

DELEGATED REPORT

Application No: 21/02354/FUL

Details of location and proposal and Relevant History:

Jubilee Centre, Lower Bristol Road, Twerton, Bath, Bath And North East Somerset

This application refers to a site within the Twerton/Newbridge area of Bath Enterprise Zone and currently comprises B8 warehouse and storage space. The building is currently occupied by a charity known as Mercy In Action.

The site falls within the World Heritage Site and Conservation Area. There is a group of three-storey Grade II listed houses at Rackfield Place set immediately to the east of the site, followed by the Twerton Mill PBSA development. The Grade II listed Great Western Railway Twerton Viaduct by Isambard Kingdom Brunel is raised above the opposite side of Lower Bristol Road to the south. The site is located within Flood Risk Zone 2. The site lies immediately adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) supporting high ecological value and a range of wildlife.

Planning permission is sought for the demolition of existing building; mixed-use redevelopment of site for storage and distribution (Class B8) and 120 units of purpose-built student accommodation (sui generis); and associated access and landscaping works (re-submission).

Relevant Planning History:

DC - 00/02278/FUL - WD - 2 July 2004 - Alterations and change of use of existing building to provide B1 office

DC - 17/02914/FUL - WD - 10 October 2017 - Demolition of existing building. Redevelopment of site for the erection of a 3-5 storey building to provide student accommodation (Sui Generis), comprising 136 bed spaces and communal facilities. External works, including hard and soft landscaping and felling/works to existing trees. Proposed vehicular access to Lower Bristol Road and provision of 1 no. parking space and covered cycle parking.

DC - 17/05536/FUL - RF - 12 February 2018 - Demolition of existing building. Redevelopment of site for the erection of a 3-5 storey building to provide student accommodation (Sui Generis), comprising 137 bed spaces and communal facilities. External works, including hard and soft landscaping and felling/works to existing trees. Proposed vehicular access to Lower Bristol Road and provision of 1 no. parking space and covered cycle parking.

DC - 20/01794/FUL - RF - 17 December 2020 - Mixed-use redevelopment of site for storage and distribution (Class B8) and erection of 121 units of purpose-built student accommodation (sui generis) following demolition of existing building and associated access and landscaping works.

Summary of Consultation/Representations:

Consultation Responses :

ARCHAEOLOGY:

8th June - No objection. No conditions required.

ARBORICULTURE:

5th July - objection. The space between the building and riverbank remains inadequate to provide meaningful tree planting.

CONSERVATION:

23rd June - No objection. The revised design is more successful and has responded positively to the design advice provided by the LPA. The development has responded well to the adjacent listed terrace and achieves an enhancement of the local townscape in general. The use of materials should be carefully controlled by condition.

CONTAMINATED LAND:

3rd June - No objection subject to conditions

DRAINAGE AND FLOODING:

15th June - No objection subject to condition

ECOLOGY:

24th June - Lighting concerns including impact to protected species, further information required.

24th November: No objection subject to conditions (Scope for revisions). The latest revised lighting report now addresses previous concerns. The inadequate buffer zone alongside the River Avon remains an unsatisfactory aspect of the scheme, however the ecological provision at the site is now accepted, subject to conditions and sensitive lighting. A Habitats Regulations Assessment has been documented and concludes that, provided light spill levels remain within the thresholds predicted within the submitted lighting assessment, the proposal will not have a significant effect on the Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

ECONOMIC DEVELOPMENT:

2nd June - Support given the assurances that the ground floor employment space will be retained and that Mercy in Action will be able to retain their lease on a long term basis.

ENVIRONMENT AGENCY:

21st June - No objection subject to condition

ENVIRONMENTAL PROTECTION:

15th June - No objection subject to condition

HIGHWAYS:

21st June - No objection subject to condition

HISTORIC ENGLAND:

22nd June - comments only. These latest proposals are a significant improvement on those which were refused permission in 2020. We defer to your internal conservation specialists in respect of the potential impacts of the development on Grade II listed buildings, which fall outside Historic England's remit.

NATURAL ENGLAND:

22nd June - concerns about this proposal regarding light spill onto the River Avon. Welcome the commitment to minimal management of bank side vegetation.

