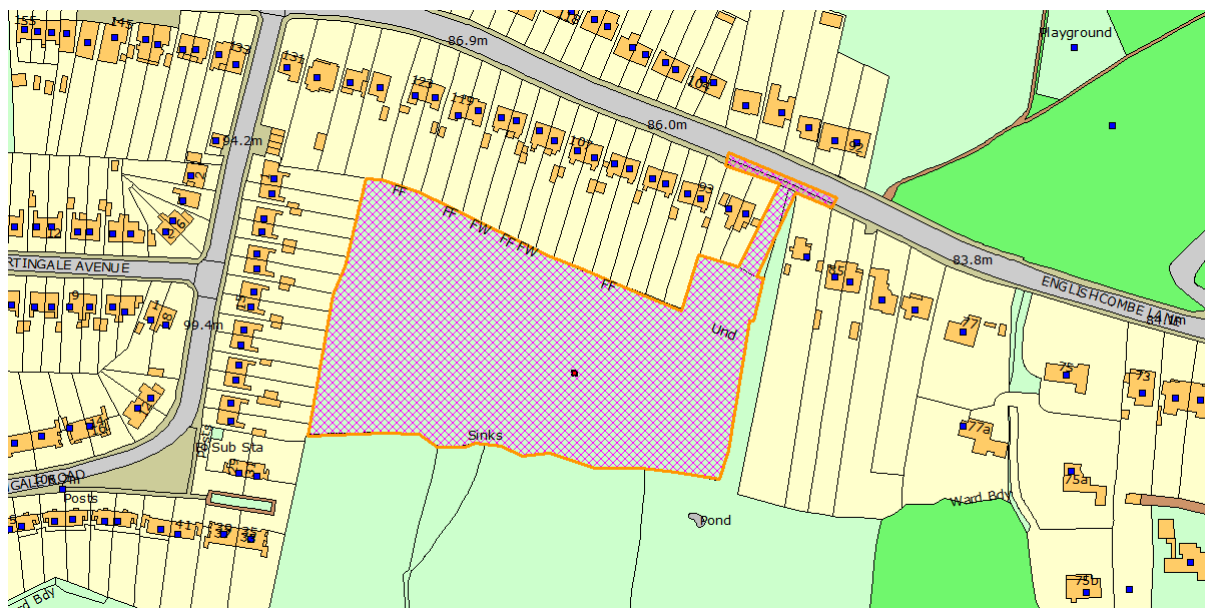


08	20/02390/LBA 3 September 2020	Bath And North East Somerset Liberal Democrats Liberal Democrats, 31 James Street West, City Centre, Bath, Bath And North East Somerset External alterations for the remodelling of the front garden to include the installation of a new lifting platform	Kingsmead	Helen Ellison	CONSENT
09	20/02331/AR 4 September 2020	Mrs Julia Moss 20 Wellsway, Bath, Bath And North East Somerset, BA2 2AA, Display of 1no. non-illuminated company logo on existing retractable canopy above private forecourt.	Widcombe And Lyncombe	Hayden Foster	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 18/01516/REG04
Site Location: Land To The Rear Of 89 To123 Englishcombe Lane Southdown Bath Bath And North East Somerset



Ward: Moorlands **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Jess David

Application Type: Regulation 4 Application

Proposal: Development of 37 residential dwellings (Use Class C3, including affordable housing), vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Policy GDS1 Site Allocations, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE2A

Landscapes and the green set, Policy NE3 Local Nature Reserve,
Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Bath & North East Somerset Council

Expiry Date: 31st December 2019

Case Officer: Tessa Hampden

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

REPORT

Reason for referring this to planning committee

This has been referred to the planning committee as the updated Scheme of Delegation cites that Council applications of this size should be referred to committee. This application was deferred from the previous committee to allow Members to undertake a site visit.

Site description and proposal

The application seeks planning permission for the development of 37 residential dwellings, vehicular and pedestrian access, open space, landscaping, drainage, related infrastructure and engineering works of land to the rear of 89-123 Englishcombe Lane. This is an undeveloped plot of land around 1.4ha to the north of Stirtingale Farm and to the rear of Englishcombe Lane and Stirtingale Road. The site is within the City of Bath Conservation Area and the wider World Heritage Site and forms part of the wider Site of Nature Conservation Interest.

The development has been screened and is not considered to be EIA development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Historic England - Expressed that they do not wish to make comments

Conservation Officer - Not acceptable in its current form. Recognises that the site is prominent from wider views and has some concerns with the addition of 3 storey terrace within the context of the surrounding character of the two storey buildings.

Ecologist - objection in principle on ecological grounds due to significant negative impacts on a SNCI and tufa-depositing/flush habitats and associated plant and notable invertebrate communities (overall County Importance).

Natural England - agrees with the conclusion of the Habitats Regulation Assessment and the bat mitigation proposals.

Highway safety, no objection subject to planning condition/obligations

Avon Fire and Rescue - no objection subject to financial contribution to fire hydrants

Contaminated Land Officer - no objections subject to conditions

Crime Prevention - no objection subject to conditions

Arboricultural Officer - no objections subject to conditions

Flooding and Drainage - No objection subject to conditions/obligations

Landscape Officer - Not acceptable in the current form due to the variation between the proposals and the surrounding built form in terms of their layout, scale density, materials and details.

Urban Design - Not acceptable in current form due to the lack removal of footpath link within the scheme. No objections to scale, general layout.

Cllr Jess David - Given the length of time that this application has taken can I would like to request that this is called into the planning committee to decide. I am concerned that as the council B&NES is the applicant - this should be decided by the committee allowing local people to also state their views on the application. I believe this reflects a recent council decision on all ADL developments - that planning decisions would go to committee. I am also very conscious of the ecological significance of this site and would welcome further scrutiny of the proposals to transplant the tufa to pennquick - as well as assurance of net gain.

Bath Preservation Trust - The Trust finds this application broadly satisfactory (given that the principle of development on this land has been established). The site plans looks to be reasonably well laid and spaced out which is commendable, the success of the assimilation of this scheme will rest with the effectiveness and quality of the landscaping and tree planting, especially to allow the scheme to blend into the urban townscape in long views. The individual house gardens are quite small compared to the garden character suburb of the surrounding area, photomontages would have been useful to understand how the scheme would appear on the hillside in long views. BPT have some reservations about the elevational treatment of the houses. Departing from the materials palette in this conservation area would potentially fail to retain or enhance local distinctiveness. The use of clay roof tiles is also of concern given that if they are a bright red colour they will stand out on the hillside until they weather which could take some time. The use of a pre-patinated clay tile to ensure that the scheme would not be built out with a highly visible red roofscape.

Council for Protection of Rural England - While accepting that normally such a site, in its proximity to services and local transport, might be suitable for development, we understand from the surveys that the site is home to a range of protected species, including invertebrates, badgers and various species of bat. The high water table, numerous springs and regular flooding would suggest that development on it could cause disruption to these flows, with consequences for the existing residents along Englishcombe Lane and elsewhere. The history of the site is of low intensity grazing, associated with a former farm. We suggest that in view of the visibility of the site from the centre and north of Bath, it would be better suited to allocation within the important BathScape project/World Heritage Site status, for natural meadow or woodland.

