 30kWh/m²/annum, a total energy use less than 40kWh/m²/annum. Therefore, the development complies with policy SCR6 of the Placemaking Plan (2017) and LPPU (2023) and the Sustainable Construction Checklist SPD.

Conclusion:

The proposal provides for the erection of 2no. bungalows within the Green Belt infill boundary in a sustainable location, within a residential 'built-up' area. The proposals will make a modest, but welcome contribution towards meeting the housing target for Pensford. The proposal is considered comply with all relevant planning policies and is therefore recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Drainage (Compliance)

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

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

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

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

3 Ecological Precautionary Working Methods and Mitigation (Compliance)

The development hereby approved shall adhere to recommendations of the EclA dated 13th Sept 2023 by Abricon, as set out in Section 6 and Appendix D

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

4 Ecological and Biodiversity Net Gain Compliance Report (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved ecology report and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

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

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

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

5 LEMP with details of habitat management (pre-commencement)

No development shall commence until a LEMP and details of habitat management produced by a suitably experienced professional ecologist has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

6 Removal of Permitted Development Rights - No extensions/enlargements (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) no extension, external alteration or enlargement of any part of any roof or external walls of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan.

7 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Proposed site block plan- A03 REV A
Proposed site layout- A05 REV B
EXISTING & PROPOSED SITE SECTION- A06 REV A
PLOT 1 - GROUND & FIRST FLOOR PLANS - A07 REV A
PLOT 2 - GROUND & FIRST FLOOR PLANS - A08 REV A
PLOT 1 & 2 - ROOF PLAN-A09 REV A
PLOT 1 & 2 - FRONT ELEVATION- A10 REV A
PLOT 1 & 2 - REAR ELEVATION - A11 REV A
PLOT 1 & 2 - SIDE ELEVATION 1- A12 REV A
PLOT 1 & 2 - SIDE ELEVATION 2 - A13 REV A
PLOT 1 & 2 - SIDE ELEVATION 2- A13 REV A
PROPOSED BIN & CYCLE STORES- A13 REV B

2 Condition Categories

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

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

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

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

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

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

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

3 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available

here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

4 Biodiversity Net Gain - Standard Informative

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

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

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

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

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

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

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

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

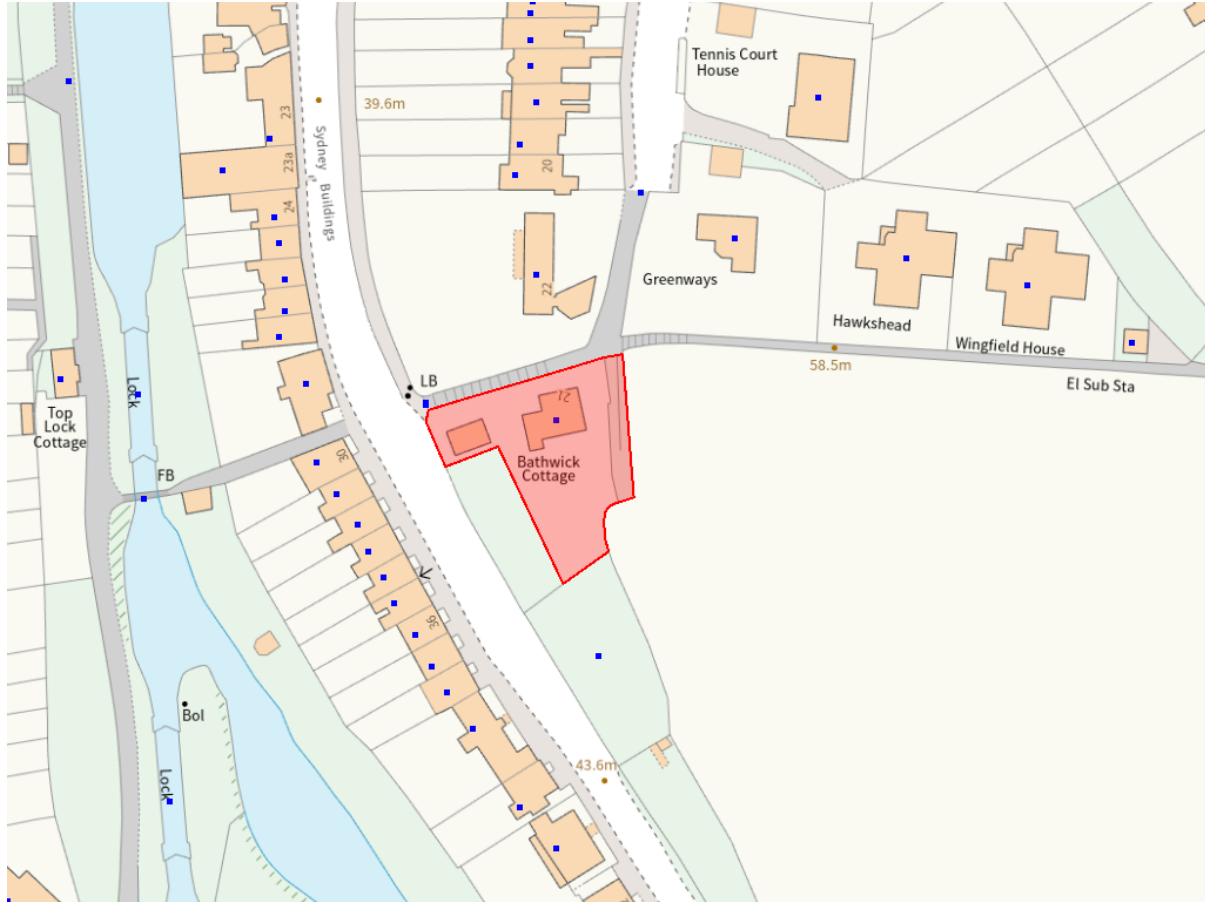
5 Responding to Climate Change (Informative):

