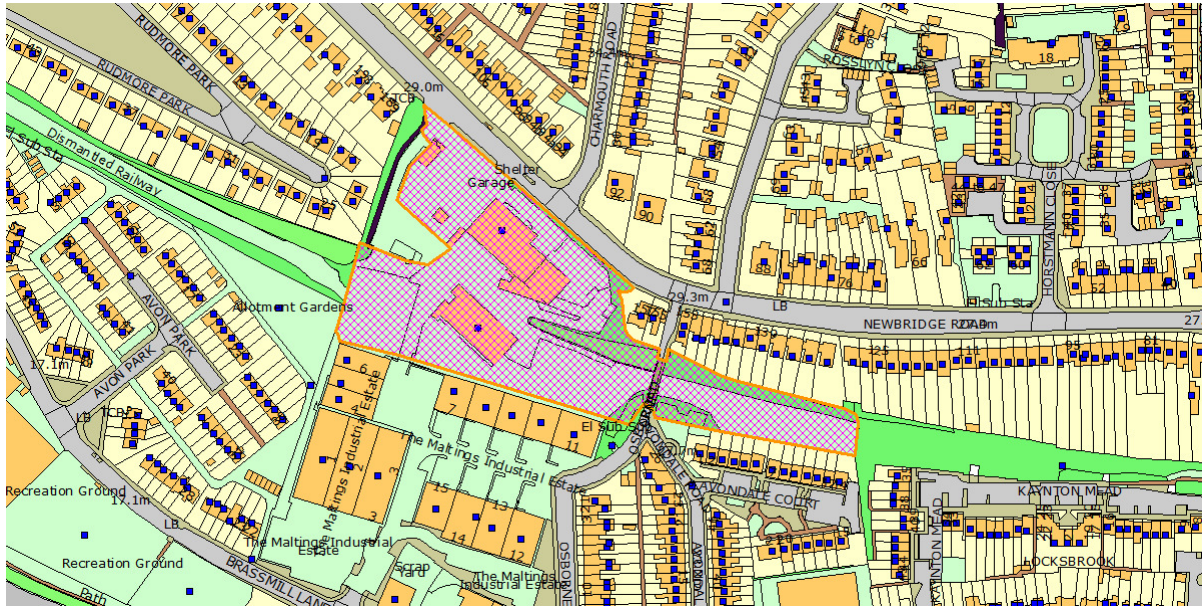


Item No: 02
Application No: 19/01854/OUT
Site Location: Hartwells Of Bath Newbridge Road Newbridge Bath BA1 2PP



Ward: Newbridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Michelle O'Doherty Councillor Mark Roper
Application Type: Outline Application
Proposal: Outline application with all matters reserved except for access and layout comprising the demolition of the existing buildings on the site; construction of replacement buildings ranging in height from 3 to 5 storeys providing a mixed use development comprising up to 104 residential units (Class C3 Use), up to 186 student bedrooms (Sui Generis Use), and a commercial retail unit (flexible A1/A3 Use); formation of new vehicular access from Newbridge Road, construction of new access ramp, and provision of vehicle parking spaces; provision of new shared bicycle and pedestrian sustainable transport route through the site and formation of new access and linkages on the eastern and western boundary; provision of hard and soft landscaping scheme across entire site.
Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Contaminated Land, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Placemaking Plan Allocated Sites, SSSI - Impact Risk Zones,
Applicant: Oakhill Group
Expiry Date: 30th August 2019
Case Officer: Chris Gomm
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING TO COMMITTEE

This application is the subject of a viability assessment in respect of affordable housing (and other planning obligations). It is therefore necessary (pursuant to Section 1A Paragraph 6 of the Scheme of Delegation) for the application to come before the Planning Committee for its consideration and determination.

BACKGROUND

This application seeks outline planning permission for the mixed-use redevelopment of the former Hartwell's car dealership on Newbridge Road in Bath. Permission is only sought at this stage for the means of access to the site and layout of the development; the scheme's appearance, scale and landscaping are reserved for approval at a later date. The proposed scheme is predominantly residential and comprises 104 residential units plus 186 student bedrooms; a small 148sqm (GIA) commercial unit (A1 retail or A3 cafe/restaurant) is also proposed.

THE SITE

The site is positioned in a transitional location between residential uses to the north (on Newbridge Road and beyond) and industrial/commercial uses to immediate south. Residential properties, typically of the Victorian and Edwardian era, are located to the north, east and west of the site in Newbridge Road; also to the west are residential properties in Rudmore Park. To the immediate south of the site is 'The Maltings' a modern industrial estate comprising a number of industrial units. Also to the south are further residential properties in Avondale Road, Avondale Court and Osbourne Road. To the immediate west of the application site (and beneath part of it) is a concrete batching plant operated by Hanson Aggregates.

The site is a former quarry and as a result there is a significant differential in ground levels between the site's Newbridge Road frontage and the rest of the site (circa 6.7metres). The route of a former railway line runs through the application site from east to west, and the eastern part of the site is within a shallow cutting; as a result Osbourne Road passes over this part of the site on a railway bridge.

The application site straddles the Bath Conservation Area boundary; the eastern extremity of the site is within the Conservation Area but the majority of the site is outside. All of the site is within the City of Bath UNESCO World Heritage Site. The site is identified in the Council's records as being a 'Site of Potential Concern' in respect of land contamination.

In policy terms the site is allocated for redevelopment in the adopted Placemaking Plan (Policy SB15); this is explored in detail below. A safeguarded sustainable transport routes passes through the site following the alignment of the former railway line (Policy ST2). The site is on the Council's Brownfield Land Register.

RELEVANT PLANNING HISTORY

- o 17/03535/SCREEN: EIA Screening Opinion request (formal query as to whether an Environmental Statement is required to accompany a planning application) in respect

of a mixed-use development comprising 99 residential units, 177 student bedrooms, retail unit and an A3 unit. EIA NOT REQUIRED: August 2017

- o 14/03977/OUT: Outline planning application for erection of three blocks of student accommodation comprising 194 student bedrooms in studio/cluster flats and 70 bedrooms in a terrace of 14 two storey HMOs with access from Newbridge Road, shared foot/cycleway, associated car parking, cycle parking, amenity space and landscaping following demolition of existing buildings. WITHDRAWN: November 2014

- o 14/02229/SCREEN: EIA Screening Opinion request for a terrace of 14 two storey HMOs (70 bedrooms) and two blocks of student accommodation (194 bedrooms) plus the erection of up to 9 two storey HMOs (45 bedrooms) and two blocks of student accommodation (123 bedrooms) EIA NOT REQUIRED: May 2014

- o 10/03384/CAAD: Certificate of Appropriate Alternative Development for potential future residential development October 2010. POSITIVE CERTIFICATE ISSUED

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

B&NES Ecology: OBJECTION

- o Bat inspection and emergence survey have now been submitted; these have surveyed trees previously been identified as having bat roost potential;
- o No bat roosts have been identified and the findings of the reports are welcomed.
- o There remains a risk of future use of the trees by wildlife including protected species and mitigation in relation to this can be secured by condition;
- o The layout does not provide sufficient connective Green Infrastructure (GI), especially in view of the presence of a main badger sett within the site and considerable badger activity in the vicinity;
- o A connective, unobstructed, vegetated route should be provided; A continuous planted / vegetated and more substantial buffer zone alongside the proposed cycleway would be appropriate to provide for some of the necessary connective GI;
- o There is insufficient provision for slow-worms and other reptiles;
- o It is difficult to have confidence in the current assessment of habitat suitability for reptile given the high local population;
- o Reptile survey is therefore likely to be required and will be expected as part of a reptile mitigation strategy - details of this can be secured by condition;

B&NES Highways: No objection

The applicant has provided information relating to the access rights across the Industrial Estate. Given that access across the Estate is critical to the success of the scheme, the planning authority need to be content that this connection can be secured as part of an appropriate legal agreement and that this route would be maintained for this purpose for perpetuity. In addition the following will be necessary:

- o Improvements to the Sustainable Transport Route need to be delivered and secured as part of a Section 106 agreement;
- o The site access will need to be amended and implemented before any occupation and the scheme agreed with the highway authority;

- o Alterations to the footway on Newbridge Road will be undertaken and this needs to incorporate the appropriate resurfacing;
- o Improvements to the bus stop on Newbridge Road will need to be secured;
- o It is recommended that a financial contribution is sought that could be used to introduce a Residents Parking Zone in the local area if required;
- o There will be a need to secure a Site Management Plan for the site, and this would need to include measures to ensure that parking is effectively managed and that servicing of the site could be secured;
- o A Construction Management Plan would be required before any work commence on site;
- o A Travel Plan for the scheme would be required.

Avon & Somerset Police: Comments

- o The proposed development offers too much permeability that criminals could take advantage of. This can be reduced by limiting access to the development from the southern perimeter;
- o Other entrance points along this perimeter could also be covered by access control with fences/gates to the same height;
- o We also recommend that the car parks and pedestrian pathways have lighting to BS 5489-1:2013;
- o Bollards are not an appropriate choice for lighting for safety and security purposes because they do not project sufficient light at the right height to aid facial recognition and reduce the fear of crime;
- o There are concerns regarding the security and safety of car park 4. It is at a lower level screened off by dense foliage and rear garden fencing. This severely limits any natural surveillance from those homes to this location which could potentially deter criminal activity.