22nd Sept - Welcome the revised Lighting Assessment (LightPaD, August 2021) which includes additional mitigation measures to reduce light spill onto the River Avon corridor. These measures result in a reduction in the level of light spill onto the river corridor, however further detail is required to provide the certainty needed that there will be no significant impact to the Bath and Bradford on Avon Bats SAC.

PARKS & GREEN SPACES:

22nd June - The Parks & Green Spaces Department has no objection to this application subject to a S106 agreement securing a payment of £224,750 to greenspace enhancement projects in the local area to make the development comply with policy LCR6 and the Planning Obligations SPD (amended August 2019).

PLANNING POLICY:

19th July - Objection. The proposal is in conformity with Policy B1, B3, B5 and ED2B. Policy CP6 requires a sequential approach to flood risk management and expects any development in areas at risk of flooding to be made safe throughout its lifetime, by incorporating mitigation measures. The submitted Sequential and Exception Test identifies 11 alternative sites within flood zone 1 therefore there is no justification to consider development in flood zone 2.

Representations Received :

One objection received from the Bath Preservation Trust:

(Summary) The proposed development continues to be excessive and visually dominating in its height, massing and appearance. It constitutes overdevelopment of the site, with associated harm to multiple heritage assets, the conservation area and the setting of Grade II listed buildings. The development would, therefore, neither preserve nor enhance the distinctive streetscape character of the Bath conservation area, and would fail to contribute positively to local character and distinctiveness.

There is an absence of suitable justification for the further provision of PBSA along Lower Bristol Road, or demonstrated consideration of the future impact of Covid-19 on future student numbers and associated decline in demand for accommodation.

This application is therefore contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 12 and 16 of the NPPF, and Policies D1, D2, D3, D4, D5, HE1, and B5 of the Core Strategy and Placemaking Plan, and should be refused.

Policies/Legislation:

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

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

Core Strategy:

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

B1: Bath Spatial Strategy
 B3: Strategic Policy for Twerton and Newbridge Riverside
 B4: The World Heritage Site and its Setting
 B5: Strategic Policy for Bath's Universities
 CP2: Sustainable Construction
 CP3: Renewable Energy
 CP5: Flood Risk Management
 CP6: Environmental Quality
 CP9: Affordable Housing
 CP10: Housing Mix
 SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.5: Building design
 D.6: Amenity
 ED2B: Non-strategic industrial premises
 HE1: Historic environment
 NE2: Conserving and Enhancing the landscape and landscape character
 NE2A: Landscape setting of settlements
 NE3: Sites, species and habitats
 NE5: Ecological networks
 NE6: Trees and woodland conservation
 PCS2: Noise and Vibration
 ST7: Transport requirements for managing development
 SCR1: On-site renewable energy requirement
 SCR5: Water efficiency
 SU1: Sustainable drainage policy

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

- The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.
- Bath Buildings Heights Strategy

Conservation Areas:

In addition, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Listed Buildings:

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

Officer Assessment:

The proposal is seeking permission for the demolition of the existing building and erection of a mixed-use redevelopment for storage and distribution (Class B8) and 120 units of purpose-built student accommodation (sui generis); along with associated access and landscaping works.

This application is a resubmission of an application refused in 2020 for a similar scheme.

The main issues to consider are:

- Principle of employment use
- Principle of student accommodation
- Principle of development in flood zone
- Heritage, Visual Impact and Design
- Archaeology
- Residential Amenity
- Highways matters
- Contaminated Land
- Trees and Green Infrastructure
- Ecology
- Off-site public open space contribution
- Sustainable construction and renewables
- Any other matters
- Planning balance

PRINCIPLE OF EMPLOYMENT USE:

The site is located in the Bath Enterprise Zone, in particular in the Twerton Riverside area. This area is characterised by its contribution to Bath's industrial history and present-day employment structure.

The application site has an established existing lawful use as storage and distribution (Class B8). The site is currently in use by a Charity known as Mercy in Action (MIA).

Much of the Newbridge Riverside area is designated as strategic and primary industrial estate, however the Twerton Riverside area, including this site, is not. Instead, it is considered Non-Strategic Industrial Premises.