48 objection/general comments have been received. These can be summarised as follows:

- Impact upon residential amenity (including overlooking/privacy, dominating outlook, loss of light, noise and disturbance)
- Drainage concerns - development compounding existing problems
- Concerns raised with viability of drainage maintenance systems
- Ecological concerns - impact upon SNCI, habitats and species
- Loss of green space
- Lack of need for housing
- Highway safety concerns including concerns with access, parking, road safety
- Impact of construction
- Civil matters
- Impact upon site and neighbouring trees
- Concerns with siting, design, materials, scale and impact upon Conservation Area and World Heritage Site.
- Land stability
- Previous appeal raised issues which should be considered
- Concerns with the fact that this is a Council application and the way that it should be determined
- Security concerns

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

Core Strategy:

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

- DW1 - District Wide Spatial Strategy
- B1 -Bath Spatial Strategy
- CP2 - Sustainable Construction
- CP3 - Renewable Energy
- CP5 Flood risk management
- CP6 - Environmental Quality
- CP7 - Green Infrastructure
- CP9 - Affordable Housing
- CP10 - Housing Mix
- CP13 - Infrastructure Provision

SD1 - Presumption in favour of sustainable development

Placemaking Plan:

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

BD1: Bath Design Policy

SB17 Englishcombe Lane

D.1 - D.6 & D.10: General Urban design principles: Local Character & Distinctiveness; Urban Fabric; Streets and Spaces; Building Design; Amenity; Lighting; Public Realm

D7 - Infill and Backland Development

H1 - Historic environment

SU1 - Sustainable Drainage

NE1 - Development and Green Infrastructure

NE2 Conserving And Enhancing The Landscape And Landscape Character

NE2A Landscapes setting of settlements

NE3 - Sites, species and habitats

NE4 Ecosystem Services 113

NE5 Ecological networks

NE6 - Trees

ST1 - Promoting Sustainable Travel

ST7 - Transport requirements for managing development

SCR1 On-site renewable energy requirement

SCR2 Roof Mounted/Building Integrated Scale Solar PV

SCR5 Water Efficiency

H7 Housing Accessibility

LCR7B Broadband

PCS1 Pollution and nuisance 128

PCS2 Noise and vibration 129

PCS3 Air quality

PCS5 Contamination

PCS6 Unstable land

PCS7A Foul sewage infrastructure

CP5 Flood Risk Management

CP13 Infrastructure Provision

SUPPLEMENTARY PLANNING DOCUMENTS AND ADDITIONAL GUIDANCE

City of Bath World Heritage Site Setting SPD (2013)

Bath City-wide Character Appraisal SPD

Planning Obligations SPD (2015)

Bath Building Heights Strategy (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

Principle of Development

The site is allocated under Place Making Plan (PMP) Policy SB17 - (South of Englishcombe Lane) for residential development; the principle of the development on this site can therefore be supported. Policy SB17 contains six development requirements and design principles and the scheme will be assessed against these as well as the Development Plan as a whole. The preamble to the allocation advises that the vision for the site is suburban residential development that makes efficient use of the site.

Policy SB17 states that around 40 dwellings will be delivered on the site, and the 37 dwellings proposed is therefore considered to be an acceptable number of units, subject to compliance with the relevant policies of the Development Plan. The erection of the 37 units is compatible with the vision of the policy which is to make efficient use of land.

Housing Mix

Policy CP10 of the Core Strategy requires that new housing development must provide for a variety of housing types and sizes to accommodate a range of different households. The development as proposed is considered to offer a satisfactory mix of dwellings and flats which ensure that the aims of achieving a balanced community are delivered.

Character and appearance

The site is bounded to the north and west by the rear gardens of residential properties on Englishcombe lane and Stirlingale Road. The built form in these streets comprises a mixture of detached, semi-detached and terraces of two-storey dwellings. The south and east boundaries are formed by wooded scrubland which is part of Stirlingale Site of Nature Conservation Interest (SNCI).

The site is currently an open field and this, along with the context in which it sits, forms its character. Whilst this site is visible from the rear of the surrounding dwellings, there is limited visibility from the immediate public realm. However, the site occupies an elevated position and it is therefore visible from wider views across the city. These wider views play a key part in the World Heritage Site. A Landscape Visual Impact Assessment (LVIA) has been submitted which, along with the Design and Access Statement assesses the impact of the development upon key views.

The character of the site will inevitably change as part of the development proposals, but the size of the site allows for a scheme to come forward with its own identity. However, any development must respect the character and appearance of the surrounding area.

PMP SB17 requires that a detailed historic environment assessment is submitted, and where necessary evaluation, in order to implement appropriate mitigation. The Design and Access Statement includes a Heritage Statement which undertakes this work and justifies

the design approach. The scheme is of a contemporary design and has a distinct character which has the potential to successfully complement the wider neighbourhood.

The siting of the development has been informed by the constraints of the site, including its topography, the ecological features, as well as by the surrounding built form. The site has a significant level change rising from the north at Englishcombe Lane to the south. The siting of the buildings respects the topography of the site, stepping up the hill, in line with the form of the surrounding development.

The linear form of the surrounding dwellings is a key characteristic of the area, and this is highlighted in the LVIA. It is noted that the Landscape Officer highlights marked differences between this proposed development and the surrounding built form. It is however noted that the siting of the dwellings adjacent to the northern boundary of the site run parallel to the units at Englishcombe Lane. Similarly, the dwellings on the western boundary run parallel to the dwellings at Stirtingale Road respecting this linear form. This aids in assimilating the development with the existing built form, particularly when seen from wider views. The remaining dwellings follow less of a linear form, but this looser building grain is not considered to be harmful, given that the predominant form of the site would reflect the strong linear form. It also allows for the retention of areas of ecological importance and for green spaces to be interspersed throughout the site, reflecting the verdant character to the south and east.

It is noted that the Urban Design Officer has raised concerns that a footpath connecting the north west of the site to Englishcombe Lane has been omitted from the scheme. Whilst links to facilitate pedestrian connections are encouraged, it is noted that third parties raised security concerns flowing from the inclusion of this footpath. Given the relatively small size of the site and the proposed connections to the east of the site, an additional connection is not necessary to make the development acceptable.

The units proposed are predominantly two storeys high, with some three storey properties. The development will comprise detached, semi-detached, terraced houses and an apartment block. It is noted that the Conservation Officer and Landscape Officer has raised some concerns about the inclusion of 3 storey units within the site. However, the Council's Urban Design Officer has not objected to the scale of the development. It is also noted that an appeal decision for a development at Englishcombe Lane raised concerns with the excessive heights of the dwellings at that site. However, the siting of these larger dwellings is in the least sensitive part of the site, whether these are in concealed or lower sections of the site. Looking at their siting, orientation and footprint, these larger 3 storey buildings are acceptable. The LVIA offers justifies the position of the larger buildings within the specific parts of the site.