Ward Member Cllr O'Doherty: OBJECTION

I am concerned about the over-development of the site, and I am also worried that the access into the site is both inadequate and dangerous due to the number of people who will be living on the site.

I feel that the design of the buildings is incongruous, and there is already an issue in this area with parking. While the developers have stated that they will not allow students living on the site to bring cars with them as part of the tenancy agreement, I don't see how they can enforce this if cars are legally parked on public roads.

Ward Member Cllr Roper: OBJECTION

The site specific planning policy SB15 for the site in the Core Strategy and Placemaking plan states that it should be considered for:

Residential developments of around 80-100 dwellings, which could include a variety of specialist older persons housing types but not student accommodation, where this would prejudice the achievement of Policy DW.1 and B1 in respect of boosting the supply of standard market and affordable housing

The proposed development clearly includes a substantial element of student housing and therefore goes against this clear policy aim.

PBSA in Bath is not being matched by developments on campus - which is clearly the intention of planning officers going forward - see the arguments to refuse the Bath Cricket Club PBSA development.

The Draft Local Plan Options Document published last autumn recognised the issues caused by too many PBSA in urban areas - specifically parking problems. It is not sufficient for the developers to claim that students will not be permitted to bring their cars with an S106 agreement as these are not in practicable terms legally enforceable. The student cars parked along the Lower Bristol Road outside the Twerton Mill development during term time are proof of this. There are huge parking issues in the surrounding roads due to the employment areas on Locksbrook Road and Brassmill Lane and the fact that many - indeed most - of the houses in the vicinity do not have off street parking.

Extremely concerned at the volume of vehicles entering and leaving the site via the new proposed entrance which is opposite Charmouth Road (a main entrance to a school) and next door to Rosslyn Road and Osbourne Road entrances onto Newbridge Road. I know from 30 years of working in the area that this is a complex and busy set of junctions as it is - and the prospect of another entrance in the area - in effect four roads joining Newbridge Road in about 200 metres - will be dangerous without some form of traffic calming measures.

Over density of the site. It is unreasonable to propose a development which may end up with over 400 people living on a site of this size. It is especially unreasonable of the developers to include no extra facilities apart from what they are currently calling a coffee shop.

Loss of employment land. Although the Hartwells site is outside the core economic zone it will be another example of Bath losing key economic development space - along with all the space lost along the A4. The space remaining in Bath to build non-office based industrial units is declining at an alarming rate.

Historic England: No comment. The views of your specialist conservation and archaeological advisers should be sought.

B&NES Planning Policy: Not acceptable in its current form

Placemaking Plan SB15 requires residential development of around 80-100 dwellings. The proposal includes 104 residential units. The Policy B5 states that student accommodation is not acceptable where this would prejudice the achievement of the objectives in the Core Strategy including boosting the supply of housing. The proposed site is outside the Policy B5 areas therefore as long as it meets the policy requirement for housing, the provision of student accommodation is considered acceptable in principle, subject to other planning considerations such as density, design, height and mass;

The scheme proposes an affordable housing contribution of 10%, delivered as rented accommodation with a discount to local market rent levels of 20% which is contrary to Policy CP9 requires a 40% affordable housing contribution. In accordance with the

Planning Obligations SPD it has to be subject to independent testing of the submitted viability appraisal.

The proposed housing-led mixed use including student accommodation is considered acceptable in principle, subject to other planning considerations such as density, design, height and mass. However the level of affordable housing contribution is subject to the independent assessment of the submitted viability appraisal.

B&NES Arboricultural Officer: OBJECTION

- o The retention of T22, T24 -T27 is realistic given the proximity of the new building;
- o The proposed layout provides insufficient space beside the two blocks along Newbridge Road for meaningful tree planting;
- o The site currently forms an obstruction in green infrastructure along the former railway line.
- o The landscape plan suggests that planting 5 trees into unusable pieces of land is adequate. Tree planting along the length of the cycle route should be incorporated;
- o The 'overflow car park ' shown along the eastern section of the cycle route compromises the green infrastructure along this section.

B&NES Environmental Monitoring: Comments

The development is close to the Air Quality Management Area and as such electric vehicle charging points are recommended.

Environment Agency: No objection subject to conditions dealing with contaminated land

Natural England: No significant concerns

B&NES Contaminated Land Officer: No objection subject to conditions

B&NES Environmental Health: No objection subject to conditions

B&NES Parks & Green Spaces: No objection subject to other consultee comments

B&NES Economic Development: No objection subject to a Targeted Recruitment & Training Plan.

Avon Fire & Rescue: Fire Hydrants required

B&NES Drainage & Flooding Team: No objection subject to Wessex Water approval of discharge, and subject to conditions

B&NES Housing Team: OBJECTION

- o B&NES policy CP9 requires a 40% affordable housing contribution;
- o The standard approach is that to meet the highest housing needs of the City, a tenure split of 75% Social Rent & 25% Shared Ownership dwellings is required;

- o The applicant has submitted a viability proposing an affordable housing contribution of just 10%, delivered as market rented accommodation with a discount to local market rent levels of just 20%;
- o Housing Services are unable to comment further until the Planning Authority has carried out its independent testing of the submitted viability;
- o The Applicant must note that whatever level of affordable housing contribution is agreed and whatever tenure is arrived at; the affordable dwellings must meet the design requirements as per the current B&NES Supplementary Planning Guidance.

B&NES Landscape Officer: Not acceptable in current form

- o Concur with the conclusions drawn in the submitted Landscape and Visual Impact Assessment that:
 - o The increased scale and height of proposed development would be mitigated by the replacement of a local detractor, with a positive scheme designed to visually integrate with its context;
 - o Though the proposed development would be visible as an increase in scale and mass the building design and proposed materials would provide a good level of visual integration;
 - o The proposed development would be barely perceptible in more distant views and there would be no material effect on the character of panoramic views across the city.
 - o However the arrangement of residential and overflow parking is sub-optimal and that this and the other issues outlined below need to be satisfactorily addressed prior to the determination of the application.

B&NES Archaeology: No objection

The area of the proposed development was completely quarried out in the 19th century which would have removed any below ground archaeological deposits on site.

B&NES Public Rights of Way Team: No objection

B&NES Education Team: No objection

The proposed development is not calculated to have any negative impact on the provision of sufficient early years, primary and secondary school places and therefore there is no objection from Education.

Petroleum Enforcement Authority: COMMENT

- o The records for the site show 3 x petrol and 1 x diesel underground storage tanks which were filled in 2005 using Resin Generated (RG22) foam;
- o The submitted Geo Environmental Site Assessment Report acknowledges the existence of the 4 underground storage tanks which are believed to remain in situ in the ground;
- o Other infrastructure may once have existed at the former petrol filling station site that we are not aware of;

- o If there is any doubt over the historical petroleum storage facilities, the Planning Officer should liaise with the Petroleum Enforcement Authority at Bath & North East Somerset Council and/or if necessary seek guidance from Bath & North East Somerset Council Environmental Health Pollution Control Team about the historical storage of petroleum spirit at the site;
- o It is the Petroleum Officer's opinion that all redundant underground storage tanks and any remaining petrol storage infrastructure should be removed from the ground by a competent contractor used to dealing with redundant petroleum infrastructure, should planning permission for the works be granted.

Third Party Representations (summarised)

Bath Preservation Trust: OBJECTION

- o The scheme still includes a large amount of student housing;
- o Policy SB15 requires that there be no student housing on this site "where this would prejudice the achievement of Policy DW.1 and B1 of the Placemaking Plan."
- o The application does not include any evidence that this would not prejudice the achievement of the aims of policies DW.1;
- o The emerging West of England Joint Spatial and Bath Local Plans¹ both require that an additional 300 homes are found in Bath, through windfall sites and intensification of existing allocated sites, such as Hartwells
- o Any additional capacity achieved through intensification of development on this site should therefore be devoted to helping Bath reach this new target and should not be used for student housing;
- o It is important to note that this site is not the full SB15 site so it could be argued that the amount of housing on the application should be lower than maximum of 100 specified by Policy SB15;
- o The Newbridge Road is a key route into the World Heritage Site from the west; there is a pleasant progression along this route;
- o The Trust agrees with the general conclusions of LVIA, as shown on the Visually Verified Montages (VVMs), that the impact of the proposal on long distance and medium distance views from the surrounding viewpoints looking into the city would not significantly harm the universal Value or setting of the WHS;
- o However, as shown by VVMs 7 and 8/9, there would be a significantly adverse effect on the WHS;
- o The views obtained across the site from Newbridge Road towards the Twerton slopes and ridges beyond are an important feature of the site and they make a contribution to the spacious character of the area;
- o The Trust is concerned that these views would be substantially lost, due to the solid layout of the frontage blocks. The view through the narrow gap between the frontage blocks would be blocked by the student blocks beyond;
- o The Trust does not therefore agree that the proposed layout is justified because it will replace a detractor;
- o The Trust notes that a freestanding frame along the frontage is proposed - if this is part of the "layout" then the Trust objects to this alien object in the street scene;
- o The deep plan blocks and poor quality frontage treatment along the Newbridge Road would be completely at odds with the residential character of the area;
- o The layout would therefore be contrary to the aims PMP Policy SB15.2 and the text in para 203 of SB15, which require that the site has "an active frontage;