Policy ED2B has regard to non-strategic industrial premises, it states that Proposals for light industrial, heavy industrial, warehousing (classes B1c, B2, B8) will be acceptable in-principle at sites already occupied by smaller clusters and stand-alone industrial premises provided that this would not cause unacceptable environmental, residential amenity or highways problems.

Policy B1 sets out the wider Bath Spatial Strategy but is relevant here. Part of the spatial strategy plans for a net overall increase in jobs over the plan period, along with the contraction of industrial floorspace whilst sustaining a mixed economy.

This proposal seeks to provide a new storage and distribution facility (Class B8) at ground floor, with ancillary offices at mezzanine level. The B8 element has been designed to secure the retention of the existing tenant MIA. The submission states that the applicant has agreed terms with MIA, subject to planning, whereby MIA will take a leasehold interest for the proposed ground floor and associated mezzanine level. It is considered that this element of the proposal complies with policy ED2B (environmental, residential amenity, and highways matters are discussed further below).

The proposal will provide an increase in employment floorspace, increasing from 725sqm to 856.8sqm. It will also result in a planned increase in employment from 20 to 25 full time staff and 10 to 15 part time jobs. This is considered to comply with the economic aspirations of policy B1.

The continued use of the ground floor (and mezzanine floor) in B8 use is acceptable in principle, subject to other material consideration below.

PRINCIPLE OF PURPOSE-BUILT STUDENT ACCOMMODATION:

The proposal seeks to provide 120 units of purpose-built student accommodation (PBSA), one unit less than the previous scheme (20/01794/FUL). It is noted that the PBSA element of the previous application (20/01794/FUL) was considered acceptable in principle and did not form grounds for refusal.

The ground floor will provide a pedestrian entrance to the PBSA which is located on the 4 No. upper floors. The accommodation comprises: 50 No. rooms in 10-bed clusters; 15 No. rooms in 5-bed clusters; 7 No. rooms in a 7-bed cluster; 45 No. studios and 3 No. accessible studio apartments. A communal lounge is located at first floor, an external terraced area is provided at roof level on the eastern side of the building.

Policy B5 of the Bath Placemaking Plan drives the location of student accommodation in the city. It states that proposals for off-campus student accommodation will be refused within the Enterprise Zone where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space).

Policy B3 sets out the strategic vision for the Twerton and Newbridge Riverside areas of the Enterprise Zone. Twerton Riverside has contracted as an industrial location in recent decades. The policy states 'that this area is suitable for a broader range of uses and there is scope to redevelop the area to provide new business premises and housing. The area presents an opportunity to host business that is displaced as a consequence of the residential led development of Western Riverside and the growth of the intensification of the Central Area into Sydenham Park. Whilst Newbridge Riverside will remain the core industrial location, Twerton Riverside can provide additional flexibility.'

Policy ED2B says that 'Non-strategic sites are not afforded the same level of protection for industrial, and warehousing (B1c, B2 & B8) uses as those listed in ED2A (Strategic and Primary Industrial Estates). Applications for residential development or others uses will normally be approved unless there is a strong economic reason why this would be inappropriate.'

Securing the B8 Storage and Warehousing use at ground floor along with the occupier (MIA) is considered to provide a long-term operation which leads to a contribution to the economic objectives of Policy B3 and to the wider area. Student accommodation on the upper floors appears to result in an opportunity cost of the site not being developed entirely for employment uses. Given its strategic location within the Bath Enterprise Zone and on the Lower Bristol Road, student accommodation included within the proposals is seen as a limiting factor. Nevertheless, policy B3 and ED2B allows for residential development and flexibility of uses in the Twerton Riverside Area. As such the inclusion of student accommodation is not considered to directly conflict with the policy in this instance due to the retention of B8 space.

Policy B1 looks to increase the overall housing stock of BaNES over the plan period, it also looks to enable the provision of new off-campus student accommodation by facilitating growth in the overall number of students whilst avoiding growth of the student lettings market. Policy CP10 has regard to Housing Mix, it states that the mix of housing should contribute to providing choice in tenure and housing type having regard to the character and accessibility of the location. The proposed purpose-built student accommodation will ensure that the student lettings market of properties (HMO's) does not proliferate, additionally the site is located near to other purpose-built accommodation therefore forming part of the character of the wider area.