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

6 Permit/Consent Decision Making Statement

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

Item No: 05
Application No: 24/01947/FUL
Site Location: 21 Darlington Place Bathwick Bath Bath And North East Somerset BA2 6BX



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Manda Rigby Councillor Toby Simon

Application Type: Full Application

Proposal: Demotion of existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration; re-cladding of elevations and dormers; and associated retrofitting works.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, NE3 UK Priority Habitats, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5,

NRN Wetland Strategic Network Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr J Pullan

Expiry Date: 2nd August 2024

Case Officer: Ed Allsop

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

REPORT

This application was referred to the Chair and Vice Chair following the request for the application to be determined by committee from Councillor Manda Rigby.

Cllr Lucy Hodge (Vice Chair):

"I recommend that this application is debated in public by the Planning Committee to consider the relevant planning policies including whether the proposed development is sensitive to the Conservation area in terms of preserving or enhancing the Conservation Area, any impact on the setting of the adjacent listed building, a heritage asset in this prominent location in the city centre and any consequences for green infrastructure."

Cllr Ian Halsall (Chair):

"Whilst the number of objections does not automatically warrant referral to Planning Committee, there are clearly some significant concerns as emphasised by one of the ward members for Bathwick. Given the concerns raised about the potential impact of the development on heritage assets and other potential amenity concerns, the Committee should be given the opportunity to debate this proposal and enable the public to express their views."

Therefore, the application will be determined by the planning committee.

The existing house is a modern building with a modest footprint. It is not of historic or architectural value however development needs to be sensitive to the character and appearance of the conservation area and the setting of adjacent listed building. The house sits within a steeply rising plot above the road level of Sydney Buildings to Bathwick Meadows. There is a public footpath which borders the west of the site and provides access to the Meadows.

Planning permission is sought for the demolition of existing conservatory; erection of a two-storey side extension, replacement roof covering; revisions to fenestration; re-cladding of elevations and dormers; and associated retrofitting works.

Relevant planning history:

Application ref: 8836/4 (approved 1970): Application for the erection of a detached house after demolition of existing building.

22/03592/CLEU- Erection of dwelling house to be used as a residential dwelling (Use Class C3) (Certificate of Lawfulness of Existing Use)- LAWFUL.

24/00332/FUL- pending appeal (non-determination) which sought to retain the existing building and the pitched roof form, which was considered acceptable by officers.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Historic Environment- No objection, subject to condition.

Representations:

38no. objections have been received.

The objections can be summarised as: potential for the lower ground floor to be used as an independent dwelling, or Air BnB, overdevelopment, design, the harmful impact of the existing garage, drainage, overbearing impact, previous loss of vegetation on site, light pollution, harm to listed buildings, objection to conversion of the garage, loss of privacy, objection to external materials, harm to conservation area and not in keeping.

POLICIES/LEGISLATION

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

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)

 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

- B1: Bath Spatial Strategy
- B4: Bath World Heritage Site
- CP5: Flood Risk Management
- CP6: Environmental Quality

DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.4: Streets and spaces
D.5: Building design
D.6: Amenity
ED1C: Change of use and redevelopment of office use to other town centre use (not within Use Class E)
SCR7: Sustainable construction policy for new build non-residential buildings
HE1: Historic Environment

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

There is a duty placed on the Council under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area and setting of Listed Buildings.

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

Character, appearance, impact on heritage assets:

The existing house is a modern building with a modest footprint. It is not of historic or architectural value however development needs to be sensitive to the character and appearance of the conservation area and the setting of adjacent listed building. The house sits within a steeply rising plot above the road level of Sydney Buildings to Bathwick Meadows. There is a public footpath which borders the west of the site and provides access to the Meadows.

There is an application (24/00332/FUL) pending appeal (non-determination) which sought to retain the existing building and the pitched roof form. Although no formal decision was taken on the application, the Council has since confirmed to the Planning Inspectorate that it considers the proposals acceptable.

It is proposed to demolish the small lean- to conservatory and replace with a larger two storey extension. The extension will be set back from the front elevation and the ridgeline will be set down below the main ridgeline. This will help break up the bulk and massing and allow it to read as subservient to the host building. The two-storey extension will be clad in untreated timber cladding. While timber cladding is not a material characteristic of the conservation area, its use in this location is accepted. It should be allowed to weather silver, which will allow it to sit more harmoniously against the verdant setting of Bathwick Meadows but in the wider setting of the muted hues of Bath stone. There are existing oversized dormers to the front and rear elevation, the new dormers on the main dwelling would be slate clad and the dormer on the two storey extension will be timber clad.

