

Town and Country Planning Act 1990

Appeal by Oakhill Group Ltd.

Site Address: Former Hartwell Garage, Newbridge Road, Bath, BA1 2PP

Statement of Case for Bath and North East Somerset Council

October 2020

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1 **Introduction**

- 1.1 This Statement comprises Bath and North East Somerset Council's pre-inquiry Statement of Case under the Inquiries Procedure Rules (as amended)¹.

Application

- 1.2 By an application submitted on 18 April 2019 (Ref: 19/01854/OUT, the "Application"), the appellant sought outline planning permission for the following description of development:

"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; and provision of hard and soft landscaping scheme across entire site."

- 1.3 As such, permission was sought for the means of access and layout of the development. The scheme's appearance, scale and landscaping are reserved for approval at a later date.
- 1.4 The Application was the subject of a viability assessment in respect of affordable housing (and other planning obligations). It was therefore necessary for the Application to go before the Council's Planning Committee for its consideration and determination.

Reasons for refusal

- 1.5 The Application went to Committee with an officer recommendation to grant permission, subject to the imposition of planning conditions.
- 1.6 The Application was refused by the Council's Planning Committee by Decision Notice dated 16 March 2020. The Decision Notice cited six reasons for refusal, as follows:

"1. The application seeks outline consent for, amongst other things, the provision of up to 186 student bedrooms (Sui Generis) in addition to 104 residential units (Class C3). The application site is allocated for residential redevelopment by Policy SB15 of the Placemaking Plan. This policy, and its supporting text, is clear that the site (including the adjacent concrete batching plant) is allocated for 80-100 dwellings and that this cannot include student accommodation. By including student accommodation the proposal is therefore in direct conflict with Policy SB15 of the Bath & North East Somerset Placemaking Plan and as such is unacceptable in principle."

¹ The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000; as amended by the Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009 and by the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013.

2. *The proposed development by virtue of its inappropriate layout which comprises of 4 blocks of deep plan form with limited space around that is uncharacteristic and alien to the locality, and which is principally a consequence of the excessive quantum of development, fails to enrich the character and quality of Newbridge and fails to contribute positively to local distinctiveness, identity and history. The submitted illustrative scheme fails to demonstrate that a development of the quantum/uses proposed can be achieved on this site whilst also responding positively to the site's context; the illustrative scheme fails to do so and accordingly is contrary to Policy CP6 of the Bath & North East Somerset Core Strategy and Policy D1 and D2 of the Bath & North East Somerset Placemaking Plan.*
3. *The proposed development fails to provide an appropriate mix of housing. The non-student element of the scheme comprises one and two bedroom flats only, alongside the purpose built student accommodation. The housing mix put forward is therefore contrary to the objectives of Policy CP10 of the Bath & North East Somerset Core Strategy which requires new housing development to provide a variety of housing types and sizes.*
4. *The proposed development does not incorporate sufficient habitat creation, protection or enhancement; in particular there is a lack of adequate connective green infrastructure connecting existing habitats on and off site. Furthermore the proposed layout fails to avoid unacceptable adverse impacts on trees, trees of value are not retained and their loss has not been justified. The application is therefore contrary to Policy CP6 of the Bath & North East Somerset Core Strategy and policies CP7, NE5 and NE6 of the Bath & North East Somerset Placemaking Plan.*
5. *The proposed development generates a need for additional recreational open space but fails to meet this need on site or off site. The application is therefore contrary to Policy LCR6 of the Bath & North East Somerset Placemaking Plan as well as the Council's 'Green Space Strategy' and the Council's 'Planning Obligations' Supplementary Planning Document (SPD).*
6. *The proposed development fails to make a satisfactory or policy compliant contribution to affordable housing. The proposed contribution of 12.5% falls significantly below that required by Policy CP9 of the Core Strategy which requires a 40% contribution on this site. Whilst the Council accepts the conclusions of the viability assessment that only a 12.5% contribution is financially viable) the NPPG is clear that the weight to be given to a viability assessment is a matter for the decision maker having regard to the circumstances in each case. In this case the Council affords limited weight to the viability assessment because the development plan is up-to-date and it has not been demonstrated by the applicant that there have been any material changes in circumstances since adoption. The application is therefore contrary to Policy CP9 of the Bath & North East Somerset Placemaking Plan."*

- 1.6 Whilst it is recognised that the Council refused permission contrary to its Officer's recommendation, such a circumstance is not uncommon and Committee Members are

entitled to reach their own considered views on planning applications based on relevant material planning considerations.

- 1.7 The Council will produce evidence in support of each of the six reasons for refusal.