The proposed PBSA use, is seen as acceptable in the context of policy ED2B, B3, B1, and CP10, the policies in which the vision and spatial strategy for the city in relation to delivering housing, and economic development is set out, therefore it is considered that, in this instance, the proposal for off-campus student accommodation within the Enterprise Zone is also compliant with Policy B5. As such the principle is acceptable subject to other material planning considerations as discussed below.

PRINCIPLE OF DEVELOPMENT IN FLOOD ZONE:

The 2008 Strategic Flood Risk Assessment (SFRA) shows the application site is entirely within Flood Zone 2 with the edge to the riverside falling within Flood Zone 3a.

Policy B3 of the Placemaking Plan identifies this area at risk of flooding. It states that 'The sequential approach to site layout is required to be informed by a site-specific FRA. As minimum, the floor levels of new developments have to be raised at the appropriate level taking into account the vulnerability classification informed by the FRA'.

Policy CP5 of the Core Strategy outlines flood risk management; 'Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy'.

Paragraph 158 of the NPPF states that inappropriate development in areas of risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It goes on to state that this will be achieved, inter alia, through the application of the Sequential Test and, if necessary, the Exception Test.

The Flood Risk Vulnerability Classification Table within the NPPG classifies student halls of residence as 'more vulnerable' and offices; general industry, storage and distribution such as the proposed facility for Mercy in Action, as 'less vulnerable'.

The NPPG indicates that where developments contain different elements of vulnerability, the highest vulnerability category should be used. The proposal is therefore considered to be in the 'more vulnerable' category of development.

The Flood Risk Vulnerability and Flood Zone 'Compatibility' Table within the NPPG indicates that 'more vulnerable' development can be appropriate in Flood Zone 2, provided that the Sequential Test is passed. In this location the Exceptions Test is not required.

SEQUENTIAL TEST:

Paragraph 162 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The NPPG states that 'For individual planning applications... the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.'

The applicant has submitted their assessment of the availability of sequentially preferable alternative sites for the development. The area of search for alternative sites was defined as being the built-up limits of Bath city, in addition to the Claverton Campus at the University of Bath and Newton Park Campus of Bath Spa, with the following additional criteria:

1. Located in the city of Bath, Claverton Down Campus, or Newton Park Campus;
2. Sites which are 0.16Ha or larger;
3. Sites that do not suffer from abnormal constraints that would impact viability;
4. Site that are not safeguarded or allocated within the development plans for alternative uses;
5. Sites must be located within Flood Zone 1 or partially within Flood Zone 2.University.

The search area and criteria have been revised in comparison to the previous application search area and criteria which were consider not wholly appropriate and unduly restrictive. The revisions are now considered adequate by officers for the purposes of undertaking the sequential test for this scheme.

The applicant looked at a variety of sources in identifying reasonably available sites which were suitable for the PBSA development. Sources included allocated sites within the current development plan, the Bath and North East Somerset Housing and Employment Land Availability Assessment (HELAA), the proposed allocated site in the Local Plan Partial Update, and sites with (or pending) permission for student accommodation.

A shortlist of 21 sites was concluded from the long list assessment, 11 of which were found to be sequentially preferable. Following further discussion with the agent a further analysis of those 11 sites was undertaken and only one site was found to be currently available and suitable for the

development, that was at a site known as Rush Hill. Given that one site has been found to be sequentially preferable the sequential test is failed.

The case officer has undertaken an in-depth review of the sites assessed and agrees that Rush Hill is available and suitable for development as PBSA. In addition however the officer also considers that The Scala, Hartwells, and Dick Lovett are additional sites available and suitable for PBSA. This is because Dick Lovett and Hartwells have both recently been given permission for student accommodation (Hartwells is currently the subject of a JR), neither of which have begun to be built out. The Scala has a pending decision for a committee resolution to grant permission for student accommodation. as such the sequential test continues to be failed.

EXCEPTIONS TEST:

There is no requirement for the exceptions test to be undertaken for proposed development that is a more vulnerable use in flood zone 2. Nevertheless, the applicant has undertaken the Exceptions Test in any case, and it is prudent to consider it.