- o A finger of the site extends under the road bridge along the former railway line to the east and this is within the Conservation Area;
- o It should be seen as part of the future linear cycle route/public park and the Trust seriously questions the use of this area as an overflow carpark;
- o There is a row of trees along the site frontage which although slightly formal in their planting, creates a soft element to the frontage. The loss of one, possibly two trees on the frontage would harm the character of the area;
- o The deep plan blocks would be seen at an angle and would be an alien feature within the setting of the Conservation Area and would detract from the pleasant and consistent linear terraced character of the street scene within the Conservation Area
- o Policy SB15 requires that the development should be sympathetic to the context of the Victorian terraced housing. The massing and deep plan of the blocks serves will increase the impact of the height of the blocks on the street scene;
- o The screening device over the entrance to the car-park is also an anomaly in the street scene;
- o The Trust urges that reconsideration be given to a layout with an active frontage (i.e. front gardens and front doors) along the Newbridge Road, to integrate the frontage with the residential character of the street;
- o The application is not clear about whether the pedestrian route into the site from the Newbridge Road would be publicly accessible at all times;
- o There is a poor relationship with the proposed new cycle route/public park, whose edge along the southern boundary of the site, would be dominated by car parking;
- o The applicants state they have a permanent right of way but currently the Maltings Estate is gated and is locked at night;
- o The access through the Maltings should not be approved until the Council is completely satisfied that this will be a permanent, safe and practical route to the site for 24/7;
- o Has the Council given up on the possibility that the route might be used for other types of sustainable transport;
- o The applicants have bent the route southwards in order to build the student blocks. Is a 3.5m wide route with a sharp bend, enough for other forms of sustainable transport?

WSP Indigo Planning on Behalf of Standard Life (owners of Maltings Industrial Estate) (a number of letters have been received):

- o The approach that the Agent has detailed, with regard to the servicing arrangements for the proposed development, is impracticable and unrealistic;
- o The proposal could have a detrimental impact on the operations of the Maltings Industrial Estate;
- o The servicing strategy should be comprehensively reviewed before any planning decision is made;
- o Information is required in respect of how the management team will ensure that information is provided to delivery companies and how it will be complied with by delivery companies;
- o Details should therefore be provided setting out how the servicing access will be made available at all times, how access across the Maltings Industrial Estate would be secured, and how delivery drivers would know how and where to access the site from.

Transition Bath: Comment

Unfortunately the Energy Statement of this application is very poorly written and it is impossible to tell whether it is compliant with B&NES SCR1 and CP2 standards. In addition the Sustainable Construction Checklist has not been completed. The developer should resubmit their Energy Statement and Sustainable Construction Checklist in readable form so that Transition Bath can comment

Avondale Road and Osborne Road Residents Association: OBJECTION

- o Over development;
- o The proposed density is not in keeping with the local area;
- o Threat to the local community;
- o The area comprises a mixture of families, couples and single, by contrast the development is a mixture of student accommodation and small flats;
- o Highway concerns;
- o The lower carpark access point is illpositioned on a bed with limited visibility and on a pavement;
- o There is the potential for greatly increased local traffic problems;
- o It is already difficult to park;
- o There is no permit parking scheme operating in this area;
- o The development will exacerbate parking problems locally;
- o The only access to the cycle path will be through the private development

Bath & North East Somerset Allotments Association: OBJECTION

- o There is clearly a strong unmet demand in this area for allotment even before any new demands are added;
- o The applicant offers a sum of £25k in lieu of allotment provision;
- o There is concern that the allotment provision required to mitigate this development will fail to materialise;
- o At the very minimum the applicant should be required to identify a deliverable allotment site either on or off the site, before outline permission is granted;
- o The long finger of railway land extending to the east would be ideally suited to the provision of allotments;
- o The shared pedestrian/cycle route should be part of the green space vision for this development- yet we have nothing. Just a narrow cycle route with parked cars and a service yard on either side of it;
- o The amenity and safety of the allotments is borne in mind when the construction plan is submitted, should planning permission be granted;
- o Given that the Council has designated climate emergency as a Cabinet portfolio, surely it is now time to recognise that Green Spaces, in particular allotments and local food growing, are a seriously important part of the tackling climate change agenda, for many reasons;
- o This application should not be approved until the provision of the full range of Green Spaces, including the specified amount of allotment land, needed to make this proposal policy compliant, are shown to be deliverable.

Federation of Bath Residents Associations (FoBRA): OBJECTION

- o FoBRA shares highway concerns;

- o Concerns regarding an affordable housing contribution of only 10% (the policy requires 40%). The developers are non-compliant;
- o The submitted Statement of Community Involvement is misleading and significantly understates the evidence of concern by objectors;
- o FoBRA questions the need for the provision of yet more purpose built student accommodation in Bath;
- o The universities are endeavouring to build more student accommodation on campus - which is also sought by B&NES policy
- o The proposed development is aesthetically displeasing;
- o The scheme's height, mass and scale are out of character with the area.

278 correspondence have been received in relation to this planning application of which 274 are objections and 4 are comments; no letters of support have been received. The objections are summarised as follows:

- o Student accommodation is not needed;
- o There is no need for more off-campus student housing in Bath;
- o Policy SB15 excludes student accommodation on this site;
- o Serious road safety issues;
- o Safety implications for children walking to the nearby school;
- o There is a huge parking problem and this development will make it worse;
- o Students will bring their cars whatever restrictions are in place;
- o The restrictions will be unenforceable;
- o On-site parking is inadequate;
- o Surrounding roads are already at capacity (in terms of on-street parking);
- o The highway impact has not been properly assessed/modelled
- o The development will add to traffic volumes;
- o No provision for electric vehicle charging;
- o The alignment of the cycleway is not acceptable;
- o The development is too large for the site;
- o Overdevelopment
- o The lower part of the site should be allocated for continued industrial use;
- o Monolithic style is out of keeping with the area;
- o The buildings are too high and are out of context;
- o Detrimental to local character;
- o The proposed bronze cladding is incongruous;
- o Inadequate green space;
- o There should be substantial good quality ecological planting;
- o This is a quiet family area, student housing will negatively affect the ambience;
- o Domestic neighbourhoods are being surrendered in favour of transient population;
- o The housing mix does not reflect the needs of the community;
- o Extra air pollution;
- o Increased noise and disturbance;
- o Litter and drunken antics will be raised to intolerable levels;
- o Inadequate affordable housing;
- o Affordable housing for young people is needed instead;
- o Alternatively secure housing for the elderly should be provided;
- o Employment uses should be provided on this site;
- o The coffee shop is not needed - there are amenities in Chelsea Road;
- o Remarkable that affordable housing on a large site in an affluent area is not viable;

- o Impact on house values;
- o Loss of light;
- o Impact on views;
- o There has not been proper consultation with the community;
- o Loss of privacy due to overlooking;
- o Local infrastructure is inadequate;
- o Harm to heritage assets;
- o Issues with accessing the site through the Maltings Industrial Estate;
- o Use the site to rehouse the homeless;
- o We need affordable homes for RUH staff;

Comments summarised as follows:

- o The view from my house will be obscured by the new development;
- o The view from the vicinity of my house was not included in the LVIA;
- o There will be a significant negative effect on the view of the rural landscape in Bath for many residences;
- o Adverse impact on the safety of school children and caregivers who are walking/cycling to and from Newbridge Primary every day;
- o Lack of information about the construction programme;
- o Will there be an opportunity for school children and local residents to visit the site during construction to understand progress and to learn about the different skills employed?
- o Fully support the introduction of a cycleway along the disused railway line through the site and this will be a great addition to the already-excellent cycling route.
- o A large group of students will not mix well with residential properties which are predominantly families (given the proximity of the primary school);
- o We have had bad experiences of students living on Lyme Road;
- o Affordable housing for small families would be beneficial and in keeping with the area;
- o There is a shortage of family and private housing in Bath;
- o It should be social housing for the people of Bath;
- o I think students will be a positive contribution to local community;
- o It is also on an easy bus route to Bath Spa;
- o Other accommodation should be targeted at retired people;
- o Resident parking permits need to be set up in this area as already we are getting hospital staff parking here and it won't get better;
- o They are trying to maximise profit and cram as many dwellings in as possible;

POLICIES/LEGISLATION

The Council's Development Plan comprises:

1. Bath & North East Somerset Core Strategy (July 2014)
2. Bath & North East Somerset Placemaking Plan (July 2017)
3. West of England Joint Waste Core Strategy (2011)
4. Bath & North East Somerset saved Local Plan (2007) Policy GDS1 (K2;NR2;V3 &V8) only
5. Neighbourhood Plans (none in Bath)

