

Town and Country Planning Act 1990

NOTIFICATION OF DECISION

Application Type: **Regulation 3 Application** Application No: **24/01168/REG03**

Address to which the proposal relates: **Land To The Rear Of 89 To123 Englishcombe Lane
Southdown Bath**

Description of Proposal: **The erection of 16 no. supported living units (Use Class C3(b)) with associated communal hub (to include ancillary carers accommodation), access, landscaping and ancillary works**

Application submitted by: **Ms Hayles**

The above development is **PERMITTED** in accordance with the application, plans and drawings submitted by you subject to the condition(s) set out below:

1 Standard Time Limit (Compliance)

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

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

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

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

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

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

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

3 Construction Management Plan (Pre-commencement)

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

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

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

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

4 Construction Environmental Management Plan (Pre-commencement)

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

- o Procedures for maintaining good public relations with neighbours including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Environmental Protection Team;
- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - o 08 00 Hours and 18 00 Hours on Mondays to Fridays and
 - o 08 00 and 13 00 Hours on Saturdays and;
 - o at no time on Sundays and Bank Holidays.
- o Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;

- o Procedures for emergency deviation of the agreed working hours;
- o Control measures for dust and other air-borne pollutants following BRE Code of Practice guidance on the control of dust from construction and demolition activities. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants; and
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

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

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

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

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

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

Reason: To avoid harm to existing and retained habitats and species during site preparation and construction works in accordance with Policy NE3 of the Local Plan. NB: The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

6 Wildlife Mitigation and Enhancement Scheme (Pre-commencement)

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

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

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

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

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

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

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats;
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits);
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;

6. Annual work schedule for at least a 30 year period;
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.
9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
10. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

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

8 Sustainable Urban Drainage (Pre-commencement)

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

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

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

9 Affordable Housing Scheme (Pre-commencement)

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

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

Unless purchased under Right to Buy or other legislative scheme that compels the sale of residential units to a person for uses other than affordable housing, each of the affordable housing units on the

site shall be permanently retained as affordable housing in accordance with the submitted Affordable Housing Scheme and shall not be occupied otherwise than in accordance with that scheme.

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

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

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

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

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

No construction of the external walls of the development shall commence until a detailed schedule of proposed construction materials and finishes, and samples (as necessary) of the materials to be used in the construction of the external surfaces (including walls, roofs, windows, doors, coping, sills, rainwater goods etc.) have been submitted to and approved in writing by the Local Planning Authority. The materials schedule must reflect the materials within the submitted Facade Material Strategy (drawing no. 145599-ARC-XX-XX-EL-A-250-0006 P01 S3) and elevation drawings (145599-ARC-WS-XX-EL-A-250-0001 P06 S3 and 145599-ARC-WS-XX-EL-A-250-0002 P05 S3) and shall include:

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

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

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

12 Architectural Details - Large Scale Drawings (Bespoke Trigger)

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

1. Typical window construction including reveal and sill;
2. Banding detail;
3. Timber screens;

4. Wall and roof parapet junction;
5. Green roof construction;
6. Balcony railings;
7. Retaining walls and railings;

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

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

13 Landscape Design Proposals (Bespoke Trigger)

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

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

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

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

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

14 External & Internal Lighting (Bespoke Trigger)

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

- 1) Proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions, numbers and heights, with details also to be shown on a plan;
- 2) Light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;
- 3) Details of lighting controls, proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land, and to limit use of lights when not required and to avoid harm to bat activity and other wildlife; and
- 4) Details of a proposed lighting compliance and operational monitoring and reporting scheme, to demonstrate that the scheme has been installed and is being operated in accordance with approved details and that light spill levels are in accordance with predicted lux levels, to be carried out by suitably experienced professionals and details of reporting to the Local Planning Authority and proposed actions for remediation if applicable.

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

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

15 Contaminated Land - Unexpected Contamination (Bespoke trigger)

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

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

16 Fire Hydrants (Pre-Occupation)

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

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

17 Highway Access Works (Pre-occupation)

The development hereby approved shall not be occupied until the scheme of proposed 'Highway Works' are completed, and evidence of the completed works has been submitted to and approved in writing by the Local Planning Authority. The scheme of 'Highway Works' shall reflect the proposals shown on the Englishcombe Lane Concept Design Sheet 1 of 2 plan (drawing no. 30210292 - ARC - XX - XX - DR - HE - 00001 P03 dated 19th March 2024 by Arcadis). There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

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

18 Dwelling Access (Pre-occupation)

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

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

19 Cycle Parking (Pre-occupation/Compliance)

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

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

20 Waste Management Plan (Pre-occupation/Compliance)

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

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

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

21 Sustainable Construction SCR6 Residential Properties (Pre-occupation)

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

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

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

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

22 Ecological Compliance Statement (Pre-occupation)

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

Reason: To demonstrate compliance with the CEMP: Ecology and Wildlife Mitigation and

Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan.

23 Implementation of Landscaping Scheme (Compliance/Bespoke Trigger)

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

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

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

24 Arboricultural Compliance (Compliance/Bespoke)

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

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

25 Noise Levels (Compliance)

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

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

26 Water Efficiency (Compliance)

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

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

27 Plans List (Compliance)

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

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

PLANS LIST:

Plans List:

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

Architectural Plans:

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

Landscaping Plans:

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

Technical Plans:

Englishcombe Lane Concept Design Sheet 1 of 2 (Highways Access Works)	30210292 - ARC -	
XX - XX - DR - HE - 00001 P03	28 March 2024	
Drainage Strategy	30210292-AUK-XX-XX-SK-CE-0503 REV 02	06 September 2024
Catchment Plan	30210292-AUK-XX-XX-SK-CE-0504 REV 02	06 September 2024
Overland Flows Plan	30210292-AUK-XX-XX-SK-CE-0504 REV 02	06 September 2024
South Catchment Surface Water Strategy Section	30210292-AUK-XX-XX-SK-CE-0509 REV 01	06 September 2024
Standard Drainage Details Sheet 1 of 2	30210292-AUK-XX-XX-SK-CE-0505 REV 01	06 September 2024
Standard Drainage Details Sheet 2 of 2	30210292-AUK-XX-XX-SK-CE-0506 REV 01	06 September 2024
Gravel Blanket Standard Detail	30210292-AUK-XX-XX-SK-CE-0510 REV 01	06 September 2024

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.

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Biodiversity Net Gain - Standard Informative

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

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

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

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

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

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

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

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

Responding to Climate Change (Informative):

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

Date of Decision: 27th September 2024

Louise Morris

Head of Planning & Building Control

IMPORTANT NOTE - The above decision refers to Planning Permission only and does not grant or imply Listed Building Consent, Advertisement Consent, Building Regulation or other consents under any other legislation.

APPEALS TO THE FIRST SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (8 weeks for Advertisement appeals).
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the First Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.