Previously comments were made regarding inappropriateness of render on the upper floors and the assessment of loading. It has been confirmed by Structural Engineer in the document 'ADDITIONAL CLADDING MENDMENTS' dated 10 Jul 2024 that with the revised structural proposals, full height stone cladding can be used. This is considered more appropriate material finish than the existing recon stone or the previously proposed render. Any permission would be conditioned so that specification and samples of the materials to be used would be submitted to and approved by the LPA.

A review of the site plan demonstrates that the proposals do not result in the overdevelopment of the site and that the site is capable of accommodating an extension of this size.

There is a duty placed on the Council under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area and the setting of Listed Buildings. Considering the above, it is considered that the proposals preserve the character and appearance of this part of the Conservation Area and are not harmful to the setting of adjacent listed buildings.

Residential amenity:

The site has historically been well vegetated which has been beneficial to neighbours in relation to overlooking. A large extent of this vegetation has since been removed, where neighbours are now more overlooked than they were before. However, considering the size and scale of the resultant building and the site's context, set apart from neighbours, there is not considered to be an adverse overbearing impact or loss of light on adjacent occupiers. The proposals will not result in a significant change with levels of overlooking

either. Although windows are being enlarged, or larger extents of glazing are being introduced, they are in similar positionings and distance from neighbours as the existing windows on the house. The front elevation windows are set back approximately 18.5m from the road edge, and then the road provides further separation distance before the properties west of the site.

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking. Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Drainage and flood risk:

The site is in flood zone 1 and this is a householder planning application. The applicant will need to ensure all works are accepted by building control.

Ecology:

The site lies immediately adjacent to Smallcombe Farm Site of Nature Conservation Interest (SNCI) to the east and within 5km of several component sites of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) (also a designated Site of Special Scientific Interest (SSSI)). The adjacent SNCI provides habitat of high suitability for bats associated with the SAC which may also utilise or visit the application site / garden. New lighting associated with the development could impact on nearby habitats used by SAC bats.

An ecological and protected species survey and assessment that is specific to the current proposal would usually be a requirement. In this case however, given that the reports and survey findings and recommendations have been considered acceptable in relation to another application on this site and the bat survey was undertaken within the last 12 months, the reports can be deemed acceptable here in as far as they apply to and are relevant to the current scheme. Update surveys / pre-commencement checks and details of measures tailored to be specific to the current scheme can be secured by condition. Due to the measures designed into the scheme with this consideration, the scheme is considered capable in this case of avoiding excessive light spill levels that would be harmful to the SAC or SAC bat activity.

:

The applicant confirms in the application form that no trees need to be removed to facilitate the proposals that form this planning application. However, an Arboricultural Method Statement and Tree Protection Plan has been sought via condition in the interests of existing trees on site.

Other:

Some comments have stated that there is a garage conversion as part of this application, but officers can confirm this isn't included.

Some other comments raise concern with the potential for the lower ground floor being used as an independent living unit, or air bnb. Officers accept that the lower ground floor could be used independently, separate from the main house. However, this is not what is proposed with the description of development and officers must assess the application based on the information submitted and cannot speculate about potential future scenarios, this also includes residents concerns in relation to potential air bnb use. It should be noted that in most cases, planning permission is not required when a property is used as an air bnb on a part time basis in any case.

Conclusion:

The proposals will update an existing house which is currently not a positive feature within this part of the Conservation Area. The proposed works are considered to preserve the character of this part of the conservation area and the setting of nearby listed buildings whilst also ensuring the site is not overdeveloped. The proposal is considered comply with all relevant planning policies and is therefore recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials (Bespoke Trigger)

No construction of the roof of the development shall commence until a specification and samples of all external walling and roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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, D5 and HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 Wildlife Protection and Enhancement Scheme (Pre-commencement)

- No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, produced by a suitably experienced professional ecologist have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the approved report entitled "Preliminary

Ecology Appraisal" dated February 2023 by Seasons Ecology and the approved "Bat Survey" report dated May /August 2023 by Seasons Ecology insofar as the recommended measures are applicable to the approved development, and shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all necessary ecological protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds, badger 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 and enhancement measures and features, including wildlife-friendly planting and landscaping details; provision of bat and bird boxes and integral features; provision of features and habitats to benefit wildlife. Details shall include proposed specifications; materials; dimensions; models; design; fixings (as applicable); and proposed numbers, heights and positions. Specifications for fencing and boundary treatments shall include provision of gaps or wildlife access points at intervals, to allow movement of wildlife.

(iii) All details shall be fully incorporated into the scheme and accurately shown on all relevant plans and drawings.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development, and retained and maintained thereafter for the purposes of wildlife conservation.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 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.

4 External & Internal Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)

Internal and external lighting shall be in accordance with the sensitive lighting measures described in the approved ecological reports and in accordance with the standards and lux level thresholds described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK". No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;
2. Light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;

3. details of lighting controls; proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to limit use of lights when not required; and to avoid harm to bat activity and other wildlife.

The lighting shall be installed, maintained and operated thereafter only in accordance with the approved details.

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

5 Ecological Compliance Statement (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completion 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 compliance with the Wildlife Protection and Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan. '

6 Removal of Permitted Development Rights - No extensions/ enlargements (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) no extension, external alteration or enlargement of any part of the dwellinghouse shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area, preserving the character of this part of the conservation area and setting of listed buildings, in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3, D4 and HE1 of the Bath and North East Somerset Placemaking Plan.