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

- Policy DW1: District Wide Spatial Strategy
- Policy B1: Bath Spatial Strategy
- Policy B4: The World Heritage Site and its Setting
- Policy CP2: Sustainable Construction
- Policy CP3: Renewable Energy
- Policy CP5: Flood Risk Management
- Policy CP6: Environmental Quality
- Policy CP7: Green Infrastructure
- Policy CP9: Affordable Housing
- Policy CP10: Housing Mix
- Policy CP12: Centres and Retailing
- Policy CP13: Infrastructure Provision

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:

- Policy SCR1: On-site renewable energy requirement
- Policy SCR5: Water efficiency
- Policy SU1: Sustainable drainage policy
- Policy D1: General urban design principles
- Policy D2: Local character and distinctiveness
- Policy D3: Urban fabric
- Policy D4: Streets and spaces
- Policy D5: Building design
- Policy D6: Amenity
- Policy D10: Public realm
- Policy NE5: Ecological network
- Policy NE6: Trees and woodland conservation
- Policy NE1: Development and Green Infrastructure
- Policy PCS1: Pollution and nuisance
- Policy PCS3: Air quality
- Policy PCS4: Hazardous substances
- Policy PCS5: Contamination
- Policy PCS8: Bath Hot Springs
- Policy H1: Housing
- Policy H7: Housing accessibility
- Policy LCR9: Increasing the provision of local food growing
- Policy ST2: Sustainable transport routes
- Policy BD1: Bath Design Policy
- Policy SB15: Hartwells Garage
- Policy D8: Lighting
- Policy HE1: Historic environment
- Policy NE2A: Landscape setting of settlements
- Policy NE3: Sites species and habitats
- Policy PCS2: Noise and vibration

Policy CR4: Dispersed local shops
Policy ST7: Transport requirements for managing development

Supplementary Planning Documents and Other Relevant Planning Documents

- o Bath City-Wide Character Appraisal SPD (August 2015)
- o City of Bath World Heritage Site Setting SPD (August 2015)
- o Planning Obligations SPD (April 2015)
- o Sustainable Construction Checklist SPD (November 2018)
- o Bath Building Heights Strategy (September 2010)

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues in respect of this application are considered to be:

1. The principle of redeveloping the site and the development mix;
2. Design, form and impact on the World Heritage Site and Conservation Area;
3. Highway impact;
4. Impact on ecological interests;
5. Arboricultural matters;
6. Residential amenity;
7. Affordable housing;
8. Land contamination;
9. Public open space/allotments
10. Technical policy requirements

1. Principle of Redevelopment and the Proposed Development Mix

The application site, together with the adjoining concrete batching plant, is identified for redevelopment in the council's adopted development plan. The site is required to contribute towards the objective of delivering the 7,000 additional dwellings required in the city during the plan period. There is no policy requirement to provide replacement employment or employment generating uses on this site and as such the loss of employment at the existing dealership site is accepted (the dealership is already closed and has been for sometime).

Policy SB15 of the Placemaking Plan allocates the site (i.e. the application site plus the adjoining concrete batching plant) for residential development of around 80-100 dwellings. The policy is clear that this figure could include a variety of specialist older persons housing but only where this would not prejudice the achievement of Policy DW.1 and Policy B1 in respect of boosting the supply of standard market and affordable housing. Policy SB15 is also clear that the 80-100 figure cannot include student accommodation.

The application, as stated, seeks permission for 104 dwellings as well as 186 student bedrooms. The provision of 104 dwellings is clearly compliant with Policy SB15 as this meets the requirement that 'around' 80-100 dwellings be provided. The provision of 186 student bedrooms is also in accordance with Policy SB15 because this element of the scheme will not displace the 80-100 units required by the policy; the 186 student bedrooms are in addition to the 104 dwellings. Policy SB15 requires the provision of around 80-100 non-student units but it does not preclude additional forms of residential development, including student accommodation, above and beyond that figure once that requirement has been met.

In addition to residential accommodation the proposed scheme also includes a small (148sqm) commercial unit (A1 retail or A3 cafe/restaurant). In broad terms planning policy generally aims to steer new retail uses to locations within established town or other centres. Placemaking Policy CR1 however does not resist small-scale retail/cafe uses (of less than 280sqm gross floor space) in out-of-centre locations within the urban area of Bath if aimed at local needs shopping. This is echoed by Policy CP4 (Dispersed Local Shopping) which supports small-scale local needs shopping within the existing urban area of Bath. The proposed commercial unit measures just 148sqm in floor space, well below the 280sqm threshold set out in both Policy CR1 and CP4. The unit's very small size is such that it is highly unlikely to accommodate anything other than a use serving a localised need.

In summary, the principle of redevelopment is supported and the proposed development mix itself is policy compliant. The non-student residential units (104) accord in principle with the Policy SB15 requirement that around 80-100 dwellings be provided on this allocated site. Furthermore the provision of 186 student bedrooms does not conflict with Policy SB15, as this element of the scheme will not erode or undermine the aforementioned key policy requirement that around 80-100 non-student dwellings be provided. Policy SB15 does not preclude the provision of student accommodation on this site where part of a wider development mix which includes 80-100 non-student dwellings. The provision of a small local-needs commercial unit as part of the development mix accords with provisions of Policy CR1 and CP4 and is acceptable in principle.

2. Design, Form and Impact on the World Heritage Site and Conservation Area

Policy CP6 is the Core Strategy's overarching policy dealing with environmental quality; this seeks to secure, amongst other things, high quality inclusive design. Policies D1-D5 set out the Council's detailed urban design policies; these policies collectively seek to secure high quality design which is appropriate to its context. In particular Policy D2 supports development which contributes positively to and does not harm local character and distinctiveness; development is expected to positively respond to site context and improve areas of poor design. Furthermore Policy D2 requires design to respond appropriately to urban morphology, including amongst other things block and plot patterns; mix of uses, building heights, massing and scale, and local vernacular. In respect of density, Policy D2 is clear that the density of new schemes must be compatible with the character of the area but equally the policy encourages higher densities in accessible locations with good local facilities, on order to make an efficient use of land.

Within Bath, Policy BD1 (the Bath Design Policy) is clear that submissions must explain how the Bath design values have informed the proposed design approach including its aesthetics, building form, use, materials and detailing. It must also be explained how the height and scale of the proposal has respected, responded and positively contributed to the character of Bath, including Bath's heritage, its values and views. In addition Policy BD1 requires proposals to explain how proposals maintain the significance, integrity and authenticity of the World Heritage Site and preserve or enhance the character or appearance of the conservation area.

Policy HE1 of the Placemaking Plan seeks to safeguard the district's heritage assets which in the case of this application includes the Bath conservation area and Bath WHS. Development must preserve or enhance those elements which contribute to the special character and appearance of the conservation area. Any harm must be justified and weighed against the public benefits of the proposal and great weight must be given to the preservation of the heritage asset in question. Alongside Policy HE1, Policy CP6 also seeks to protect, conserve and enhance the historic environment and recognises that any harm to a heritage asset must be weighed against any public benefit.

The proposed development takes the form of five main buildings; two fronting Newbridge Road (broadly in the same location as the existing Hartwells showroom building); one fronting the rooftop car park (which is to be retained) and two further buildings to the rear. A new vehicular access is proposed to Newbridge Road in the north-eastern corner of the site; this will provide access to the large car park to the rear of the site including part of the former railway line. A secondary vehicular access is also proposed to/from the Maltings industrial estate to the south providing access for service vehicles and to a small nine-space car park.

Layout

The proposed layout is considered to be an appropriate response to the site's existing form and context. Policy SB15 states that the Upper Bristol street frontage (which is in fact Newbridge Road) should be defined by an active frontage with the articulation of facades and roofing aiding the integration of the buildings with the surrounding context. The provision of two key buildings (Block A and B) fronting Newbridge Road is a welcome approach which follows that encouraged by Policy SB15. Unfortunately the car park at the northern end of the site's street frontage is to remain (the building beneath it is not in the applicant's ownership or control) but the proposed layout attempts to enclose this space (with Block A and E) as well as provide some active frontage here; this is considered largely successful given the constraints. To the rear of the site, away from any road frontage and adjoining the site's industrial neighbours, the scheme proposes two further buildings (Block C and D); this is a reasonable and logical approach to developing the southern more discrete part of the site. In amongst the buildings are pedestrian routes and hard and soft landscaping aiding connectivity and the 'public' realm.

The proposed layout incorporates the proposed cycle path which runs through the site roughly following its southern boundary. The positioning and route of this pathway is considered appropriate and one which minimises conflict with the other users of the site (its technical merits are dealt with in the highway section below). Finally, the remainder of the site i.e its eastern extremity beyond the railway bridge will be left largely undeveloped with no buildings in this area only a small car park and habitat retention. This is

considered a sensible approach, and one which is supported, given the close proximity of residential neighbours here. In conclusion the proposed layout of the site is considered acceptable and appropriate to its context.

The police have raised a number of concerns regarding the potential for criminal activity in particular that resulting from the somewhat isolated car park and the pedestrian permeability into the site. Whilst these concerns are noted a balance must be struck with other planning considerations including the need to properly access the site and the need to make the most efficient use of it; the layout is acceptable in this respect. The other detailed matters raised by the police relate primarily to security matters (for example lighting/secure gates etc.); these matters are best dealt with at the reserved matters stage when the full details of the proposal are known.