The NPPF states at paragraph 164 that the application of the exception test should be informed by a site-specific flood risk assessment. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In regard to point a, the applicant considers that the wider suitability benefits of the scheme are that the additional PBSA will help address the identified shortfall of student accommodation across the city, diversifying housing offer to students, potentially releasing HMOs for student tenancy, and social and economic benefits associated with the expansion of the university. Student demand and benefits of the scheme are discussed further in the planning balance section below.

In regard to point b, the development is identified to only be in an area known for river flooding (there is low risk from tidal, groundwater or surface water flooding). In order to mitigate against fluvial flooding, the following mitigation is proposed:

- The finished floor levels of the development will be appropriate for the risk of flooding and associated climate change percentage
- The development will utilise flood resilient design principles, including low water penetration materials, and non-carpeted floors.
- A drainage strategy that proposes all water runoff be disposed in the River Avon.
- Detailed surface water drainage strategy
- Management and maintenance strategy
- Flood evacuation plan

The Environment Agency no objection to the submitted FRA in regards to the proposed mitigation measures. The proposal is considered acceptable in terms of point b of the exceptions test.

GENERAL DRAINAGE MATTERS:

The Council's Drainage and Flooding Team have raised no objection to the scheme subject to conditions in regard to surface water drainage.

The Environment Agency have been consulted on the scheme and raised no objection subject to conditions requiring the scheme to be built in accordance with the submitted flood risk assessment.

The Flood Risk Assessment has demonstrated that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the NPPF.

CONTAMINATED LAND:

Policy PCS5 has regard to Contaminated Land. It states that Development will only be permitted on land either known to be or strongly suspected of being contaminated, or where development may result in the release of contaminants from adjoining land, provided the proposal would not cause significant harm to health/ environment, remediation is in place, and mitigation.

The application has been submitted with the following report: Former Hollis Building (Jubilee Centre), Bath. Phase 1 Desk Study. Card Geotechnics Ltd. May 2020.

Taking account of the sensitive nature of the development (i.e. student residential accommodation), the potentially contaminative historical use of the site as an Engineering Works and Depot and the potentially contaminative historical uses in the area and the conclusions and recommendations of the report for further investigation, monitoring and risk assessment, the contaminated land officer has recommended conditions if permission were granted in regard to investigation, risk assessment, remediation and report unexpected contamination.

The proposal complies with policy PCS5 of the Placemaking Plan.

HERITAGE, VISUAL IMPACT AND DESIGN:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

To reiterate, planning permission is being sought for the proposed demolition of the existing Jubilee Centre building and the erection of a mixed-use redevelopment of storage and distribution unit and 120 units of purpose-built student accommodation.

The site is located to the west of Bath city centre with river flanking the site to the north and the Lower Bristol Road to the southern boundary. It is within the Bath Conservation Area and the World Heritage Site (WHS), and more specifically within the Brassmill Lane, Locksbrook and Western Riverside Character Area of the Bath Conservation Area. The draft conservation area appraisal for this area identifies the green river corridor as binding the character of the area together and making a positive contribution to the green setting of the WHS. The site is also adjacent to the relatively new Twerton Mills development, and between the two sites is a Grade II listed terrace of buildings known as Rackfield Place that date from the mid C19. The site is also directly opposite the Grade II listed GWR Twerton Viaduct.

Design:

The previous application was refused in part on design grounds, it was found that the previously proposed design was unsuccessful, failing to take cues from or positively integrate with the local character of the area due to its height, scale, massing and form. This application represents a significant evolution in terms of design by the applicant.

It is agreed that existing building dates from the 1970s and possesses no heritage or architectural merit that would warrant its retention. It has a neutral visual impact on the character and quality of the immediate area. Therefore, its demolition and redevelopment of the site are acceptable in principle.

The site is approximately 0.16ha, the current footprint of the building on site covers most of the site area and is orientated with the front elevation facing onto the Lower Bristol Road. The proposed building follows the same orientation and layout on a similar footprint with the inclusion of hardstanding for parking associated with the B8 use, and additional landscaping.

The B8 use will be located across the ground and mezzanine floor with student accommodation above. The building's massing will be broken up vertically and horizontally. It will essentially be split into three blocks vertically, the west, central and east with infill links in between each element. Each block is to have different articulation. Horizontally the B8 use and student use above will be visually identifiable through the design and architectural features.