Whilst the development results in the loss of a greenfield site and the loss of green space on the hillside, the development will be seen in the context with the green hillside beyond. The site retains elements of open space within the site, particularly to the south and affords views beyond to the Stirtingale Farm. As the southern boundary is retained as a green space, the ridgeline of the development is contained and maintains the green space when read from key viewpoints. This will therefore limit any impact upon the setting of the World Heritage Site.

The density of the scheme is acceptable for a new development and each dwelling has an acceptable level of outdoor amenity space, with the overall development having an acceptable balance of built form and open space. Green spaces and green infrastructure are retained around the site, which aids in retaining the rural edge to the site. Whilst the garden spaces are smaller than for those of the existing surrounding dwellings, this is not uncommon for new developments. Given the quantum envisaged through the policy allocation, the overall density and layout is acceptable.

The external materials within the immediate locality are predominately Bath stone. Englishcombe Lane also comprises properties finished in render, and there is recently constructed dwelling finished in timber and render. The proposed residential units would be constructed from buff brick and timber cladding under clay pantile roofs. The use of common features and materials throughout the site ensures that the development sits comfortably together. Brick has the potential to be of a high quality and finish, and has a similar tone, and weathering texture as stone. It maintains the masonry and monolithic nature of the surrounding area and will ensure that the development integrates with the surrounding built form.

A significant amount of timber is to be used, but this is acceptable in this backland location and links to the verdant nature of the site. The Conservation Officer has highlighted the importance of ensuring that an appropriate timber is used, and this is critical to the success of the development. As with all materials, the final detail of this can be secured via condition. The roof materials will comprise clay tiles which will tie in with the prevailing form in the surrounding areas. This will aid in limiting the impact of the development from wider views and will assimilate the development with the existing built form.

Placemaking Policy SB17 design principle number three outlines the need for the retention of the hedgerows along the boundaries of the site. The development accords with this policy, retaining and supplementing existing hedgerows. The final landscaping scheme, and the implementation of this scheme will be secured through the inclusion of conditions on any permission.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area. Overall, the proposal, which is a landscape led design, is considered to be of an acceptable layout, scale and design. The development is of its time, whilst responding to its sensitive context. For these reasons therefore proposals are considered to preserve the character and appearance of this part of the Conservation Area. Further, the development is not considered to result in harm to the setting of the World Heritage Site. The development site is located a sufficient distance away from the AONB to ensure there is no harm to this designation.

It is noted that an appeal decision has been referenced by third parties which dismissed development in rear gardens in Englishcombe Lane, due to the inappropriate siting, scale, and design. The application must however be assessed on its own merits and is not directly comparable to the appeal scheme. As noted above, this is an allocated site, and the character of the site will change as a result of the development. However, the proposals put forward are considered to be acceptable.

Highway safety

The site is an allocated site in a sustainable location. It is recognised that third party comments have disputed statements within the submission in relation to the distances of the site to facilities such as the train station. However, officers are satisfied that the future occupiers of the development will be able to easily access local services and facilities.

A Design Principle of policy SB17 states that vehicular access shall be taken from between numbers 87-89 Englishcombe Lane. The scheme accords with this part of the policy.

The initial 'Proposed Access Layout' indicated a 'standard' priority junction to include a 'build-out' into Englishcombe Lane. The proposed access road was indicated as being 4.8-metres in width, with a 2-metre wide footway on the south-eastern side together with a 0.3-metre wide landscaped verge on the north-west side. This layout was satisfactory, subject to the introduction of a No Waiting at any Time restriction (double yellow lines) on both sides of Englishcombe Lane for the entire length of the proposed build-out, to prohibit waiting within the narrowed section.

Amendments have been made to this proposed access due to the need to provide a darkened corridor alongside the access for bats. Revised plans have amended the access from a bellmouth junction to a footway crossover, the benefit being that pedestrians walking along Englishcombe Lane do not need to step down to carriageway level and give-way to cars, as the proposed layout provides a continuous footway across the access with cars giving way to pedestrian. Based upon the low level of traffic the development is forecast to generate, the amended access is suitable.

The revised Proposed Access Layout indicates that the access road will still be 4.8-metres in width and that a 0.3-metre wide landscape verge will be provided on the south-east side. However, the main amendment to the access road in highway terms is that the footway has been relocated to the north-west side and is proposed to be reduced in width to 1.5-metres.

Whilst Manual for Streets recommends a minimum width for a new build footway of 2-metres, the Department for Transport publication Inclusive Mobility outlines the requirements for footway widths and summarises that a 1.5-metre wide footway is suitable for a wheel-chair user with an ambulant person side-by-side.

The senior engineer confirmed that new build footways of a minimum width of 1-metre have previously been accepted. The alignment of the footway is such that opposing users will have adequate forward visibility to each other to safely pass one another without being required to step into the live carriageway.

In summary, whilst the width of the proposed footway is below the recommended minimum of 2-metres, it is acknowledged that the provision of a 1.5-metre wide footway is better than no segregated provision for vulnerable users at all, and is therefore considered to be acceptable in this instance, especially when assessed against the 'Inclusive mobility' guidance.

Highway officers have recommended that the applicant commission a Stage 2 Road Safety Audit in accordance with GG119. This relates to the detailed design stage of the access and the highway officer has confirmed that this can be dealt with post planning permission. An informative can be included on any permission to secure the above. An informative can also be included to remind the applicant that there is a need to secure the offsite highway improvements as part of a Section 278 Agreement and that the onsite detail will need to be agreed through a Section 38 Agreement. The funding of the necessary waiting restrictions needs to be secured through an appropriate legal agreement.

The proposals included 88 parking spaces and adequate space for cycle parking, this accords with the requirements of the PMP. The submission confirms that all dwellings will be installed with electric car charging points. The apartments will have a metered charging point to share. This installation of these charging points can be secured via condition.

Ecological implications

Outline of ecological interests:

Point 4 of PMP policy SB17 states 'identify and assess the ecological interest of the site and the likely effects of development on them. Protect and enhance these aspects and mitigate to avoid or minimise the effects. Point 5 of the PMP advises that lighting and green infrastructure at this location must be designed to safeguard the ecological and habitat requirement of bats.

The site is within a designated Site of Nature Conservation Interest (SNCI) called "Stirtingale Farm (including Rush Hill Open Space and Corston View)". The site also falls within an area of known bat activity including activity for greater and lesser horseshoe bats associated with the nearby Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

The submitted ecology reports confirms the presence of habitats of high conservation value at the local level, including tufa depositing flushes and semi-improved calcareous grassland, with other semi-natural habitats present within and immediately adjacent to the site described as adding to the diversity of the overall habitat mosaic. These include woodland, hedgerow, semi-improved mesotrophic grassland and scrub.