Policy SB15 highlights that if the development of the site is to be phased (i.e. if it comes forward in two or more stages) the design of the first phase must not prejudice the achievement of good design on subsequent phases. The current application seeks permission to redevelop the garage site only; the adjoining concrete batching facility may or may not be developed as a subsequent phase. The proposed layout does not compromise the redevelopment of the adjoining site nor under undermine the ability of a good design coming forward. The rooftop car park above the Hansen will remain largely as existing and scope remains for the redevelopment of the yard to the rear albeit taking into account the current proposals.

Quantum and Capacity

As stated, this is an outline application with all matters reserved with the exception of the scheme's layout and the means of access. The appearance and scale of the development are therefore matters for detailed assessment at a later stage; however as permission is sought at this stage for the quantum of the proposed uses (i.e. the number of units in each use) the Council must be satisfied that the site has the capacity to accommodate that proposed quantum in a satisfactory and policy compliant manner. This inevitably involves a high level assessment of scale and massing alongside the assessment of the proposed layout set out above - illustrative plans have been provided by the applicant to aid this process.

The illustrative plans show the buildings fronting Newbridge Road (Blocks A and B) as three storeys in height when measured from street level (five storeys when measured from the lower ground to the rear). The ridge height of these buildings is shown as being lower than that of the residential properties on Newbridge Road opposite the site. The block facing the car park (Block E) is five storeys. The two student accommodation buildings to the rear (Blocks C and D) are five storeys in height albeit with some lower elements. These buildings are shown on the illustrative drawings as being lower than those proposed to front Newbridge Road and as such somewhat lower again than existing properties on Newbridge Road opposite the site. The student accommodation blocks are taller however than the commercial buildings to the immediate south of the site on the Maltings Industrial Estate.

A Landscape & Visual Impact Assessment (LVIA) has been undertaken and submitted by the applicants; this considers the wider landscape and visual impact of the illustrative

scheme. The submitted LVIA has in turn been scrutinised by the Council's own landscape team.

The submitted LVIA concludes that when seen in close views the proposed scheme will be of a greater scale and height than the existing building but this impact will be mitigated by the replacement of unattractive building (what is referred to as a 'local detractor') with a scheme which is designed to visually integrate with its context. In medium range views the LVIA concludes that whilst there would be a visible increase in scale and massing as a consequence of the development, there would be a good level of visual integration. The LVIA goes on to conclude that the proposed, illustrative development would be barely perceptible in more distant views with no material effect on the character of views across the city. The Council's own landscape team endorse these conclusions albeit whilst highlighting that there is scope for improvement in terms of how the development is experienced from the proposed cycle route.

In conclusion, the proposed scheme's layout together with the associated illustrative elevations (which show the scheme's potential scale and massing) satisfactorily demonstrates that a development is achievable here which successfully responds to the site's immediate surroundings as well as having an acceptable impact from more distant surroundings. The submission demonstrates that the site is able to accommodate 104 dwellings and 186 student bedrooms (and one cafe) as well as associated infrastructure in a manner which will have an acceptable impact in terms of the development's layout, impact on the conservation area and impact on the wider UNESCO World Heritage Site and which will not prejudice delivery of the remaining site allocation.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. The submitted details demonstrate that the proposed development, subject to the further reserved matters submission, will preserve the character and appearance (and setting) of the City of Bath Conservation Area and will not undermine nor conflict with the Outstanding Universal Values (OUV) of the World Heritage Site. For the reasons set out above the application complies with Core Strategy Policy CP6 and policies D1-D5, BD1 and HE1 of the Placemaking Plan in so far as they are relevant to the matters under consideration in the assessment of this outline application.

Core Strategy Policy CP10 deals with the mix/nature of housing provided on residential developments. The policy aims to ensure that developments incorporate a variety of housing types and sizes so that a range of different households are provided for. The scheme proposes 104 dwellings (excluding the student accommodation) which comprise:

- o 24 x one-bed one-person flats;
- o 40 x one-bed two-person flats;
- o 5 x two-bed three-person flats;
- o 35 x two-bedroom four-person flats.

It is evident that the development includes a wide range of accommodation types and sizes. It is acknowledged that all of the proposed homes are apartments rather than conventional houses but there is a significant quantum of conventional housing in the

locality and it not considered necessary nor reasonable to insist that conventional housing be provided as part of the mix. The application complies with CS Policy CP10.

3. Highway Impact

Policy ST7 of the Placemaking Plan seeks to ensure that, amongst other things, highway safety is not prejudiced; that there is safe and convenient access for pedestrians and cyclists; that the vehicular accesses are suitable; that the development does not introduce traffic of excessive volumes, size or weight on to an unsuitable road system (or environmentally sensitive area) and that improvements to the transport system (or other mitigation) is provided to make the development acceptable - without harm to the historic or natural environment.

The proposed layout, as stated, involves three vehicular accesses to the site; two accesses from Newbridge Road and another to the rear from The Maltings industrial estate. The northernmost access to Newbridge Road is in a similar location to the existing forecourt access; this will provide access to the 37-space car park deck which sits above the concrete batching plant. A second vehicular access is proposed at the eastern end of the Newbridge Road frontage; this will descend into the site passing beneath Block B and will provide access to a 51-space car park and 16-space car park to the rear. A further vehicular access is proposed to the rear of the site from the Maltings industrial estate; this will provide access to a small 9-space car park as well as access for service and delivery vehicles. No highway safety concerns have been raised by the Council's Highway Team to the proposed access arrangements.

As mentioned access to the site for service vehicles is intended to be via the aforementioned southern access to the Maltings industrial estate. The Maltings industrial estate is third party land and it has been demonstrated that the appropriate rights of access are in place. The estate is secured by a locked gate however and therefore to ensure that access to the development is always available, the S.106 Agreement will need to secure the submission (and subsequent adherence to) a plan for the management of this off-site arrangement. Subject to robust, enforceable provisions being set out in the S.106 Agreement to secure unrestricted access through the Maltings industrial estate the Highways Team has no objection to this arrangement.

Parking and Associated Issues

Policy ST7 states that proposals should incorporate an appropriate level of on-site parking (both vehicles and bicycles) in accordance with the Council's adopted standards and that there should be no increase in on-street parking in the vicinity which would affect highway safety or residential amenity. Policy ST7 is clear that there is scope to deviate from the Council's parking standards where specific circumstances are demonstrated, such as the application of the Council's accessibility assessment. It is also a requirement of Policy ST7 that electric vehicle charging points be provided where practicable.

All of the proposed on-site car parking is intended for the residential apartments; no student car parking is proposed. The proposed level of residents parking accords with the Council's adopted parking standards and a Parking Management Plan can ensure that the spaces are appropriately allocated; this can be secured by condition. It is noted that some of the car parking is situated some distance from the residential apartments (such as the

16 spaces along the former railway line) which is not ideal in terms of accessibility however this parking will nonetheless meet the needs of the development and operate in a satisfactory manner.

Substantial cycle parking is proposed at lower ground floor level comprising 72 spaces for student use and 208 spaces for the residential use (2 spaces per dwelling); this level of provision accords with the Council's standards and meets with the approval of the Highway Team. In addition 24 spaces are proposed for visitors by means of Sheffield stands.

Notwithstanding the lack of on-site student car parking, there remains a risk that student occupants will own cars and park them in the surrounding streets. It is critical therefore that any planning permission includes effective measures to prevent student occupants from bringing cars to Bath so that the development does not result in knock-on unacceptable/distruptive car parking locally - which would be in conflict with Policy ST7. In the event that permission is granted, the S.106 Agreement can ensure that it is a condition of any tenancy that occupants do not bring a car into the city (except on change over days etc.) This approach has been implemented in relation to other purpose-built student accommodation in the city and has generally been successful. The Highways Team has also suggested that a financial contribution be secured to finance the introduction of a Residents Parking Zone in the local area if required. Given that it is not known whether this measure is actually required or necessary to make the development acceptable in planning terms, such an obligation fails the statutory tests for planning obligations set out in the Community Infrastructure Levy Regulations (Regulation 122) and therefore is not recommended.

Public Transport

Following initial concerns being raised by the Council's Highway Team in respect of bus capacity, it has subsequently been confirmed by the First Bus Bath Operations Manager that there are no significant capacity issues relating to the bus services routed past the application site. Improvements to the bus stop on Newbridge Road (the provision of a shelter and waiting area) will need to be secured (by S.106 Agreement) should permission be granted (as will a widened footway).

Sustainable Transport Route

The proposed layout, which as stated is not illustrative, shows a dedicated 3.5m wide segregated cycle and pedestrian pathway running through the site from east to west and connecting with the safeguarded route either side. Policy ST2 of the Placemaking Plan states that development which prejudices the use of the former railway land for sustainable transport purposes will not be permitted. Placemaking Plan Policy SB15 goes on to state that the design response [in respect of the site's redevelopment] must, amongst other things, recognise the importance of the disused railway line as a protected sustainable transport route. The Council's highway team has reviewed the proposed pedestrian/cycle path and are content with its alignment and detail in so far as it passes through the development site.