2 **Site description and planning history**

The Site

- 2.1 The Application (and this appeal) relates to a site known locally as Hartwells of Bath, which is on Newbridge Road, Newbridge, Bath (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.
- 2.2 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 Site (and beneath part of it) is a concrete batching plant operated by Hanson Aggregates.
- 2.3 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 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.
- 2.4 The 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.
- 2.6 In policy terms, the Site forms part of a site allocated for redevelopment in the adopted Placemaking Plan (Policy SB15). A safeguarded sustainable transport routes passes through the Site following the alignment of the former railway line (Policy ST2).
- 2.5 The Council's evidence will provide further detail in relation to the site description and any associated constraints and where relevant to its case.

Planning history

- 2.7 The Site's relevant planning history is set out below.
- 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

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

3 **Planning policy**

3.1 The Council's evidence will refer to relevant local and national planning policy and guidance. It is anticipated that there will be considerable common ground between the parties as to policies of particular relevance for the Inspector's consideration. At this stage, the Council anticipates that particular reference will be made to the following:

3.2 The Council's Development Plan which comprises:

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

3.3 The following policies of the Core Strategy are relevant to the determination of this appeal

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

3.4 The following policies of the Placemaking Plan are relevant to the determination of this appeal

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

3.5 Supplementary Planning Documents and Other Relevant Planning Documents including:

Bath City-Wide Character Appraisal SPD (August 2015)
 City of Bath World Heritage Site Setting SPD (August 2015)
 Planning Obligations SPD (April 2015)
 Sustainable Construction Checklist SPD (November 2018)
 Bath Building Heights Strategy (September 2010)
 Green Space Strategy for 2015 to 2029
 Evidence base for Placemaking Plan

3.6 National Planning Policy Framework and National Planning Practice Guidance.

4 Reason for refusal 1: student accommodation

- 4.1 Reason 1 is as follows: *The application seeks outline consent for, amongst other things, the provision of up to 186 student bedrooms (Sui Generis) in addition to 104 residential units (Class C3). The application site is allocated for residential redevelopment by Policy SB15 of the Placemaking Plan. This policy, and its supporting text, is clear that the site (including the adjacent concrete batching plant) is allocated for 80-100 dwellings and that this cannot include student accommodation. By including student accommodation the proposal is therefore in direct conflict with Policy SB15 of the Bath & North East Somerset Placemaking Plan and as such is unacceptable in principle.*
- 4.2 In terms of “Development Requirements”, Policy SB15 allocates this site for:
“1 Residential development of around 80 - 100 of 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”.
- 4.4 The supporting text that accompanies Policy SB15 advises that “this site is required to help deliver the city’s 7000 net additional dwellings and therefore the opportunity cost of developing for student accommodation is considered too great”. The accompanying “Vision” is set out as follows:
“203. Residential redevelopment, not including student accommodation, that makes the most of the sites location on sustainable transport routes, is sympathetic to the Victorian context of terraced housing on the Upper Bristol Road and conscious of it’s appearance from higher ground.”
- 4.5 It is clear therefore that Policy SB15 anticipates that student accommodation on the site has the potential to adversely affect the realisation of the vision and spatial strategy for the city, as well as the Council’s vision for the Site.
- 4.5 The Council’s evidence will demonstrate that:
- the appeal proposal would undermine the vision and spatial strategy for Bath and for the district as a whole therefore bringing it into conflict with policies SB15, DW1, and B5 of the Development Plan;
 - the Council’s vision for the site, as set out in the preamble to the allocation policy, cannot be achieved with the current proposals;
 - the introduction of student accommodation into the mix of uses inevitably reduces the opportunities to utilise more of the Site for a more appropriate mix of house types, and a well-designed scheme that would comply with the policies of the Development Plan;
 - there is an intrinsic link between the lack of ability to provide a suitable housing mix, and the provision of student accommodation within the scheme;

- by including student accommodation, the quantum of development is excessive for this Site, which compromises the Site's ability to satisfactorily deliver the number of units envisaged within the policy; and
- if the number of residential units that can be delivered is above that set out in the allocation, then this should be used as a means to contribute to meeting the objectives of boosting housing supply as set out in policy DW1 and B1. The inclusion of student accommodation prejudices this aim.