7 Public Right Of Way (Compliance):

1. No building materials or vehicles are to be moved onto site via Darlington Place and the public footpaths BC54/39 and BC54/40. It is an offence to use a motorised vehicle on a public footpath without lawful authority.

2. The black hand railing on public footpath BC54/40 must be retained in its entirety.

3. If any of the proposed works are considered to cause a physical affect to the public footpaths, contact the PROW Team on 01225 477532 or PROW@bathnes.gov.uk prior to any works starting.

4. There must be no effect to the line, width, gradient or surface of public footpaths BC54/39 and BC54/40 during or after development. Any damage caused to the surface, or hand railing, during the works must be repaired to the satisfaction of the PROW Team.

5. If the proposed development requires the temporary closure of public footpath BC54/40 to facilitate development, full details of the costs and process involved can be found on the Council's website at: <https://www.bathnes.gov.uk/services/streets-and-highway-maintenance/public-rightsway/public-path-orders/temporary-path>

Reason: To safeguard the public footpath public footpaths BC54/40 and BC54/39.

8 Arboricultural Method Statement and Tree Protection Plan (pre commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority on completion of the development. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should"). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

9 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Proposed house lower ground, ground and first floor plans - 23004-NP-XX-XX-DR-A-1121-P12

Proposed retrofit north and south elevations- 23004-NP-XX-XX-DR-A-2101-P6

Proposed retrofit east and west elevations - 23004-NP-XX-XX-DR-A-2102-P5

Clean proposed retrofit north and south elevations - 23004-NP-XX-XX-DR-A-2104-P3

Clean proposed retrofit east and west elevations - 23004-NP-XX-XX-DR-A-2105-P3

Existing garage and house plans- 23004-NP-01-XX-DR-A-1003-P3

Proposed site plan- 23004-NP-XX-XX-DR-A-1111-P6
Existing site plan- 23004_NP_01_XX_DR_A_1002_P2
Existing garage elevations- 23004_NP_01_XX_DR_A_2010_P1
Existing house elevations- 23004_NP_01_XX_DR_A_2011_P1
Site location plan - 23004_NP_XX_XX_DR_A_1001_P1

2 Biodiversity Net Gain - Exempt/Not required

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

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

3 Condition Categories

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

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

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

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

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

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

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at

www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

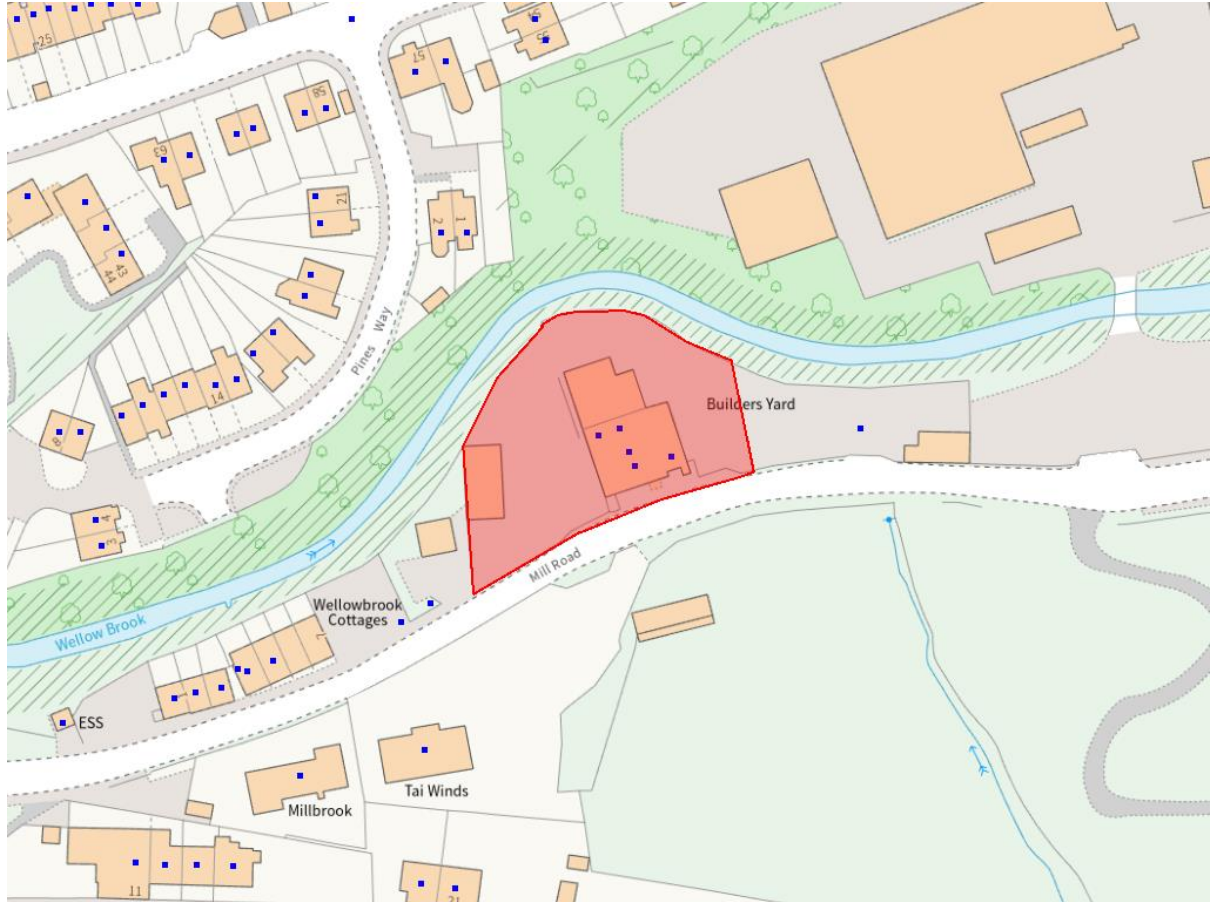
5 Responding to Climate Change (Informative):

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

6 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.