It is crucial that future residents are given sustainable transport options, and indeed encouraged to use alternatives to the private car. For this reason, and given the significant

scale of the development, it is necessary for the development to deliver the cycle path, not only through the site itself, but onward to Station Road and Brassmill Lane to the east and west respectively. The Council's highway team has calculated that the cost of providing these onward connections to be in the region of £260k; it is recommended that that this sum is secured by S.106 Agreement in the event that permission is granted and that the Council itself upon receipt of this sum take the project forward and deliver the off-site cycle path connections.

Short Term Holiday Lets

There is a growing trend for purpose-built student accommodation to be let for holiday purposes outside of university term times. In many locations there is no planning reason to resist the use of student accommodation for short-term letting but in this suburban location it would be likely to have unacceptable localised car parking issues contrary to Policy ST7. As stated no on-site car parking is proposed to serve the student accommodation, and the site is some distances from public transport hubs. It is recommended that the S.106 Agreement incorporates measures to prevent short-term letting.

Subject to the planning obligations and conditions described above the application complies with Policy ST2 and ST7 of the Placemaking Plan.

4. Impact on Ecological Interests

The application site is largely developed and includes a number of substantial buildings such the main dealership building, yards and various workshop buildings to the rear; until recently these buildings were in active use. The eastern part of the application site however (i.e. the former railway line east of the Osbourne Road bridge) is devoid of buildings and is largely overgrown with scrub and mature vegetation; there is clear ecological potential here.

Placemaking Plan Policy NE3 states that development that would adversely affect protected species and/or their habitats will not be permitted, and nor will development that would adversely affect internationally important sites (except in exceptional circumstances). It is also relevant that Placemaking Plan Policy NE5 is clear that development is expected to demonstrate what contribution will be made to ecological networks through for example habitat creation; protection, enhancement, restoration and/or management. Policy SB15 states that the design response must recognise the importance of the disused railway as a connective habitat; this is echoed more generally by Policy CP6 which states that development will enhance connections between sites and valued habitats as well as improve the quality and size of existing sites and valued habitats and create new such sites and reduce pressure on wildlife through environmental improvements.

An Ecological Appraisal of the site (Windrush Ecology, April 2019) has been submitted with the application. This has concluded that the buildings and hard standing within the site (including the gravelled parking areas) are of negligible interest for wildlife. Unsurprisingly it has also been concluded that the woodland habitat along the former railway line and mature trees at the periphery of the site are considered to be important at a site level. The mature oak tree in the south-west corner of the site is considered to be of ecological value because of its age and potential to support birds, bats and invertebrates.

The mature ash and sycamore trees are important components of the small woodland areas within the site and represent some of the oldest ecological resources

Badgers are present along the disused railway line and within adjacent properties, with a badger sett located to the northern embankment of the site. The sett is considered to be a main sett with at least two active entrances (observed in 2018), with four and six active entrances in 2014 and 2013 respectively.

The Council's ecologist acknowledges that the submitted surveys have not identified any bat roosts in the trees and that those findings are accepted. It is recommended however that in the event that permission is granted conditions be imposed to ensure precautionary working methods and potentially update inspections.

Concern has been raised by the Council's ecologist in respect of reptiles, in particular slow worms. The habitat at the eastern end of the site has been identified as being highly suitable for reptiles. The Council's ecologist is content for this matter to be dealt with by means of a Reptile Mitigation Strategy which could include further survey results; this can be secured by condition.

Particular concern has been raised by the ecologist in respect of the lack of connective green infrastructure (i.e. habitat corridors etc.), especially given that there is a main badger sett on site as well as considerable badger activity locally. It has been highlighted that connective green infrastructure would reduce potential conflict between residents and wildlife and that a continuous planted/vegetated buffer zone alongside the cycle path would be one solution.

Whilst the concerns of the ecologist regarding connective green infrastructure are noted it must be appreciated that this is a previously developed site covered in existing commercial buildings and hardstanding, and which until recently was in active use. There is no connective green infrastructure on site currently and the proposed development will not therefore lead to any loss or harm in this respect. The existing larger areas of vegetation within the site, for example the wooded slopes of the former railway line, will largely be unaffected by the proposals. The incorporation of further connective green infrastructure within the scheme would certainly represent an ecological enhancement but it is not considered to be essential for the development to be acceptable in planning terms. The creation of a more substantial buffer zone of planting alongside the cycle path would be a disproportionate response and one which would ultimately sterilise a significant proportion of the site unnecessarily. There are also serious questions as to the extent of planting actually achievable here given the presence of a 15m wide sewer easement beneath the cycle path alignment.

For the reasons set out above, in respect of ecological matters, the application is considered to be in accordance with Policy NE3, NE5 and SB15 of the Placemaking Plan as well as Policy CP6 of the Core Strategy, subject to the planning conditions referenced above and detailed below.

5. Arboricultural Matters

The landscaping of the development is a reserved matter and as such does not form part of this current application; the nature of the proposed planting, including the detail of any

replacement/compensatory tree planting, cannot therefore be considered at this stage. The site's proposed layout is not a reserved matter however and so its impact on the site's existing trees and vegetation must be scrutinised now.

The site includes an attractive row of semi-mature whitebeams (six in total) along part of the site's Newbridge Road frontage. These trees are not the subject of a Tree Preservation Order (TPO) and nor are they within the conservation area, as such they benefit from no formal protection. Also on the Newbridge Road frontage is a group of trees which includes sycamore, hawthorn and ash; these trees are benefit from no formal protection. Elsewhere mature and semi-mature trees are present on the site's periphery as well as along the margins of the former railway cutting (within the site). In this area the trees are significant in number and benefit (where eligible) from the protection provided by being within the Bath conservation area.

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

An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted with the planning application. These confirm that two trees, one tree group and two trees from a further tree group are proposed for removal in order to facilitate the development, in addition one further dead Ash tree is proposed for removal for arboricultural reasons. The proposed tree removals include one of the aforementioned trees on the Newbridge Road frontage as well as the adjacent group of sycamore, hawthorn and ash.

The Council's Arboricultural Officer has raised an objection to the scheme. The proposal involves the retention of all but one of the whitebeams on the Newbridge Road frontage but the Arboricultural Officer is concerned that the retention of these trees is unrealistic given the proximity of the proposed new buildings. There is evidently a difference in professional opinion between the Council's arboricultural expert and the developer's expert (Tree Research Ltd). The developer's expert has stated that only a minor percentage of the root protection areas (RPAs) to the south conflict with the footprint of the proposed building and that this encroachment is tolerable for the trees provided any roots encountered are pruned in accordance with the provided arboricultural method statement. Ultimately it is not known whether these trees will survive in the long-term or not and therefore the application must deal with both scenarios.

As stated these trees are not within the conservation area and nor are they the subject of Tree Preservation Orders; they therefore benefit from no formal protection. In respect of policy protection Policy NE6 does not require the retention of all trees, rather development is required to 'seek to avoid' any adverse impact with compensation required where harm is unavoidable. Even if the worse-case scenario occurs and the trees are lost, it is not considered that the proposal is contrary to policy; it is considered that the development does seek to avoid adverse impacts on trees as required by Policy NE6. The setting back of the Newbridge frontage would be undesirable from a design perspective and across the

development as a whole tree removal is limited. It is recommended therefore that in the event that the trees fail within a reasonable time period, on-site compensatory tree planting be secured by condition.

The proposed layout shows that the group of sycamore, hawthorn and ash adjacent to Newbridge Road will be felled and cleared to facilitate the formation of the new vehicle access serving the lower car park. The Council's Arboricultural Officer has raised no objection to the removal of these trees.

T23 (one of the Newbridge Road whitebeams) is to be felled to facilitate the construction of the new bus shelter; whilst this is unfortunate the benefits of providing enhanced public transport facilities outweighs the harm caused by the loss of the tree, significant so. No concerns have been raised by the Council's Arboricultural Officer in respect of any of the other tree removals.

The Arboricultural Officer's remaining concerns relate to detailed landscaping matters (positioning of new trees etc.) and the principle of providing an overflow car park within the former railway cutting. The detail of the landscaping proposals will be the subject of a subsequent reserved matters submission and therefore concerns regarding the positioning of individual tree planting must be deferred until that stage. Concerns regarding the loss of green infrastructure within the railway cutting area are noted but this site is allocated for redevelopment and the quantum of retained green infrastructure is considered to be sufficient. The application accords with Placemaking Policy NE6.

6. Impact on Residential Amenity

Placemaking Plan Policy D6 (amenity) states that development proposals must provide for appropriate levels of amenity; in particular existing and proposed development must achieve appropriate levels of privacy, outlook and natural light. The policy goes on to prescribe that development must not cause significant harm to the amenities of existing and proposed occupiers by reason of loss of light, noise, odour, overlooking, traffic or other disturbance and that there must be adequate amenity space (private or communal). Policy PCS2 (noise and vibration) states that development will only be permitted where it does not cause unacceptable increases in noise/vibration that would have a significant adverse impact on health, quality of life, natural/built environment or general amenity. The Policy also prescribes that noise sensitive developments should avoid locations wherever possible where occupants would be subject to unacceptable levels of noise and vibration from an existing noise source.