Tufa flushes are a vulnerable and increasingly rare habitat. They are a priority feature in the selection of sites for designation as Special Areas of Conservation (Natura 2000 sites). The tufa flushes at the site vary in quality due to long term habitat neglect and degradation; in spite of this the habitats are still of value with one of the flushes proposed for part-retention described as "containing a diverse assemblage of plants and bryophytes indicative of calcareous water, which is of county level importance due to its rarity in the local area. An assemblage of aquatic invertebrates indicative of unpolluted water is also supported

The site also supports birds; reptiles; badger activity with two active badger setts confirmed as present on site; use by bats, and suitability for a range of mammals.

Acknowledging the potential adverse effects arising from this development, the submission confirms that a number of strategies are proposed in order to protect, avoid, mitigate and compensate for any harm to species or biodiversity interests. These include, a reptile translocation strategy, bat mitigation strategy, Construction Ecological Management Plan, Habitat Enhancement and Management Plan and Off-site Compensation Biodiversity Offsetting.

Bats - Special Areas of Conservation.

A Habitats Regulations Assessment (HRA) and Appropriate Assessment (AA) has been undertaken. During the course of the application, additional survey information has been submitted which supports the conclusion of the 2017-18 surveys that small numbers of lesser horseshoe bats regularly use the site. It is not considered that additional surveys would be of particular benefit to further inform mitigation. Precautionary assumptions have been applied e.g. potential foraging habitat and winter use.

There is no evidence that the site provides a key foraging resource, but it is likely to be occasionally used by foraging horseshoe bats, including during winter months. Public access to the southern area of the site will now be prevented. This will enable greater flexibility in relation to habitat management, with opportunities to benefit foraging bats. At a population level, habitat creation at Pennyquick (offsetting site detailed below) may also provide enhanced foraging opportunities. Management and monitoring will be of key importance and will need to be secured by condition.

Although there may be localised net loss of foraging habitat in terms of area, there are opportunities to enhance habitats to improve invertebrate abundance. There is no credible risk of a significant impact on SAC bat populations as a result of loss of foraging area, due to habitat retention, management and compensation proposals.

The site entrance has been redesigned to provide an undisturbed dark corridor of between 1.8m-10m in width. Although this is narrower than preferred, the ecologist has confirmed that lesser horseshoe bats will sometimes fly within a bushy hedgerow. Consideration of alternative options has now been fully justified by the applicants. The access road cannot be created without a small number of trees being removed.

The proposals include a 2m high fence, hedgerow and tree planting. Management and landscape proposals for the northern end will need to be reconsidered. The Ecologist has recommended that if consent is granted, a revised Management Plan and landscaping layout should be secured by condition to secure details such as a wider hedge or shade tolerant species mix/native shrub planting.

Disturbance as a result of human activity and car headlights will be minimised by the solid fences bordering the bat corridor and gate at the northern end. Relocation of the footpath to the western side of the access road is strongly supported.

The submitted Lighting Impact Assessment demonstrates that, although light spill along the access road, will exceed 0.5 lux in isolated areas, a dark (below 0.5 lux) vegetated bat corridor of at least 1.8m wide can be maintained on the eastern boundary. The existing streetlights will be fitted with cowls/baffles which will improve conditions at the road crossing itself for horseshoe bats as shown by detailed modelling. This may offset some of

the reduction in width from the existing crossing point. No additional street lighting columns will be installed. The lighting calculations do not include retained habitats in the south of the site. It is feasible, based on scheme design, that these can be retained at light spill levels of less than 0.5 lux. Therefore, detailed lighting design for the entire site can be secured by condition. Monitoring with remedial measures if needed will need to be secured by condition.

The HRA concludes that the mitigation is sufficient so that there is not a credible risk of significant negative impacts on the SAC bat populations either alone or in-combination. In accordance with Regulation 63 (3) of the Conservation of Habitats and Species Regulations 2017 (as amended), the application must not be approved until NE have reviewed the HRA/AA. It is noted that they have informally agreed this, but formal comments have not yet been submitted. Natural England has confirmed that they agree with the conclusions of the HRA.

Impact upon the SNCI/UK Priority Species and UK Priority Habitats

Policy NE3 advises that development that would adversely affect, directly or indirectly other, species, habitats or features of biodiversity/geodiversity importance or value will be permitted in the following cases:

b for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site

c for UK Priority Species and UK Priority Habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat

In all cases:

a Firstly, any harm to the nature conservation value of the site is minimised; and

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

c Thirdly, ecological enhancements are made.

d Then, as appropriate:

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

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

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

As outlined above, the submission includes a suite of reports to address the ecological impact of the development. The Ecological Enhancement and Management Plan sets out mitigation, on site compensation and off-site compensation for the harm identified. Measures for offsite compensation measures are put forward at a site at Pennyquick. This includes the provision of 5.5ha of species-rich grassland and the translocation of 40m from Flush 1 with an additional 210m to be created.

The Council's Ecologist has raised concerns that measures to avoid any impacts on habitats and species of principal importance, and the SNCI, have not been achieved. They have advised that this could be in ways such as by retaining Flush 3 in its entirety. The only way to address this issue appears to be to redesign the scheme. This has been discussed in detail with the agent, and any redesign of the scheme to avoid the harm would significantly reduce the quantum of development that could be accommodated on site. This is an allocated site where the number of dwellings is already below that of the cited 'about 40' as cited within the design and development principles. Whilst the Council's Ecologist considers the impacts on the SNCI, the tufa and associated habitats could be avoided, this would be by reducing the quantum of development to a level substantially below that as outlined in the policy. On balance therefore, officers accept that this harm cannot be completely avoided if the aspirations of this part of the policy are to be delivered.

As this harm has not been avoided, the Ecologist has concluded, that there is a risk of damage to retained habitats within the SNCI as well as overall loss of habitat quality including a tufa flush and associated plant and invertebrate assemblage of County Importance. It has been recognised that the revised proposals, including additional on-site mitigation and compensation, are an improvement and the additional on-site habitat retention and creation of tufa-depositing habitats and potential species-rich grassland is welcomed. However, this cannot alter the conclusion that there will be short-term tufa/flush habitat loss and the long-term impacts remain uncertain. It is possible that the habitat creation proposals could be successful; but there remains a high risk of net loss of onsite flush habitat in terms of quality, if not extent.

Due to the complexity of tufa/flush features, officers sought an independent opinion from a Professor at the University of Bath who is an expert in this field. His opinion on the translocation/artificial creation concurred with the applicant's Ecologist that the tufa flush was not irreplaceable and could be relocated/created on the Pennyquick offsetting site, and that it is possible to replicate the geological habitat structure. The Council's Ecologist highlights that replicating associated botanical and invertebrate communities is another matter. Although there appears to be a net gain in flush habitat within the compensation proposals, the Ecologist has highlighted that this will be meaningless in ecological terms if the habitat is not of comparable diversity in flora or fauna.