The Bath Building Heights Strategy (BBHS) provides a useful framework within which decisions can be made about the appropriate height of new buildings to ensure the protection of the OUV of the World Heritage Site. It states that the height and scale of new development should respect and respond and contribute to the character of Bath, building on its heritage and values associated with it. This site is located in the 'valley floor area' of the Building Heights Strategy, for this area the document considers that building shoulder height should be 4 storey, this is taken to generally be the eaves of the building. It is noted that flexibility is built into the BBHS through upward and downward modifiers applicable on a case-by-case basis, to take account of heritage assets, residential amenity, intrusion into views and immediate local context. The immediate local context is considered to be informed mainly by Rackfield Place and the neighbouring Twerton Mill student accommodation.

At its tallest the proposed building is to be 37.3m, this will be at the peak of the saw tooth roof on the central block. the saw tooth roof pays homage to the industrial heritage of the plot as well as serves to break up the height and massing of the building. The height is very similar to the overall height of the nearby Twerton Mill student accommodation. the height of the building then steps down either side to the west and east blocks. The proposal will be 6 storeys over all, however due to the articulation of the building and the double height of the B8 floor it will read as a 5 storey building in the central block, with the west building appearing 5 storey with accommodation in the roof. the proposal building drops down in height towards Rackfield place so that it is 29m, akin again to the closest part of Twerton Mill to Rackfield Place.

The Conservation Officer has been consulted on the scheme and has raised no objection, advising that the design approach is now contextual and references the industrial character of this part of the city. They explicitly note that the height, scale and massing is regarded as acceptable within the heritage context of this part of the city.

The Conservation Officer has commented on the proposed materials suggesting Blue Lias as a material that could have been utilised given the neighbouring Rackfield Place, nevertheless they consider the brick and rubble stone proposed to be acceptable, along with the zinc cladding.

On site the proposal will incorporate a 'living wall' on the northern riverside elevation, tree planting along the riverside, green roofs, improvement to the public realm along the Lower Bristol Road through new plating. Given the site constraints and existing footprint it is considered the landscaping on site is now acceptable in terms of design.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014)

and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

LANDSCAPE:

Policy NE2 has regard to landscape character, its states that development will be permitted where it: conserves or enhances local landscape character, landscape features and local distinctiveness. It expects that proposals with potential to impact on the landscape/ townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development

A Landscape and Visual Impact Assessment (LVIA) has been carried out by Nicholas Pearson Associates. The LVIA has established the landscape and visual baseline context, reviewed the development proposal and considered the likely landscape and visual effects of the proposals on the site and wider landscape of the city. The LVIA finds the current building to be a landscape detractor in the immediate locality. In terms of the proposal the LVIA finds that beyond the local area, the wider area will not be subject to a significant material change in terms of its landscape and visual effects, this will either be negligible or slight.

The scale and the height of the building will be apparent and prominent locally, this is obvious given the building is proposed to be taller than the existing. However, it will replace a poor-quality building with a well-designed scheme which includes benefits to the public realm. The new building will be viewed in the context of Twerton Mill, and in some case obscured by it.

Overall, the proposal is considered to be acceptable in terms of its landscape impacts in the context of placemaking plan polices and the NPPF.

ARCHAEOLOGY:

Policy HE1 states that non-designated archaeological sites of equivalent significance should be preserved in situ. In those cases where this is not justifiable or feasible provision should be made for their excavation and recording. The appropriate publication and curation of the finds/archive will be required.

South West Heritage Trust have been consulted on this application as the council's archaeological consultee and have raised no objection.

The proposed development lies within the riverside corridor area of Twerton. While the Heritage Statement submitted suggests there is little archaeological potential, it is understood that previous desk-based archaeological assessments of this area have indicated that although the area appears not to have been occupied or developed until the 18th century, there is still some potential for the survival of archaeological deposits, with a historic ferry route across the river Avon and mills in the vicinity. The recent archaeological evaluation (trial trenching) of the adjacent Twerton Mills site appears to have confirmed this, but also revealed extensive disturbance from more recent river and drainage works. As a condition for the archaeological monitoring of all groundworks is required.