Two-storey semi-detached properties are situated close by to the west of the site in Rudmore Park as well as slightly more distant in Avon Park. Residential properties are also situated either side of the development on Newbridge Road as well as directly opposite the site. There are also residential properties to the south in Osbourne Road, Avondale Court and Avondale Road.

The appearance of the proposed buildings is a reserved matter (and therefore is ultimately unknown at this stage) but it can be reasonably assumed that there will be upper floor windows in all of the elevations of the proposed buildings. Blocks A, C and E are likely to have windows directly facing Rudmore Park and Avon Park. Be that as it may the existing dwellings in Rudmore Park are a minimum of 40 metres from the closest proposed block

and the dwellings in Avon Park are further still at approximately 80m at their closest. The existing properties in both Rudmore Park and Avon Park are considered to be too distant for the proposed development to cause unacceptable levels of overlooking, or any other unacceptable adverse impact on amenity such as overshadowing or noise impact. It should also be noted that there is also substantial intervening vegetation along the relevant boundary which provides significant screening.

The proposed blocks which will form the frontage of the development to Newbridge Road will be situated approximately 30m from the houses situated opposite. This is sufficient to ensure that unacceptable impacts on amenity do not result and is typical of separation distances found in a street environment. The closest property alongside the development on Newbridge Road (to the north-west of the site) is in excess of 50m distant; this is considered too distant to be adversely affected.

The closest residential properties to the proposed buildings are those situated to east of the site on Newbridge Road; the closest is in the region of 20m from Block B. Whilst Block B will be situated in relative close proximity to neighbouring residential properties, the relationship here is considered acceptable. 20m is sufficient distant to minimise adverse impacts on amenity and the intervening area is to be occupied by landscape and planting. The main access road to the lower car parks will pass through this area and this will inevitably generate some traffic noise, it is not considered however this will be unacceptably disturbing given the site's context alongside a main through road.

As mentioned, a concrete batching plant sits adjacent to and partially beneath the application site. The proximity of the plant to the proposed development is less than ideal but it must be noted that the plant is already situated in a partially residential area and is not known to be problematic in terms of residential amenity issues. It is not considered that the relationship between the concrete batching plant and the proposed development will give rise to any significant amenity issues, including noise or vibration. The outline proposal provides an appropriate level of amenity and will not cause significant harm to the amenities of existing and proposed occupiers; accordingly the proposals comply with Policy D6 in respect of residential amenity matters.

7. Affordable Housing

The application site is located in a part of the district identified by CS Policy CP9 as requiring 40% affordable housing. The application proposes a total of 104 dwellings (excluding student beds); this equates to a total affordable housing requirement of 42 affordable dwellings here.

CS Policy CP9 states that the viability of schemes should be taken into account when considering affordable housing obligations. The NPPF (at Para. 57) states that, "it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force".

A viability appraisal (CBRE) has been submitted by the applicant and this seeks to demonstrate that only a 10% affordable housing contribution is financially viable (this

assumes tenure is affordable rent (AR) and that the units are let at 80% of the market rate). The submitted viability appraisal claims that a negative residual land value would be generated for a 40% affordable housing scheme - which would clearly be unviable. It goes on to claim that reducing the contribution to 10% affordable housing, alongside the applicant's decision to take a lower profit margin, increases the profit margin to a level that is viable.

The developer's conclusions regarding financial viability matters cannot be taken at face value; the council has therefore appointed independent viability experts, Cushman & Wakefield (C&W), to scrutinise the submitted appraisal. C&W are in largely in agreement with much of the applicant's calculations and assumptions; it has long been agreed that a policy compliant level of affordable housing (i.e. 40%) is not financially viable. C&W's independent analysis has gone further and has sought to establish the level of level of affordable housing contribution that is viable. Following protracted discussions between the parties it has now been agreed that 12.5% affordable housing is all that this development can viably contribute; this equates to 13 affordable rent units. This level of contribution is clearly very disappointing but given that Policy CP9 enables financial viability matters to be taken into account, and such matters have been assessed by independent experts appointed by the Council, the application is not contrary to policy and is thus acceptable. It is recommended however that should the committee resolve to grant permission a 'claw-back' mechanism be included in the S.106 Agreement to ensure that any subsequent improvement in the financial viability of the development results in an increased affordable housing contribution.

8. Land Contamination

The application site is a former quarry which was once bisected by the railway line. The site has been in use as a car dealership for some time and there are known to be three underground petrol storage tanks as well as one underground diesel tank beneath the site (these were filled in 2005). It is possible that there is further redundant fuel/other infrastructure beneath the site. There is a clear potential for the site to be contaminated and indeed the site is identified in the Council's records as being a 'Site of Potential Concern' in this respect.

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

A Geo-Environmental Site Assessment Report has been submitted with the application. The Council's Contaminated Land Officer has been consulted and she is satisfied that the submitted report provides a preliminary land quality assessment of the site. It has been highlighted however that the submission has a number of limitations and therefore more detailed investigations will be required, particularly in relation to the former fuel station. The Contaminated Land Officer is content for these further investigations to be dealt with by condition should permission be granted, it is not necessary for this matter to be

resolved prior to determination. Subject to such conditions the application complies with Policy PCS1 and PCS5 of the Placemaking Plan.

9. Public Open Space and Allotments

In Newbridge Ward there is a deficit of allotments (-1.60ha), Amenity Green Space (-0.07ha), Park & Recreation Ground (-4.18ha) and Youth Play Space (-0.13ha). There is however a sufficient quantity of natural green space in the area to meet the demand for this typology from future residents.

The application site is directly adjacent to Avon Allotment Site. The development of 104 residential dwellings and 186 student bedrooms is expected to be populated by 425 residents (186 students and 239 other residents), these residents create a demand for greenspace as follows;

- o Parks & Green Space 5525m²,
- o Amenity Green Space 1275m²
- o Youth Play 128m²
- o Allotments 1275m²

It is impractical for this development to provide sufficient quantities of these greenspace typologies on-site. Importantly it is recognised that the development can provide wider green infrastructure benefits through the delivery of the sustainable transport route. The route will provide improved access to existing green space typologies on the river corridor and beyond and has the potential to be a recreational facility that can contribute to meeting the requirements of policy LCR6.

With regard to allotments (Policy LCR9), the development will create a demand for allotments due to an increased population. In the absence of on-site allotment provision (which is not considered necessary) the applicant's proposal for a financial contribution of £25,000 towards the off-site provision and improvement of allotments is accepted; this can be secured by S.106 Agreement.

10. Technical Requirements

Policy H7 (Housing Accessibility) requires 19% of market housing on a development such as this to have enhanced accessibility standards. 104 units of market housing are proposed so in practice this means that 21 of the proposed residential units must be of an enhanced standard of accessibility and will be required to meet technical standard 4(2) of Part M of the Building Regulations. The submission confirms that 19% of the development will indeed meet the Part M4(2) of the Building Regulations. The details can be agreed at the reserved matters stage and a condition is recommended, in the event that permission is granted, to ensure that that subsequent reserved matters submission includes the necessary information.

Policy CR2 (Sustainable Construction) requires an overall 19% reduction in regulated CO₂ emissions from the development. 10% of this reduction must be from renewable energy sources (as required by Policy SCR1 - see below) and the remaining 9% may be from other means (such as better insulation for example). Policy SCR1 (On-site Renewable Energy Requirement) requires development to demonstrate a reduction in

carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. This 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions.

An Energy Statement and Sustainable Construction Checklist have been submitted with the application; this states that a 'fabric first' approach will be followed in order to reduce the development's energy demand. A full electric strategy is proposed. Air Source Heat Pumps will generate the site's domestic hot water and heat requirement and electric panel radiators will heat the student accommodation. There will be no on-site gas combustion. It is stated that energy use will be in line with national and local policy and that the site's carbon emissions will be reduced by at least 10% due to renewable energy generation with an overall carbon reduction of 22% (compared to the Building Regulations Part L baseline); this is compliant with Policy CP2 and SCR1. The submission sets out an overarching strategy and as such lacks precise detail on how these objectives will be achieved, given the outline nature of the application however this is understandable. Conditions will be necessary, in the event that permission is granted, to ensure that the detailed plans submitted at the reserved matters stage comply with the objectives set out in Policy CP2 and SCR1 and detail exactly how these requirements will be met.

Policy SCR5 (Water Efficiency) requires all dwellings to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. Furthermore rainwater harvesting or another means of capturing rainwater is required if it is technically feasible. This matter does not go to the heart of the development's nature nor form and as such compliance can be ensured by means of a compliance condition.

Summary, Planning Balance and Conclusion

The application site is allocated for redevelopment by Policy SB15 of the Council's Placemaking Plan; it is therefore adopted Council policy that the current use cease, the existing buildings be demolished and the site be redeveloped for residential purposes. Policy SB15 explicitly allocates the site (and the adjoining concrete batching yard) for around 80-100 dwellings which could include older persons housing "but not student accommodation". The policy is clear therefore that the allocated 80-100 dwellings cannot include any student accommodation but it does not go as far as precluding student accommodation outside of that 80-100 unit requirement. Accordingly the proposed development mix (104 dwellings and 186 student beds) is considered policy compliant and thus acceptable. The small single commercial unit is acceptable as part of the overall mix and is of little significance in policy terms.