It is accepted that there is limited information available on the success of tufa/flush translocation, but significant weight has been given to the expert advice sought as well as the reports submitted. The Ecologist has requested, that if consent is granted a detailed methodology for habitat creation, translocation and management, to include hydrology information would need to be provided. The success of the off-site scheme also depends on the future management. Costings for management have been provided and these costings will be finalised and secured through the preparation of the legal agreement.

Within the site, the removal of the southern area from public access and retention/creation of additional on-site flush/tufa-depositing habitat as a result is a significant improvement. However, the revised landscaping layout remains unacceptable for a SNCI and a revised landscaping scheme must be secured via condition if permission is granted. This will ensure the planting specifications are acceptable.

In terms of species-rich grassland, the revised proposals combined with off-site habitat creation and Pennyquick should now result in no net loss and possible net gain of this habitat. The overall habitat mosaic on-site will be partially retained.

Overall, the Ecologist maintains their objection in principle on ecological grounds due to significant negative impacts on a SNCI and tufa-depositing/flush habitats and associated plant and notable invertebrate communities (overall County Importance). Although there appears to be a potential to replicate flush habitat within the compensation proposals, the risk that the habitat will not be comparable in habitat quality or supporting species assemblages is highlighted by the Ecologist. The Ecologist has requested that if the application is approved, conditions should be attached to secure a 30-year Biodiversity Management Plan, including monitoring protocol.

As the Ecological requirements of Policy NE3 are not met, the planning derogations within Policy NE3 (3b and 3c) will need to be considered. This will be dealt with below.

Biodiversity Net Gain (BNG)

The revised BNG metric calculator and updated Pennyquick Ecological Enhancement and Management Plan is welcomed. The best practice approach set out in Defra guidance has mostly been followed. Habitat condition and use of the calculator can be rather subjective but minor revisions would not result in less than 10% net gain as the current calculations indicates 130% net gain as a result of off-site habitat creation. The Ecologist response highlights that the result of the metric does not supersede the requirement for onsite mitigation and avoidance measures to be sufficient.

Overall, the number of bat and bird boxes and species-specific enhancement measures detailed within the Habitat Enhancement Management Plan (HEMP) is rather low given the sensitivity of the site. If consent is granted a revised plan should be provided. Hedgehog connectivity measures should be shown on all boundaries. There should be at least one habitat feature. A revised HEMP can be secured by condition.

Invertebrates

There remain likely negative impacts on an invertebrate assemblage of County Importance with the SNCI. However, the magnitude and likelihood of these risks has been somewhat reduced due to removal of the southern area from public access.

Other Protected and Notable Species

The detailed Badger Mitigation Strategy is supported, including obtaining a Natural England licence before works commence. The Reptile Mitigation Strategy is also strongly supported and is preferable to off-site translocation. Some minor amendments are required to this strategy but these could be confirmed in an updated CEMP/conditions.

Conclusion on ecology issues.

The Council's Ecologist has an in-principle objection to the development of the site. The Ecologist has advised that despite significant efforts to address off-site compensation, the proposals remain likely to result in substantial harm to a Site of Nature Conservation Interest and habitats and species assemblages of County Importance, resulting in net loss of biodiversity. In line with PMP NE3, consideration must be given as to whether there are material considerations that exist that outweigh this harm.

The harm identified should not be underplayed, and this is given significant weight in the decision making. However, the mitigation and onsite and offsite compensation measures are noted and given weight. Very substantial weight is given to the fact that the site is allocated for development. The site is in the 5-year housing land supply for the 2019 published trajectory and forms part of the overall supply for the Core Strategy. The provision of housing including affordable housing, on this allocated site, is a material consideration that outweighs the harm identified to the SNCI and the need for the development in this particular location is sufficient to override the harm to the species/habitats.

Sustainable construction

PMP Policy CP2 explains that sustainable design and construction will be integral to new development. For major developments, policy SCR1 requires a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. A sustainability strategy which incorporates Passivhaus principles and a fabric-first approach to reduce energy demand and incorporates solar PVs as active on-site renewable energy generation is included with the submission. This is welcomed, and in order to ensure compliance with the policy targets, a condition will be included on any permission.

Housing accessibility

Placemaking Plan Policy H7 requires that market housing should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M. The application confirms that over the required 19% of all new market housing meets enhanced accessibility standards.

Residential amenity

Existing

The application site is bound by residential properties, and therefore careful consideration must be given to ensure that there is no significant harm to the residential amenity of these occupiers. It is recognised that the adjacent dwellings currently have a pleasant outlook onto open fields, and this will change as a result of the development. However, the buildings are sited a sufficient distance to ensure that outlook of the occupiers of the surrounding development is not dominated by the development, and there will be no significant loss of light to the neighbouring dwellings or outdoor amenity spaces.

The dwellings, in particular those at Englishcombe Lane are sited a sufficient distance from the neighbouring occupiers to ensure that the privacy of these neighbouring occupiers is not unduly compromised. Whilst the occupiers of the adjacent dwellings at Stirtingale Road are closer to the proposed units, and will experience some greater overlooking, this will not be to an unacceptable level, and will not result in significant harm. Further, although the development will change the way the neighbours experience the site, the proposals will not result in any unacceptable noise and disturbance. Overall, the proposed development is not considered to result in any unacceptable impact upon the residential amenity of the neighbouring occupiers.

Future occupiers

The future occupiers of the development will benefit from satisfactory living conditions. The internal living space is of an acceptable size, and the occupiers of the dwellings will benefit from adequate garden areas, and although the apartments do not have a communal space, they have access to open spaces, including to the nearby park.

Arboricultural Matters

The submission includes an arboricultural report and the Arboricultural Officer is in general agreement with the arboricultural implications identified. It states that the majority of the trees proposed for removal are of low quality and will continue to decline if not managed. The siting of the dwellings has been informed by the trees on the site, and the scheme allows for sufficient replacement planting.

Drainage/flooding

The site is located wholly within Flood Zone 1 and is therefore considered to have a low probability of flooding. A site-specific Flood Risk Assessment (FRA) and Drainage Strategy has been produced and this demonstrates that the proposed development will be safe from flood risk for its lifetime, and that it will not increase flood risk elsewhere

The FRA includes detail on the drainage strategy proposed for the site, and third parties have highlighted existing problems with drainage and concerns that the development will compound these issues. However, the drainage strategy has been reviewed in detail by the Council's Drainage Officers and they are satisfied that the submitted drainage strategy is acceptable in principle. Finalised detailed design will be required prior to commencement of construction.

The proposed Sustainable Drainage System for the development will be managed and maintained to ensure that it will operate effectively for its lifetime. A maintenance strategy document has been submitted which sets out the proposed maintenance activities. A preoccupation condition will be requested requiring a finalised version to confirm how these activities can be guaranteed for the life of the development. The drainage officer requests the inclusion of the strategy in a S106 agreement. It is not considered that the responsibilities within the draft maintenance document are so onerous, that the requirement to adhere to these would be unenforceable on necessary parties. It is likely that the cost of doing so would be

dealt with through management charges, but again, this is not considered to be a level that would be unviable.