Item No: 06
Application No: 24/00319/FUL
Site Location: Town Mills Mill Road Radstock Bath And North East Somerset BA3 3PB



Ward: Radstock **Parish:** Radstock **LB Grade:** N/A
Ward Members: Councillor Chris Dando Councillor Lesley Mansell

Application Type: Full Application

Proposal: Conversion of the vacant ground floor office into 1 No. 2 bedroom flat, and provision of a flood refuge at first floor level. Change of use of the vacant shop into office use and a communal cycle store. Change of use to the external yard from sui generis use to residential use only.

Constraints: Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Policy ED2A Primary Industrial Estates, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Woodland Strategic Network Policy NE5, NRN Wetland Strategic Network Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr and Mrs Timothy and Diane Gregory

Expiry Date: 14th June 2024

Case Officer: Angus Harris

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

REPORT

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

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

"I note the complex planning history, the previous appeal decisions and appreciate the objections raised by the Town Council. Reflecting however on the previous appeal comments, and the confirmed ceasing of the builders merchant operation, addressing amenity concerns, together with no objection from the Environment agency, Flood authority or Highways, it is not clear that the Committee would come to a different decision.

For these reasons, I recommend delegation of the decision."

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

"This site has a complex planning history. It is noted that the Town Council is concerned about the loss of employment use on a site outside the housing policy boundary and flood risk issues. Whilst the existing surrounding builders' merchant is deemed to be a sui generis use and not a protected industrial use and thus not in conflict with policy ED2A, this does raise some amenity concerns which the Committee should be given an opportunity to discuss. It is noted that there is no objection from the Environment Agency, Lead Local Flood Authority or Local Highway Authority."

The application has therefore been referred to the planning committee.

The application refers to a ground floor unit at Radstock Building Supplies, on Mill Road, BA3 3PB and the adjacent industrial use.

Planning permission is sought for the conversion of the vacant ground floor office into 1 No. 2 bedroom flat, and provision of a flood refuge at first floor level. Change of use of the vacant shop into office use and a communal cycle store. Change of use to the external yard from sui generis use to residential use only.

Relevant Planning History:

DC - 98/02129/FUL - WDN - 21 January 1999 - Change of use to include recycling facility, together with storage of recycled materials on adjacent land

DC - 02/02585/FUL - PERMIT - 5 February 2003 - Change of use to builders merchants, extension to mill and detached storage building as amended by revised drawings received 7 January 2003

DC - 03/03010/FUL - WD - 20 January 2004 - First floor extension.

DC - 04/01773/FUL - RF - 2 August 2004 - Two storey storage building and new vehicular access

DC - 06/02430/FUL - RF - 1 September 2006 - Erection of 2 no. storage units, two new vehicular access points and 1.8m high boundary fence.

DC - 06/03883/FUL - PERMIT - 19 February 2007 - Erection of 2 no storage units, two new vehicular access points and 1.8 m high boundary fence (Resubmission)

DC - 09/03180/COND - DISCHG - 7 December 2009 - Discharge of condition 6 of application 06/03883/FUL (Erection of 2 no storage units, two new vehicular access points and 1.8 m high boundary fence (Resubmission))

DC - 09/04319/COND - SPLIT - 29 January 2010 - Discharge of conditions 1,2,3,4,5,7,8,9,10,11,12 and 13 of application 06/03883/FUL (Erection of 2 no storage units, two new vehicular access points and 1.8 m high boundary fence (Resubmission))

DC - 13/01990/CLPU - RF - 11 July 2013 - Replacement of existing storage building (Certificate of Lawfulness for the Proposed Development).

DC - 13/03719/CLPU - LAWFUL - 11 November 2013 - Replacement of existing storage building (Certificate of Lawfulness for the Proposed Development).

DC - 14/00526/FUL - RF - 17 April 2014 - Erection of 7no bedroom terraced houses with associated car parking

DC - 14/02200/ODCOU - NPD - 8 July 2014 - Prior approval request for change of use from Office Use Class B1 to 2 no. self contained flats Use Class C3.

DC - 14/03894/ODCOU - RF - 14 October 2014 - Prior approval request for change of use from Use Class B1 to Use Class C3 (2 no. self contained flats).

AP - 14/00097/RF - DISMIS - 26 March 2015 - Prior approval request for change of use from Use Class B1 to Use Class C3 (2 no. self contained flats).

DC - 14/05367/OUT - RF - 4 February 2015 - Erection of 3no. light industrial workshop units with associated car parking on land adjoining Radstock Building Supplies Ltd, Town Mills, Mill Road, Radstock. (Outline application with all matters reserved)

DC - 16/05833/CLEU - LAWFUL - 26 January 2017 - Use of building as residential flat (Certificate of lawfulness for an existing use)

DC - 17/01674/CLEU - LAWFUL - 25 May 2017 - Use as a residential flat (Certificate of Lawfulness for an Existing Use).