5 Reason for refusal 2: character, appearance and overdevelopment

- 5.1 Reason for refusal 2 is as follows: *The proposed development by virtue of its inappropriate layout which comprises of 4 blocks of deep plan form with limited space around that is uncharacteristic and alien to the locality, and which is principally a consequence of the excessive quantum of development, fails to enrich the character and quality of Newbridge and fails to contribute positively to local distinctiveness, identity and history. The submitted illustrative scheme fails to demonstrate that a development of the quantum/uses proposed can be achieved on this site whilst also responding positively to the site's context; the illustrative scheme fails to do so and accordingly is contrary to Policy CP6 of the Bath & North East Somerset Core Strategy and Policy D1 and D2 of the Bath & North East Somerset Placemaking Plan.*
- 5.2 It is clear that the proposed development represents a significant increase in built form and a marked change in layout, scale, density, materials and details when compared to the existing development.
- 5.3 Matters such as character and appearance are inherently subjective. As such, the Council's Committee Members were entitled to take a different view to that recommended by the Officer, particularly given the genuine concerns of interested parties.
- 5.3 The Council's evidence will describe the context of the Site, along with the associated constraints and opportunities for development. It will then demonstrate that:
- The appeal proposal comprises aspects of poor design, with reference to the Council's design-related policies, Supplementary Planning Documents, the NPPF and guidance, including the National Design Guide;
 - the harm it identifies is primarily a result of the proposed quantum of development and layout on the site. In particular, it is considered that the proposed layout and its deep plan would conflict with the residential character of the area and fails to respond to the local distinctiveness of the area, in particular Newbridge Road;
 - the layout and the level of development of the Site, including the siting of car parks results in the lack of opportunity for an appropriate landscaping scheme. The failure to achieve this results in a substandard quality scheme;
 - although it is acknowledged that the existing buildings act as a local detractor, the harm that would be caused by the appeal scheme would nevertheless outweigh the benefits resulting from the removal of the existing buildings; and

- the Application failed to demonstrate how the quantum of development could be delivered whilst responding appropriately to the Site's context.

6 Reason for refusal 3: inappropriate housing mix

6.1 Reason 3 is as follows: *The proposed development fails to provide an appropriate mix of housing. The non-student element of the scheme comprises one and two bedroom flats only, alongside the purpose built student accommodation. The housing mix put forward is therefore contrary to the objectives of Policy CP10 of the Bath & North East Somerset Core Strategy which requires new housing development to provide a variety of housing types and sizes.*

6.2 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:

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

6.3 The Council's evidence will demonstrate that:

- the appeal proposal fails to provide a suitable range of housing types, tenures and needs to help support mixed and inclusive communities and respond appropriately to demographic change. In particular, the appeal proposal fails to provide family and low income housing;
- the Site allocation as a whole is of a sufficient size to accommodate an appropriate mix, but the proposed provision of the student accommodation compromises the ability of the scheme to deliver a more appropriate wider housing mix. There is no adequate justification for the appeal proposal's failings in these regards; and
- the units are not suitable for a wider range of the community due to their limited size, lack of gardens, limited or poor quality communal space, and proximity to the student accommodation. All of which is likely to make them less desirable to families.

7 Reason for refusal 4: ecology

7.1 Reason for refusal 4 is as follows: *The proposed development does not incorporate sufficient habitat creation, protection or enhancement, in particular there is a lack of adequate connective green infrastructure connecting existing habitats on and off site. Furthermore the proposed layout fails to avoid unacceptable adverse impacts on trees, trees of value are not retained and their loss has not been justified. The application is therefore contrary to Policy CP6 of the Bath & North East Somerset Core Strategy and policies CP7, NE5 and NE6 of the Bath & North East Somerset Placemaking Plan.*

- 7.2 The disused railway line is considered ecologically important due to it being connected to a more extensive green corridor. Therefore, it provides a dispersal route and corridors for wildlife movement.
- 7.3 Policy SB15 requires that *“[t]he design response must recognise the importance of the disused railway as a connective habitat, particularly as dark corridor for bats, and as a protected sustainable transport route”*. ; this is echoed more generally by Policy CP6 (Environmental Quality), which *inter alia* states that *“[t]he quality, extent and robustness of protected sites and valued habitats will be enhanced, and networks of valued habitat will be restored or created, by measures which: a) improve the quality and/or increase the size of current sites and valued habitat; b) enhance connections between, or join up, sites and valued habitats; c) create new sites and valued habitats; d) reduce the pressures on wildlife by improving the wider environment”*.
- 7.4 The Council’s evidence will demonstrate that:
- there is insufficient new planting to provide habitat connections across the Site;
 - the overflow car park encroaches too much into the disused railway line, which compromises the ability of this asset to be beneficial to wildlife;
 - the appeal proposal reflects a number of missed opportunities for additional planting within the Site;
 - for a development of this size, the appeal proposal fails to achieve enough habitat creation, protection or enhancement.
- 7.6 Placemaking Plan Policy NE6 seeks to protect the District’s trees and woodland from the adverse impact of development by setting out criteria against which proposals will be assessed. This policy states as follows:
- “1 Development will only be permitted where:*
- a it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and*
 - b it includes the appropriate retention and new planting of trees and woodlands; and*
- 2 If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in accordance with guidance in the Planning Obligations SPD (or successor publication) on replacement tree planting.*
- 3 Development proposals directly or indirectly affecting ancient woodland or ancient trees will not be permitted.”*
- 7.7 Thus, 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. This is also consistent with the NPPF (paragraph 175), which requires that if significant harm to biodiversity would cannot be avoided or adequately mitigated or as a last resort compensated for, then permission should be refused.