Third parties have raised concern with regards to future responsibilities for the drainage strategy. The submission confirms that the access road will be offered for adoption under a Section 38 agreement. Highway gullies and soakaways will be maintained by the Highway Authority if/once adopted. They must always be offered at an adoptable standard. Cut-off drains and cellular infiltration will be maintained by a private management company. If any private drainage is outside of the owner's boundary then it will also be maintained by the private management company. Any private drainage in private land will be maintained by the owner.

Due to repeated concerns by third parties with regards to the maintenance, further information was sought from the applicant's drainage consultant. They have confirmed that the SuDS at Englishcombe lane have been designed to be robust and easily maintained with such features as follows:

- Screens and silt traps to stop debris and silt entering the system
- Wrapping of filter trenches with geotextile to prevent silt entering pipes
- Double pipes from the headwall to provide redundancy
- Factors of safety on design
- Multiple access points for inspection and maintenance

The design of the Sustainable Drainage System (SuDS) has been based on best practice to include following the guidance in the CIRA SuDS Manual. This recommends an Operation and Maintenance Manual is provided. Following these recommendations, a Drainage Maintenance Strategy has therefore been included with the design information submitted. The proposed maintenance regime follows the recommendations of the SuDS Manual, which are good practice for any drainage system. The recommendations for monthly maintenance are limited to visual inspections of easily accessible areas and removal of debris and litter, if present, and are therefore simple to carry out. The maintenance recommendations for this site are therefore not onerous and no more than would normally be expected.

Exceedance routes will be provided for exceedance events or for local failure of the drainage system and will ensure that flood flows are directed safely through the development and safely off site onto the highway network. Wessex Water has confirmed that their existing public sewer in Englishcombe Lane has adequate capacity.

Land stability

Policy PCD6 deals with unstable land. This explains that the onus will be with the developer and/or landowner for securing a safe development and for submitting the necessary Risk Assessment(s) to support the proposal. The application is accompanied by a Rigorous Slope Stability Assessment which assesses the risk to ground stability.

Whilst there are some complexities within the site, the report concludes that development of the site is feasible, providing suitable precautions are taken to reduce the risk of slope failure. It is therefore considered that the site is capable of being developed without adversely affecting the stability of the development or that of neighbouring land. Further, it

is not considered that any remedial and/or precautionary measures proposed as a result of the development do not adversely affect local amenities and/or environmental interests beyond that already identified.

Planning obligations

Parks and open spaces

The Green Space Strategy provides costs for providing/improving open space per m2. When taking into account the value of the additional on-site natural greenspace (£13,406) the offsite S106 Greenspace contribution required is £66,248

Affordable housing

Core Strategy Policy CP9 (Affordable Housing) requires 30% affordable housing in this area. The policy states a mix of affordable housing units should be provided which contribute to the creation of mixed, balanced and inclusive communities with the size and type of units determined by the Council to reflect identified housing needs and site suitability.

The development provides 11 affordable units on-site which equates to 30%. This level is therefore policy compliant. A range of affordable units are proposed, including 1 and 2 bed apartments as well as 2 and 3 bed houses which respond to observed local need shown in the Strategic Housing Market Assessment. The on-site affordable units are proposed to be a mix of affordable rented and shared equity tenures.

The final affordable housing scheme will be agreed through the preparation of a legal agreement.

Other planning obligations to include:

- Details of Management Company - and commitment to maintenance/ drainage strategy
- Financial contribution, and method statement for offsite ecological mitigation measures and responsibilities for ongoing monitoring. - Offsetting currently costed at £197,417.00
- Site Specific Targeted Recruitment and Training in Construction
- Financial contribution to Fire Hydrants
- Financial contribution to highway works as detailed above

Normally any s106 agreement would be executed and completed before planning permission is issued. However, in this case, the site is owned by the Council and the Council cannot enter into a legal agreement with itself. That prevents the completion of a s106 agreement. Therefore, the agreement will be drafted and annexed to the planning permission without being executed. Condition 33 below provides that no development shall commence on any part of the land until a s106 substantially in the form annexed to the permission has been completed (i.e. made legally enforceable) with the Local Planning Authority, binding that part of the land to be developed to the planning obligations contained in the agreement. The condition also provides that the Local Planning Authority must have given written notification to the persons executing the s106 agreement that the land has been bound by the legal obligations to the satisfaction of the

Local Planning Authority. This is an exceptional course of action but is considered to be appropriate in this case due to the Council's ownership of the land.

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010.

The development will introduce a mixture of housing types into the community, and these will be accessible to a range of people. It does not eliminate any particular characteristic. Whilst there will be an impact upon neighbouring residents, it is not considered to result in harm to a specific group/characteristic. The impact of the development through the construction process can be limited through a Construction Management Plan. Whilst some concerns were raised with regards the access, the development is considered to be accessible to all.

Planning balance/conclusion

As noted above, the ecologist maintains their objection in principle due to significant negative impacts on a SNCI and tufa-depositing/flush habitats and associated plant and notable invertebrate communities. The Council's Ecologist has concerns that the ecological mitigation hierarchy has not been met and has uncertainty as to whether or not there will be net loss of important tufa/flush habitats and associated flora and fauna. Biodiversity compensatory measures are provided on site and off site. As noted above NE3 explains that development that adversely affect an SNCI, or UK Priority Species and habitats will not be permitted unless there are material considerations to outweigh the harm, and the importance of the development and the need for that particular location is sufficient to override the value of species or habitats.

The allocated status of this land means that the principle of residential development is acceptable on the site. Whilst it is noted that the quantum of development could be reduced to minimise the harm further, the allocation specifically references around 40 dwellings. It is not considered reasonable to reduce the level of development to a number much lower than 40 given the allocation requirements.

Based on 37 dwellings, the scheme has sought to position development away from the most ecologically sensitive parts of the site and has put forward onsite and offsite mitigation and compensatory measures. Whilst there is harm to specific habitats, there is overall biodiversity net gain. Very substantial weight is given to the fact that the site is allocated for development. The site is in the 5-year housing land supply for the 2019 published trajectory and forms part of the overall supply for the Core Strategy.

On balance, the provision of housing, included affordable housing, on this allocated site, is a material consideration that outweighs the harm identified to the SNCI and the need for the development in this particular location is sufficient to override the harm to the species/habitats.

The development of the site will undoubtedly change the character of the site, introducing a contemporary development onto an undeveloped site. However, this is considered to be

of a design, scale, and a siting that will ensure that the character and appearance of the Conservation Area and the wider World Heritage Site is preserved.

For the above reasons the application is recommended for approval subject to a number of conditions and a legal agreement.

RECOMMENDATION

PERMIT

CONDITIONS

0 Permit: subject to

-finalisation of the draft s106 agreement to be annexed to the planning permission; and subject to the following conditions

1 Standard Time Limit (Compliance)

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

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

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

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

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

3 Hard and Soft Landscaping (Pre-occupation)

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

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

4 Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the

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

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

5 Housing Accessibility (Compliance)

19% of the market dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M

Reason: Reason: To ensure that the optional technical standards for accessibility are met in accordance with policy H7 of the Bath and North East Somerset Council Placemaking Plan.