The application is submitted in outline with only the means of access and the site's layout being considered by committee at this stage. The proposed layout, which shows five main buildings (two fronting Newbridge Road, one fronting the car park, and two to the rear), is considered an appropriate design response to the site's nature and context. The proposed layout, supported by illustrative elevation drawings, shows that the quantum of development proposed can be accommodated on the site in a policy compliant manner (in so far as those policies can be tested at this outline stage).

The submission demonstrates that, subject to conditions, a scheme that has an acceptable townscape/landscape impact, an acceptable impact on the character and

appearance of the area (including on the conservation area and world heritage site) and an acceptable impact on residential amenity as well as on ecological interests is indeed achievable here. Furthermore it is concluded that the impact of the proposed development on the local highway network will be acceptable, subject to conditions/planning obligations. The three proposed vehicular accesses (two to Newbridge Road and another to the south through the Maltings industrial estate) will be of an acceptable standard in highway safety terms subject to management arrangements being approved and secured in respect of the access through the Maltings. The level of car and cycle parking proposed is appropriate and student car parking can be controlled by means of a legal agreement.

A critical issue is the matter of affordable housing; the application site is situated in a part of Bath where Policy CP9 requires a 40% affordable housing contribution; crucially the policy (and NPPF) allows financial viability to be taken into account when considering such matters. The Council's independent advisors agree that a 40% contribution is not financially viable; following much discussion there is now agreement between the Council and the applicant that it is viable for 12.5% contribution to be made; on this basis the application is policy compliant.

The application, for the reasons set out above, complies with development plan policy. S.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations indicating that despite its compliance with the development plan the application ought to be refused; accordingly it is recommended that outline planning permission be granted (subject to the conditions and planning obligations listed below).

RECOMMENDATION

Delegate to PERMIT

CONDITIONS

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

1. 12.5% of the development to be provided as affordable housing (affordable rent at 60% of market values);
2. A review/claw-back mechanism to secure increased affordable housing should viability improve;
3. A financial contribution of £260K to fund the completion of the sustainable transport route eastward to Station Road and westward to Brassmill Lane;
4. Completion of off-site highway works (widening of the footway and bus stop improvements);
5. The restriction of student occupants operating private cars and bringing them to/in the vicinity of the site;
6. The submission, council approval and subsequent adherence to a Management Plan in respect of vehicle movements and access;
7. A financial contribution of £25k to fund the off-site provision and/or improvement of allotments;
8. The submission of a Targeted Recruitment & Training plan including a financial contribution to fund training/recruitment objectives;

9. The provision of fire hydrants on the development and a financial contribution towards their maintenance for 5 years;
10. A restriction on short-term lets;

and subject to the following conditions:

1 Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3 Reserved Matters (Pre-commencement)

Approval of the details of the appearance, scale and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4 Construction Management Plan (Pre-commencement)

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

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

5 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular accesses have 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 highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Parking (Compliance)

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

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

7 Travel Plan (Pre-occupation)

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

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

8 Site Management Plan (Pre-occupation)

Prior to first occupation of the development a Site Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Site Management Plan.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 Arboricultural Method Statement (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 submitted method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and certificates of completion to the local planning authority. 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 NE.6 of the Placemaking Plan and CP7 of the Core Strategy. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

10 Arboricultural Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed certificate of compliance with the statement for the duration of the development shall be provided by the appointed arboriculturalist to the local planning authority on completion and prior to the first occupation.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

11 Electric Vehicle Charging Points (Pre-Occupation)

Prior to first occupation of the development hereby approved electric vehicle charging points shall be installed (and shall be fully operational) in accordance with an Electric Vehicle Charging Point Plan/Strategy which shall have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that electric vehicles are adequately accommodated for and encouraged in accordance with Policy ST7 of the Bath & North East Somerset Core Strategy.

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

No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

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

(ii) an assessment of the potential risks to:

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

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

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

13 Contaminated Land - Remediation Scheme (Pre-commencement)

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

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

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

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

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

14 Contaminated Land - Verification Report (Pre-occupation)

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

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

15 Contaminated Land - Unexpected Contamination (Compliance)

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

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

16 Sound Insulation of residential dwellings (post construction, pre-occupation)

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed

to provide sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.

Reason: To protect future residents from unreasonable adverse impact from existing noise

17 Noise and odour survey of commercial unit (pre-occupation)

Prior to first occupation of the commercial unit hereby approved an acoustic survey as well as an odour survey shall be submitted to and approved in writing by the local planning authority; this shall include details of mitigation if necessary. The survey shall include details of any extraction and ventilation system if proposed. The development shall be undertaken in accordance with the details so approved.

Reason: To protect future residents from unreasonable adverse impact from existing noise and odour in accordance with Policy D6 of the Bath & North East Somerset Placemaking Plan.

18 Sustainable Drainage Strategy (to accompany reserved matters submission)

The details submitted pursuant to Condition 3 of this permission (i.e. the reserved matters) shall include a detailed Sustainable Drainage Strategy which follows the principles set out in the West of England Sustainable Drainage Developer Guide (March 2015). The development shall subsequently be undertaken in accordance with the approved details.

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

19 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme, which shall include a programme of implementation, have been submitted to and approved in writing by the local planning authority. All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

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.

20 Renewable Energy - (Pre-Occupation)

The development shall achieve an overall reduction in carbon emissions of at least 19% as compared to the Building Regulations Part L baseline; at least 10% of the overall reduction shall be by means of on site renewable energy generation and the remaining 9% by other means (for example energy efficient construction).

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted for approval to the local planning authority together with the further documentation listed below:

- o Table 2.1 Energy Strategy (including detail of renewables)
- o Table 2.2 Proposals with more than one building type (if relevant)
- o Table 2.3 (Calculations);
- o Building Regulations Part L post-completion documents for renewables;
- o Building Regulations Part L post-completion documents for energy efficiency;
- o Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

21 Sustainable Construction Details - Overheating (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted, along with supporting documents, to the local planning authority:

- o Table 5.1
- o Table 5.2
- o Table 5.4 (if using active cooling)

Reason: To monitor the extent to which the approved development complies with Policy CP2 of the Core Strategy (sustainable construction) in respect of overheating.

22 Reptile Mitigation Strategy (to accompany reserved matters submission)

The details submitted pursuant to Condition 3 of this permission (i.e. the reserved matters) shall include a Reptile Mitigation Strategy, which shall be informed by additional survey work if necessary. The development shall be undertaken in accordance with the approved Reptile Mitigation Strategy.

Reason: To ensure that reptiles are adequately protected 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.

23 Implementation of Wildlife Scheme (Pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using

photographs where appropriate, implementation of the recommendations of the Wildlife Protection and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority.

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 and policy NE.3 of the Bath and North East Somerset Placemaking Plan.

24 Replacement Tree Details (In the event of tree losses on Newbridge Road)

The existing white beam trees positioned along the site's Newbridge Road frontage shall be retained as an integral part of the development hereby approved (with the exception of those shown for removal in the approved plans/documents). In the event that any of these trees die or suffer poor health warranting their removal, within the first 10 years following first occupation of the development details of comprehensive on-site replacement tree planting shall be submitted to and approved by the local planning authority prior to the removal of any of said trees. The replacement planting approved shall be undertaken within the first planting season following the aforementioned approval of details.

Reason: To ensure that trees felled as a result of this development are satisfactorily replaced.

25 Housing Accessibility (Compliance)

The details submitted pursuant to Condition 3 of this permission (i.e. the reserved matters) shall demonstrate that 21 dwellings are designed such that they comply with Part M 4(2) of the Building Regulations. Those dwellings shall subsequently be constructed and completed in accordance with the details so approved.

Reason: To ensure than a proportion of the dwellings hereby approved are accessible in accordance with Policy H7 of the 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:

This decision has been taken on the basis of the following plans/drawings:

- o Site Location Plan: Drawing No. 0100 P3
- o Proposed Site Plan: Drawing No 0110 P4

The following plans are illustrative only (i.e. permission is not granted)

- o Proposed Floor Plan -001: Drawing No. 0202 P2
- o Proposed Floor Plan -002 (Lower Ground Floor): Drawing No. 0201 P2
- o Proposed Floor Plan 000 (Newbridge Road): Drawing No. 0203 P2
- o Proposed Floor Plan 001: Drawing No. 0204 P2
- o Proposed Floor Plan 002: Drawing No. 0205 P2
- o Proposed Floor Plan 003 (Roof Plan): Drawing No. 0206 P2
- o Landscape General Arrangement Plan: Drawing No NPA 11063 301 Rev P01
- o Illustrative Elevations: Drawing No. 0300 P3
- o Site Sections Sheet 1: Drawing No. 0400 P3
- o Site Sections Sheet 2: Drawing No. 0401 P3
- o Proposed Illustrative Sections Through Cycle Path: Drawing No. 0410 Rev P3

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council before development commences, failure to comply with the regulations can result in surcharges and additional payments. Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil

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.

Demolition Notice

Please note that notice of demolition works must be given to the Local Planning Authority under s.80 and 81 of the Building Act 1984 at least six weeks before demolition work commences.

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.