DC - 17/04866/FUL - PERMIT - 13 April 2018 - Change of use of existing second floor offices to 1no. flat.

DC - 20/00807/FUL - Refuse - 12 October 2020 - Conversion and change of use from storage and office building into 2no flats

AP - 20/00055/RF - Appeal Dismissed - 31 March 2021 - Conversion and change of use from storage and office building into 2no flats

DC - 21/03054/FUL - PERMIT - 3 December 2021 - Conversion of first floor office to form a 2 bedroom flat.

DC - 23/03342/FUL - RF - 12 January 2024 - Conversion of the ground floor of steel framed extension forming previous offices ancillary to the building merchant, into a two bedroom flat, the change of use from building merchant shop to an office to manage the flats, and a communal cycle store use.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Radstock Town Council:

Object

- Loss of industrial area/employment.
- Outside of the housing development boundary
- Proposed configuration of refuse room with mitigation of flood inaccessible.
- Flood risk.

Highways:

The highway authority recently commented on similar proposals which were submitted as planning application 23/03342/FUL. It is noted that the earlier application was refused, although the refusal matters did not relate to the parking or access arrangements.

Having reviewed the current application, there appears to be no reason why the highway authority would alter the conclusions reached when responding the earlier scheme. The parking and access arrangements remain as before, and the scheme continues to present that the offsite highway work are required and would be delivered. There are a number of highway conditions attached to the earlier planning permissions for the site, and it is unclear whether these need to be repeated should permission be granted in this case, and it would be for the planning authority to consider the appropriateness. In summary, there is no highway objection to the planning application proposals, although the conditions below are advised should permission be granted.

Environment Agency:

We withdraw our previously held flood risk objection subject to the inclusion of the following conditions and informatives being included in any grant of planning permission.

Condition - Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment Dated 24 January 2024 Ref IMA-23-181 by IMA

Transport Planning and Flood Risk Assessment Addendum Dated 20 May 2024 Ref IMA-23-181 by IMA Transport) and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 67.400 metres above Ordnance Datum (AOD).
- o First floor safe refuge to be included in line with the previously submitted plans allowing for free voluntary movement and welfare.
- o Electrical sockets to be installed 600mm above finished floor level 68.00m AOD.
- o Occupants of flat to sign up to EA flood warnings notification.
- o External flood resilience measures include a proposed raised walkway and access to entrance door is to be formed of sealed block works with watertight render and use of floodgate door - flood barriers 1M high which will act to form a sealed watertight bund in the event of flooding above the 67.400m AOD level. The barrier doors and sealed walk shall prevent flood water from being able to enter the building. This will not be counted as a formal flood defence by the Environment Agency and as such will not receive a 'area benefiting from defences' on flood maps.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants. To recognise any structures installed by the occupant to mitigate flood risk will not be recognised as formal flood defence structures by the Environment Agency.

Banes Drainage and Flooding:

No objection

Representations Received :

1no objection is received:

OBJECT:

- Concerned over loss of industrial area/employment.
- Outside of the housing development boundary
- The application refers to the conversion of an existing office. Previous historical planning applications only refer to this 'office' space as storage and as such has never been granted permission for anything other than storage. The most recent planning application for this part of the site at Town Mills was 13/03719/CLPU which clearly states its use as storage of UPVC products and not an office.
- There are still a large number of container storage vessels located immediately East of the site which I believe were and still are associated with the previous business dealings at Town Mills registered as 'Radstock Self Storage', at the address of Town Mills, Mill Road, Radstock, and therefore the site as a whole is not clear of industrial business. The self storage is advertised as having 24hour access 7 days a week - is this in fact what the remaining ground floor office at the front of Town Mills building is to now be used for rather than an office for the management of apartments on site which is highly unusual.

-By granting permission to this change of use, with the exception of the self storage vessels adjacent BANES will have permitted the full conversion of an historic industrial unit to being entirely domestic curtilage thus extending further the housing development boundary into Mill Lane which is in direct conflict with the BANES planning Policy.

POLICIES/LEGISLATION

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

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

CORE STRATEGY:

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

CP5: Flood Risk Management

CP6: Environmental Quality

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the determination of this application:

SV1: Somer Valley Spatial strategy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D5: Building design

D6: Amenity

HE1: Historic environment

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
ED2A: Strategic and other primary industrial estates
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY:

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

CONSERVATION AREAS:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

SITE CONTEXT AND HISTORY:

The application site is formed from a 3-storey building within the centre of the curved site with outdoor storage and ancillary uses for the business. The main building is distinctly split into 2 elements. A 4-storey stone building fronts the road with a dual-pitched roof and perpendicular gable ends as the building forms an L-shape. Adjoining to the rear of this is a corrugated metal 2-storey element which distinctly reads as a business / warehouse building.

The stone building dates back to the 17th Century and has been modified in subsequent years.

This application site was originally granted permission for use a builder's merchants in 2002 with associated extensions and some subsequent applications in 2006 sought some further extensions to the business. In 2013 some Certificate of Lawfulness's were sought for replacement storage buildings.

Since 2013, a series of applications have sought to convert elements of the building to residential flats. The first of these was in 2014 as a prior approval request which was refused and dismissed at appeal for the 2nd floor of the L-shaped element.