6 Water Efficiency - Rainwater Harvesting (Pre-occupation)

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

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

7 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 Bath and North East Somerset Placemaking Plan.

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

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

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

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

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

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

10 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.

11 Site Access (Pre-occupation)

No occupation of the development shall commence until the access arrangement shown on drawing number Plan 0746-002 Rev E (or a variation agreed by the planning authority) has been provided.

Reason: To ensure safe access to and from the site in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

12 Residents Welcome Pack (Pre-occupation)

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

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

13 Dwelling Access (Compliance)

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

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

14 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.

15 Detailed drainage design (Pre commencement)

No development shall commence, except ground investigations and site clearance, until the detailed drainage design has been submitted to the local planning authority and accepted in writing. The submission should include infiltration test results, calculations demonstrating the performance of the systems (at the 1:1 and 1:100+40% events), plans and design details for the soakaways and other structures associated with the drainage system.

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.

16 Detailed drainage design (Pre commencement)

Prior the occupation of the development hereby approved a maintenance strategy setting out the required maintenance activities and the responsible parties in order to guarantee the performance of the drainage system for the lifetime of the development is to be submitted to the local planning authority for written approval. The development shall thereafter implemented in accordance with these approved details

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

17 Surface water discharge (Pre commencement)

No development shall commence, except ground investigations and site clearance, until written confirmation from the sewerage company (Wessex Water) accepting the surface water overflow discharge into their network including point of connection and rate has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed discharge, an alternative method of surface water drainage, which

has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

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

18 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.

19 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.

20 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.

21 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.

22 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.

23 Renewable Energy (Pre-occupation)

The development hereby approved shall incorporate sufficient renewable energy generation such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10% [baseline needs to be defined]. Prior to first occupation of the development hereby approved those matters listed below shall be submitted to and approved in writing by the local planning authority:

- A completed copy of Energy Table 1 (of the local planning authority's Sustainable Construction Checklist). This shall be completed to reflect the actual technologies installed as part of the development hereby approved,
- A completed copy of Energy Table 3 (of the local planning authority's Sustainable Construction Checklist). This shall be completed to reflect the actual renewable energy systems installed as part of the development hereby approved,
- Evidence documentation (e.g. commissioning certificates, Feed in Tariff certificates or receipts) relating to those installed technologies listed in Energy Table 3 demonstrating to the local planning authority's satisfaction that they have been installed correctly and are generating energy in line with the assumptions set out in Energy Table 1.

The approved renewable energy systems shall be installed (and shall be operational) in accordance with the approved Energy Tables 1 and 3 and the approved evidence documents prior to first occupation of the development hereby approved and shall be retained as such thereafter as an integral part of the development hereby approved.

Reason: Reason: To ensure that the development's carbon emissions (from anticipated regulated energy use) are reduced by at least 10% by means of sufficient renewable energy generation, in accordance with Policy SCR1 of the Bath & North East Somerset Placemaking Plan.

24 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

25 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.

27 Revised Construction Environmental Management Plan (Biodiversity) (Pre-commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a revised Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The revised CEMP (Biodiversity) shall include the following.

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones" based on up-to-date survey information for habitats and protected and notable species.
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) Responsible persons and lines of communication.
- G) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- H) Use of protective fences, exclusion barriers and warning signs if applicable.
- I) A method statement for the removal of non-native invasive species subject to legal controls.
- J) A detailed specification for construction lighting, including lux contour plan if there may be impacts on habitats for horseshoe bats.
- K) A detailed programme for the works, including seasonal timing, phasing and mitigation measures for removal of trees along the horseshoe bat corridor adjacent to Englishcombe Lane.
- L) A specification and timetable for installation of ecological enhancement measures during the construction phase.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992 and to minimise ecological harm to a SNCI in accordance with Bath and North East Somerset Placemaking Plan Policy NE3.

28 Habitat Creation and Translocation (Pre-commencement)

Prior to the commencement of the development, full details of a Scheme of Habitat Creation and Translocation shall be submitted to and approved in writing by the Local Planning Authority. These measures shall include:

- A) A plan showing areas to be retained and protected, areas subject to translocation, areas of habitat creation and areas where habitats will be removed, referencing ecological conditions in each of these areas;
- B) The Scheme's aims and objectives.

- C) The evaluation of the ecological, hydrological and geological requirements of flush habitat creation.
- D) The selection of suitable receptor locations for translocated habitats.
- E) A specification and method statement for the creation of new channels to support flush habitats, referencing hydrological conditions and including a layout and section plan.
- F) A specification and method statement for the translocation of botanical species.
- G) A detailed specification for the creation of off-site habitats at Pennyquick.
- H) Full details of long-term management and ownership of the on-site and off-site habitats
- I) Details of the persons responsible for the implementation of the Scheme.
- J) A timeframe for the Scheme's implementation.

The agreed habitat creation and translocation scheme shall be carried out as approved and the site maintained and managed thereafter in accordance with it.

Reason - To mitigate harm to habitats of high ecological value on a SNCI in accordance with the NPPF and Bath and North East Somerset Placemaking Plan Policy NE3.

- K) A management and monitoring specification for a minimum period of thirty years and a proposed schedule for submission of findings to the Local Authority Ecologist

29 Soft Landscape Plan (Pre-commencement)

Development shall not commence until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting specification and details of sensitive landscape measures consistent with the designation as a Site of Nature Conservation Interest. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan and to minimise harm to a SNCI in accordance with Policy NE3.

NB These are pre-commencement conditions as measures to minimise ecological harm will need to be agreed before works commence.

30 /bRevised Habitat Enhancement Management Plan (Pre-Occupation)

Prior to the occupation of the development, a revised Habitat Enhancement Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of habitat management objectives for the site, including but not limited to, the following:

- A) An audit of proposed retained areas and an assessment of the existing on-site and off-site habitats to be retained, lost and created.
- B) The management and protection measures for all retained habitats and species, including fencing and boundary details.
- C) A detailed specification for management of the surrounding tree belts and hedgerows, particularly with regard retaining dark flight corridors for bats, including a minimum height and width at which vegetation must be retained.
- D) A detailed specification for the management of grassland habitats.
- E) A detailed specification for the management of wetland habitats.
- F) A detailed specification for management of any invasive species, including the timing and frequency of monitoring.
- G) A detailed management specification for off-site habitats at Pennyquick.

- H) Details of any management requirements for species-specific habitat enhancements.
- I) Annual work schedule to continue for at least a 30 year period.
- J) Detailed monitoring strategy for habitats and species, including monitoring of use of the crossing point by horseshoe bats, with details of remedial measures including triggers for implementation.
- K) Details of a reporting mechanism to the Local Authority Ecologist.