The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017).

RESIDENTIAL AMENITY:

Policy D.6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

The application site is located outside the residential areas of Newbridge and Twerton, sitting within the predominantly industrial western end of Lower Bristol Road. However, there is a short terrace of dwellings located immediately to the east of the existing building (Rackfield Place).

It is noted that the easternmost wing of the new building drops in height. The windows on the eastern elevation are proposed to be obscure glazed. The roof-level outdoors space for the students is set further to the west, which should avoid overlooking or noise issues. In terms of the commercial use of the ground floor, this would not be significantly different to existing. As such it is not considered that the residential amenity of the existing residents would be unacceptably compromised.

The introduction of student accommodation into the mix of uses inevitably affects the type of industrial use that could be integrated into the proposed employment space. Significant limits would likely have to be placed upon hours of operation, noise levels, timing of deliveries, ventilation and extraction to avoid having any negative adverse impacts upon the potential occupiers of the student accommodation (and existing residents). Nevertheless, these factors are more limiting for the future commercial occupier rather than the residents above as it is possible to design appropriate mitigation measures and limit the use by conditions. As such, it is not considered that the proposed mix of B8 and residential uses would in principle be detrimental to the residential amenities of the future residents.

The proposed residential accommodation will also be impacted by noise from road and rail. The applicant has submitted an acoustic report which demonstrates that the proposed development can achieve acoustic ambience for the future residents and surrounding amenity.

To ensure that the development can meet the acoustic criteria contained within the report it will be conditioned. Additionally, conditions can be used to control the plant noise and also require a

construction management plan for construction noise. It is noted that the Environmental Protection Team have not raised an objection to the scheme.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 states that development will only be permitted provided, amongst other things, the development avoids an increase in on street parking in the vicinity of the site which would detract from highway safety and/ or residential amenity.

Accessibility - Walking and Cycling:

Being located close to Twerton High Street, though separated from it by the rail line and the A36, the site has good potential for pedestrian access to most general services. There are two routes. The shorter involves crossing the adjacent bus depot access and then Lower Bristol Road to use the tunnel and footpath link to Connection Road and then on to Twerton High Street. The alternative is eastwards along Lower Bristol Road and then via Mill Lane to the High Street.

Both routes have some shortcomings, requiring use of refuge islands and tunnels through the railway viaduct. The route to Bath Spa campus also requires pedestrians to cross the wide entrance to the bus depot immediately west of the site. This also gives access to a path across the river Avon. The local routes also lack legibility, waymarking and natural surveillance in places. Uncontrolled car parking on the southern side of Lower Bristol Road makes the southern footway impassable at times. A proposed Traffic Regulation Order to prevent waiting either side of the bus depot access has been advertised, so the proposed contribution suggested in the Transport Statement towards this measure is no longer required.

Previous applications have proposed improvements to the local walking facilities including a refuge in the Bus Depot access and improvements to the footpath to Twerton High Street, although there have been problems identified in delivering these schemes. Highways consider deliverable improvements to the pedestrian routes necessary to make this scheme acceptable in terms of demonstrating compliance with Placemaking Plan Policy ST1: Promoting Sustainable Travel. During the consultation period for application 20/01794/FUL the applicant agreed to contribute the sum of £15,000 towards accessibility improvements within the vicinity of the site, which would be secured through a S106 Agreement.

The proposed contribution could be put towards local improvements such as waymarking and lighting the pedestrian tunnel under the railway viaduct and/or the footpath through the Bus Depot site. While Highways need to further investigate the scope and cost of this work a contribution towards accessibility improvements is acceptable in principle in order to mitigate the increase in walking trips associated with the residents.

The site is, in walking terms, distant from the main higher education campuses. Consequently, cycling may be the most favoured mode of active travel for commuting. Traffic free routes do exist in the vicinity, however as identified in the Transport Statement access to these routes is impossible without traversing footpaths or using the A36. Without new or improved cycling facilities the current location risks prejudicing the use of cycling as a mode choice completely.

The Local Cycling and Walking Investment Plan (LCWIP) route 5 runs close to the site and there are two improvements identified 2) Public Realm improvements on Twerton High Street 3)

Signalise Mill Lane / Lower Bristol Road. The scheme to signalise Mill Lane / Lower Bristol Road would have benefits for public transport as well as cycling and walking.