In 2016 and 2017, the first and second floor units of the L-shaped building were granted certificate of lawfulness's for their use as residential flats and a full application was also gained for the change of use of the 2nd floor office to a flat.

In 2021, application reference 21/03054/FUL was permitted to convert the first floor of the 'warehouse element' from an office to a 2-bed flat.

This application now seeks the conversion of the ground floor 'warehouse' unit to a residential flat with some alterations to the remaining business uses on the ground floor of the 'stone building'.

In 2020, a full planning application was submitted to convert this same unit to 2no flats which was refused and dismissed at appeal. The reasons for refusal where due to the loss of the protected employment use within the identified strategic industrial use area and due to the resulting noise and disturbance for future occupiers.

The appeal decision however overruled the first reason for refusal, finding that the use of the site as a builder's merchant fell into Sui Generis use. It was concluded that the use of the site fell outside of the protected uses listed in Policy ED2A and as such, the proposal was not contrary with the development plan for this matter.

Finally, in 2023 an application was submitted (reference 23/03342/FUL) to convert this ground floor unit to residential. Based on the information submitted, it was refused on 2 grounds being 1) Flood risk, and 2) harm to residential amenity.

This current application is a resubmission of the 2023 application (23/03342/FUL), providing new information with regards to Flood Risk and to convert an additional area of the previous Builders Merchants to residential to seek to overcome the 2 previous reasons for refusal.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The principle of residential development in this location, outside the housing development boundary would usually be unacceptable in terms of sustainability and objection has been received on the basis that the site is outside of the housing development boundary.

However, previous applications have established residential use at the site so it would be unreasonable for the Council to resist it in this instance. Furthermore, Placemaking Plan policy SV1 is supportive of development on previously developed sites adjoining and closely related to the housing development boundary.

LOSS OF STRATEGIC INDUSTRIAL PREMISES:

The site is located within the strategic industrial estate of Mill Road, Radstock, as defined by the Placemaking Plan. Policy ED2A of the Local Plan Partial Update seeks to retain identified industrial estates for B1c, B2 and B8 uses and objection has been received by the town council to the loss of industrial / employment space.

Policy ED2A specifically quotes that sites in use as builders merchants fall into the uses protected by this policy and the applicant has not provided any evidence to show that there is no reasonable prospect of the land/premises being used for their allocated B8 purpose. The design and access statement submitted with this application highlights that the owner of the premises has retired, justifying the loss of the employment uses, although no information has been provided to demonstrate that the site has been marketed for new owners or business to continue operating within the ground floor unit.

During one of the certificate of lawfulness in this sites planning history, reference 14/03894/ODCOU, The Council identified the builders' merchant as falling into a Sui Generis use. Agreeing with this, the Inspector for the subsequent appeal (Ref APP/F0114/A/14/2229371) determined that a use as a builders' merchant also falls into a Sui Generis use.

A second appeal in 2020 following refusal of 20/00807/FUL followed this ruling, that the existing builders' merchant falls into a class of its own (sui generis). The inspector found that it is not a protected use in the strategic industrial estate and therefore the proposal does not conflict with Policy ED2A. It was also considered that the proposal would also be consistent with the provisions in the National Planning Policy Framework in relation to building a strong, competitive economy.

In line with the Councils previous classification of the site, the 2no appeal decisions associated with this site, and the subsequent decision for a first floor unit on the same site in 2021 (21/03054/FUL), it would not be reasonable to diverge from this identification of the sites previous use and it's consideration against Policy ED2A.

Use Class Summary:

The site as a whole is classified as Sui Generis use and a recent appeal on this site ruled that the builders merchant use was not a use class protected by Policy ED2a.

As such, the proposed development does not conflict with policy ED2A.

DESIGN, CHARACTER AND APPEARANCE:

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

The application seeks change the use of the corrugated metal building as a residential dwelling. This building previously had a larger openings on the east and west sides of the ground floor to provide vehicle access with double garage doors, however these openings have since been infilled with stonework. No further external works to the building are proposed as part of this change of use application, however the outdoor spaces on the east side of the dwelling are proposed to be reconfigured since the recent approval in 2021 (21/03054/FUL) to provide parking and turning spaces for the residential units.

The building has already been separated into various elements to incorporate residential accommodation on the first and second floors. The conversion of this part of the building to an additional residential property is not considered to be out of character with the remainder of this site.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

CONSERVATION AREA:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The application site is within the conservation area. The planning permission granted in 2021 (21/03054/FUL) gave permission to convert the outdoor spaces on the east side of the buildings to hardstanding for parking and turning spaces for use by the dwellings. The reconfiguration of this space are the only external works proposed for this current application.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The proposed unit is proposing 2no bedrooms with north, west and east facing windows. It is a single storey building and provides suitable internal space in accordance with the Nationally Described Space standards.

Concern was raised during the previous application for this unit and addressed during the appeal, where the residential unit be directly exposed to the disturbance associated with the comings and goings of customers and the collection and movement of goods at the builders' merchant. This would lead to a poor quality living environment for occupiers in the ground-floor flat.

It was noted during the appeal the appellants are looking to relocate the builders' merchant to a different site. Accordingly, the appeal was determined on the basis that it would result in the creation of two residential units located adjacent to the working Builders Yard serving the builders' merchant.