The landscape and biodiversity management plan shall be implemented in accordance with the agreed timetable, and thereafter maintained in accordance with the agreed details.

Reason - To protect and enhance ecological interests in accordance with Bath and North East Somerset Placemaking Plan Policies NE3, NE5 and D5e.

31 Ecological Compliance Report (Pre-Occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures as detailed in the approved Construction Environmental Management Plan (Biodiversity), Habitat Creation and Translocation Plan (up to completion of the development), Bat Mitigation Strategy including Appendices (Ethos Environmental Planning, June 2020), Reptile Mitigation Strategy (Ethos Environmental Planning, June 2020) and Badger Mitigation Strategy (Ethos Environmental Planning, June 2020). These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation that a Natural England badger mitigation licence was obtained and implemented before commencement of any works which may harm badger setts;
3. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
4. Confirmation that proposed measures to enhance the value of the site for target species have been implemented.

All measures within the scheme shall be retained, monitored and maintained in accordance with the approved details.

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

32 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers and heights;
2. Predicted lux levels and light spill;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

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

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Placemaking Plan.

33 Planning obligations (Pre commencement)

No development shall commence on any part of the land to which this planning permission relates until a planning obligation substantially in the form annexed to this permission has been completed with the Local Planning Authority binding that part of the land to be developed to the planning obligations contained therein and the Local Planning Authority has given written notification to the persons executing the planning obligation that the land has been bound to the satisfaction of the Local Planning Authority.

Reason To ensure that the appropriate obligations necessary to make the development acceptable in planning terms are entered into in respect of the land affected by the planning permission before any development commences on that part of the land.

34 Plans List (Compliance)

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

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

PLANS LIST:

03 Jun 2020	065-403_P1	WELDMESH FENCING
03 Jun 2020	065-501_P4	ACCESS ROAD SECTIONS
03 Jun 2020	065-502_P1	ACCESS ROAD SECTION
03 Jun 2020	065-503_P1	ACCESS ROAD LONG SECTIONS
03 Jun 2020	065-510_P4	SECTION EE
03 Jun 2020	065-511_P5	SECTIONS CC
03 Jun 2020	065-512_P4	SECTION KK
03 Jun 2020	065-G107-1_P3	PROPOSED MATERIALS - HARD LANDSCAPE
03 Jun 2020	065-G107-2_P3	PROPOSED MATERIALS - SITE FURNITURE
03 Jun 2020	065-G107-3_P3	PROPOSED PLANTING - TREE PALETTE
22 Jun 2018	020015 B	PROPOSED SITE ELEVATIONS
22 Jun 2018	030011 A	PROPOSED SITE SECTIONS
22 Jun 2018	030015	PROPOSED SITE SECTIONS
22 Jun 2018	040001	PROPOSED BIN STORES
05 Apr 2018	900010	PROPOSED SITE PLAN 1 OF 2 Public
22 Jun 2018	040002	PROPOSED BIN STORES
03 May 2018	5889-BR-V01-ZZ-DR-A-010104	PROPOSED PLANS HOUSE TYPE 3
03 May 2018	5889-BR-V01-ZZ-DR-A-010111	PROPOSED PLANS HOUSE TYPE 6
03 May 2018	5889-BR-V01-ZZ-DR-A-010119	PROPOSED PLANS HOUSE TYPE 8
05 Apr 2018	010100	HOUSE TYPE 01 - PROPOSED PLANS
05 Apr 2018	010102	HOUSE TYPE 02 - PROPOSED PLANS
05 Apr 2018	010106	HOUSE TYPE 04 - PROPOSED PLANS
05 Apr 2018	010108	HOUSE TYPE 05 - PROPOSED PLANS
05 Apr 2018	010113	APARTMENTS - PROPOSED PLANS
05 Apr 2018	010114	APARTMENTS - FLAT LAYOUTS
05 Apr 2018	010117	HOUSE TYPE 07 - PROPOSED PLANS

05 Apr 2018	010117	HOUSE TYPE 07 - PROPOSED PLANS
05 Apr 2018	020015	PROPOSED SITE ELEVATIONS
05 Apr 2018	020101	HOUSE TYPE 01 - PROPOSED ELEVATIONS
05 Apr 2018	020103	HOUSE TYPE 02 - PROPOSED ELEVATIONS
05 Apr 2018	020105	HOUSE TYPE 03 - PROPOSED ELEVATIONS
05 Apr 2018	020105	HOUSETYPE 03 - PROPOSED ELEVATIONS
05 Apr 2018	020107	HOUSE TYPE 04 - PROPOSED ELEVATIONS
05 Apr 2018	020109	HOUSE TYPE 05 - PROPOSED ELEVATIONS
05 Apr 2018	020110	HOUSE TYPE 05, PLOT 19-21 - PROPOSED ELEVATIONS
05 Apr 2018	020112	HOUSE TYPE 06 - PROPOSED ELEVATIONS
05 Apr 2018	020112	HOUSE TYPE 06 - PROPOSED ELEVATIONS
05 Apr 2018	020115	APARTMENTS - PROPOSED ELEVATIONS
05 Apr 2018	020116	APARTMENTS - PROPOSED ELEVATIONS
05 Apr 2018	020120	HOUSE TYPE 08 - PROPOSED ELEVATIONS
05 Apr 2018	020120	HOUSE TYPE 08 - PROPOSED ELEVATIONS
05 Apr 2018	030010	PROPOSED SITE SECTIONS
05 Apr 2018	030011	PROPOSED SITE SECTIONS 2
05 Apr 2018	030012	PROPOSED SITE SECTION 3
05 Apr 2018	030013	PROPOSD SITE SECTIONS 4
05 Apr 2018		EXISTING SITE SURVEY
05 Apr 2018	900102	PROPOSED PLOT NUMBERS
05 Apr 2018	900100	SITE LOCATION PLAN
05 Apr 2018	900011	PROPOSED SITE PLAN 2 OF 2
05 Apr 2018	900012	PROPOSED SITE PLAN
05 Apr 2018	900013	PROPOSED SITE CONTEXT PLAN

0 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.

0 Local Highway Authority require an agreement (Section 106, Section 38, Section 278)

The Local Highway Authority (LHA) requires the developer to enter into a legally binding agreement(s) to secure the vehicular access and adoption of the internal access roads and footways as public highway. Further information in this respect may be obtained by contacting the LHA.

The Local Highway Authority requires Road Safety Audits

The detailed design of the vehicular access to the application site together with the layout of the internal access roads and footways shall be subject of an independent Stage 2 Road Safety Audit (RSA) and the completed works shall be the subject of an independent Stage 3 RSA. Both audits will be undertaken in accordance with GG119. Both audit briefs together with the CV of the Audit Team Leader and Audit Team Member shall be submitted to and approved in writing by the LHA. A representative of the LHA shall be present at the Stage 2 RSA site visit as an observer and a representative of the LHA and Avon and Somerset police shall be invited to attend the daytime and night-time Stage 3 RSA site visits

0 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.

0 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