7.8 The Council will demonstrate that:

- the retention of T22, T24 –T27 is not realistic given the proximity of the new building;
- the proposed layout provides insufficient space for meaningful tree planting within important areas of the Site, including between the two blocks on Newbridge Road, and along the former railway line;

8 Reason for refusal 5: green space provision

- 8.1 Reason for refusal 5 is as follows: *The proposed development generates a need for additional recreational open space but fails to meet this need on site or off site. The application is therefore contrary to Policy LCR6 of the Bath & North East Somerset Placemaking Plan as well as the Council's 'Green Space Strategy' and the Council's 'Planning Obligations' Supplementary Planning Document (SPD).*
- 8.2 Open space should be provided as part of new development in line with the Bath and North East Somerset standard. Where it is not practical to provide open space on site, there should be new provision off site or enhancement to existing facilities.
- 8.3 The Council will identify the evidenced need for recreational open space through reference to the Green Space Strategy.
- 8.4 The development will create a demand for greenspace as follows:
- Parks & Green Space 5525m²,
 Amenity Green Space 1275m²
 Youth Play 128m²
 Allotments 1275m²
- 8.5 Subject to a signed legal agreement, the Council accepts that the appellant's commitment to making a financial contribution of £25,000 towards allotments meets the additional need for this form of green space.
- 8.6 However, the Council will demonstrate that the development fails to provide for the remaining typographies of green space. The appeal proposal fails to take the on-site opportunities that are available to provide recreational green space, in addition to the sustainable transport route.
- 8.7 The sustainable transport route has the potential to 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.
- 8.8 The Council will demonstrate that the transport route does not represent a good quality green infrastructure facility because of the layout of the scheme and the ecological and arboricultural objections. The potential for this route to be a recreational facility that can contribute to meeting the requirements of policy LCR6 is not fulfilled.

9 Reason for refusal 6: affordable housing

- 9.1 Reason for refusal 6 is as follows: *The proposed development fails to make a satisfactory or policy compliant contribution to affordable housing. The proposed contribution of 12.5% falls significantly below that required by Policy CP9 of the Core Strategy which requires a 40% contribution on this site. Whilst the Council accepts the conclusions of the viability assessment (that only a 12.5% contribution is financially viable) the NPPG is clear that the weight to be given to a viability assessment is a matter for the decision maker having regard to the circumstances in each case. In this case the Council affords limited weight to the viability assessment because the development plan is up-to-date and it has not been demonstrated by the applicant that there have been any material changes in circumstances since adoption. The application is therefore contrary to Policy CP9 of the Bath & North East Somerset Placemaking Plan.*
- 9.2 Paragraph 57 of the NPPF and the guidance with the NPPG advises that 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.
- 9.3 The Placemaking Plan Viability Assessment prepared by BNP Paribas includes an assessment of the appeal site. In response to this document, representations were made by those acting on behalf of the owners. Further to this, the site viability for Hartwells was discussed at the Placemaking Plan Examination. The Inspector did not recommend that the site allocation policy should change and/or that it was undeliverable.
- 9.4 The constraints and site-specific restrictions set out in the policy are not new. Nor have there been significant changes since the Development Plan was adopted.
- 9.5 In the absence of any clear indication as to any relevant material change in circumstances since the adoption of the Placemaking Plan, the Council has given limited weight to the viability assessment that was submitted during the application process.
- 9.6 Whilst the conclusions of the viability appraisal have been accepted for this appeal proposal, Officers will also contend that they are not confident that the viability of other schemes/models (such as increased residential, traditionally sold units) has been demonstrated to have been fully explored.

10 Planning conditions and obligations

- 10.1 The Council will endeavour to agree a list of planning conditions and obligations with the appellant in advance of the Inquiry. The initial suggested conditions are included an Appendix 1.

11 **Conclusions**

11.1 For the above and other reasons, which will be explored during the course of the Inquiry, the Council considers that:

- The Application was lawfully and rationally refused;
- The appeal proposal is not in accordance with local and national policy and guidance;
- This appeal should be dismissed.

Appendix 1

Draft 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)

In the event that the commercial unit hereby approved is used for café/restaurant use, that use shall not commence until an acoustic survey and odour survey have first been submitted to and approved in writing by the local planning authority. The use shall thereafter operate in accordance with the details so approved.

Reason: To protect future residents from unreasonable adverse impact from 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

and the following illustrative plans and drawings:

- 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