For the above reasons, it was concluded that the living conditions of future occupiers of the proposed development would not be satisfactory, with particular regard to noise and disturbance, finding conflict with Policy D6 of the Bath and North East Somerset Local Plan which, amongst other aspects, requires development to provide for appropriate levels of amenity. This same conclusion was reached on the previous application, reference 23/03342/FUL.

This resubmission application seeks to expand the residential curtilage, changing the use of the adjacent, remaining element of the Builder's Merchants to residential in association with the existing building which is already now almost residential. As such, with the adjacent site ceasing the builder's merchant use, the concerns raised for the resident's amenity have been sufficiently addressed.

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

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The site benefits from parking and turning spaces which have been constructed as part of the previous planning approvals granted for the upper floor residential units within the building. No objection is raised by the Banes Highways team to the parking and turning layout within the site, subject to conditions.

Aside from the parking and turning spaces within the site, the proposal seeks to remove the metal fencing which fronts the site. The metal fencing is proposed for removal with a new timber post and rail fence proposed on the footpath boundary. This alteration has been granted approval already, through application 21/03054/FUL which granted the conversion of a first floor unit to a residential flat.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

Policy SU1 states that for both major development ((as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015)) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100 year+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff.

The application site is a ground floor unit situated within Flood Zone 3 associated with the Wellow Brook which runs along the northern boundary of the site. Policy CP5 of the LPPU highlights the Wellow Brook as one of the principal rivers which are the dominant flood risk areas.

The applicant has worked with the Environment Agency across multiple revisions and consultations to address the concerns raised. Additionally, the Baner Flooding and Drainage Team raise no objection to this final rendition of the proposal. The Environment Agency have recommended that the development is undertaken in accordance with the details set out in the submitted Flood Risk Assessment, secured by condition.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as part 14 of the NPPF.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

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

This application does not impact priority habitat is not impacted, nor is an area of habitat great than 25sqm or 5m in length impacted. As such, BNG will not be applicable.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This could be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g., water butts). These matters could also be secured by a relevant planning condition.

CONTAMINATED LAND:

The site is identified as a site with potentially contaminative historical use. Consultation was undertaken with the Banes Environmental Protection Team during the previous application for this ground floor unit where it was recommended that a desk study and a site walkover survey is undertaken which could be secured by condition. An additional condition for the reporting of unexpected contamination should also be included.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Flood Risk (Compliance)

The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment Dated 24 January 2024 Ref IMA-23-181 by IMA Transport Planning and Flood Risk Assessment Addendum Dated 20 May 2024 Ref IMA-23-181 by IMA Transport) and the following mitigation measures it details:

- o Finished floor levels shall be set no lower than 67.400 metres above Ordnance Datum (AOD).
- o First floor safe refuge to be included in line with the previously submitted plans allowing for free voluntary movement and welfare.

- o Electrical sockets to be installed 600mm above finished floor level 68.00m AOD.
- o Occupants of flat to sign up to EA flood warnings notification.
- o External flood resilience measures include a proposed raised walkway and access to entrance door is to be formed of sealed block works with watertight render and use of floodgate door - flood barriers 1M high which will act to form a sealed watertight bund in the event of flooding above the 67.400m AOD level. The barrier doors and sealed walk shall prevent flood water from being able to enter the building. This will not be counted as a formal flood defence by the Environment Agency and as such will not receive a 'area benefiting from defences' on flood maps.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants. To recognise any structures installed by the occupant to mitigate flood risk will not be recognised as formal flood defence structures by the Environment Agency.

4 Highway Works (Pre-occupation)

No occupation of the development shall commence until the highway works shown on drawing number CL 562 - 2 / 06 Rev B has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by a safe and suitable means of access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

5 Dwelling Access (Pre-occupation)

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

Reason: To ensure that the development is served by a safe and suitable access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

6 Desk Study and Site Walkover (Pre-occupation)

A Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by gathering and interpreting readily available environmental, geological, hydrological and historical data regarding a site and considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Desk Study identify the potential presence of contamination and potential pollutant linkages, then full

characterisation (site investigation) shall be undertaken in accordance with a methodology which shall previously have been agreed in writing by the Local Planning Authority. Where remediation is necessary, it shall be undertaken in accordance with a remediation scheme which is subject to the approval in writing of the Local Planning Authority and a remediation validation report submitted for the approval of the Local Planning Authority.

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

7 Reporting of Unexpected Contamination (Bespoke Trigger)

In the event that contamination 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 15 of the National Planning Policy Framework.

8 Landscape Design Proposals (Pre-Occupation)

No occupation of the unit shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

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

Soft landscape details shall include:

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate

biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

PLANS LIST:

1 This decision relates to the following plans:

Drawing	26 Jan 2024	01	EXISTING SITE AND LOCATION PLAN
Drawing	26 Jan 2024	02	EXISTING FLOOR PLAN AND ELEVATIONS
Drawing	26 Jan 2024	03	EXISTING CROSS SECTION
Drawing	26 Jan 2024	07	PROPOSED FIRST FLOOR PLAN
Revised Drawing	21 May 2024	04 B	PROPOSED FLOOR PLAN AND ELEVATIONS
Revised Drawing	21 May 2024	05 A	PROPOSED CROSS SECTION
Revised Drawing	21 May 2024	06 B	PROPOSED SITE PLAN

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Responding to Climate Change (Informative):

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

6 Biodiversity Net Gain - Exempt/Not required

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

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity

Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.