Accessibility - Public Transport:

The Transport Statement recognises the importance of bus travel and contains a commitment to upgrading the existing stop at Twerton Mill to provide real time information. As this is a full application the scope and cost of the works will need to be confirmed to be secured by s106 legal agreement.

Two proposals have been identified by Highways to reduce delay to public transport on Lower Bristol Road in the vicinity of the development. The first is to signalise Mill Lane where it meets A36 Lower Bristol Road. This is primarily to ease buses exiting Twerton High Street as queues form under the railway arch which are deemed to affect bus punctuality of several services using this route. Underground ducting has been installed across all arms ready for the junction. The junction would include pedestrian crossings if brought forward.

The second is a right turn lane from the main road into Weston Lock Retail Park to assist safety and improve capacity, thereby reducing local pollution from queuing etc. There is the potential for an additional pedestrian crossing along with cycle measures. Highways would advise that a financial contribution towards reducing delay to public transport on Lower Bristol Road in the vicinity of the development should be sought as part of the s106 agreement. For longer distances, rail travel provides a suitable option with the Oldfield Park station situated a 1.2 km walk to the east of the site.

Traffic impact / Junction Capacity:

Given that the commercial floorspace proposed is not significantly larger than the existing building, this element of the proposal is not expected to have any materially greater impact on the local highway network. The student accommodation is proposed to be car free, therefore it is expected that additional trips generated by the PBSA will primarily be via walking, cycling and public transport, and additional vehicle traffic will be confined to servicing and deliveries.

Access / Layout / Highway Safety:

Vehicle access to the development will be taken directly from Lower Bristol Road via a gated entrance along the eastern edge of the site providing a route to 6no. parking spaces at the rear of the proposed building. Additionally, a disabled car parking space is proposed on the site frontage to Lower Bristol Road along with an internal access for LGV sized delivery vehicles which will enter and turn within the ground floor area of the building. There is an area behind the footway which is proposed to be used as delivery bay for larger vehicles. The existing western vehicular access adjacent to the bridge access to the depot site to the north will be closed.

A Road Safety Audit (RSA) of the access arrangements has been completed and Highways accept the designer responses proposed to mitigate the problems identified, most of which can be incorporated at detailed design stage. It is noted that proposed that service vehicles will be advised within the service management plan for the site to arrive at the development from the west only.

Vehicle visibility drawing to both the left and right for vehicles entering /egressing the accesses have been provided, together with confirmation that the eastern gated access will not open towards the highway and this is acceptable.

Car Parking / Cycle Parking/ Student Management Strategy:

The principle of a car free development for student accommodation is accepted in the parking standards set out in the Placemaking Plan. The S106 agreement should ensure this is the case, in similar terms to those applied at the nearby Twerton Mill student accommodation.

The proposed 44 cycle spaces cycle parking for the student accommodation complies with current standards in terms of number of proposed students. The remaining spaces will be available for PBSA staff. The Transport Statement confirms that the Student cycle store will be provided in a two-tier stacking system. During consultation for the 2020 application, it was agreed that 2no. electrical sockets will be provided for recharging electric cycles. This schemes Travel Plan should be updated accordingly to reflect this.

The Transport Statement explains the calculation applied for the B8 parking is: 5 spaces for 235sqm plus 3 spaces for 625sqm. Highway Development Control consider that for a development above 235sqm 1 space per 250sqm is permitted and this would equate to a maximum of 4no. car parking spaces. However, it is noted that the existing site has at least 6no. car parking spaces, it is therefore considered that the proposed number of car parking space is appropriate and will avoid transferring unmet parking demand onto residential streets.

There are 4no. car parking space in a tandem arrangement at the rear of the building. While this layout may not provide optimum usage due to one space blocking the other, it is acceptable for workplace parking. These spaces would appear to occupy the full width between the building and river edge. The applicant has confirmed that in terms of emergency access to the rear of the building for staff and students, there is a route to the west of the building which can be used if necessary.

In addition, a minimum of 1 cycle parking stand per 400sqm of B8 floor area is required which equates to 3no. cycle stands. An area within the ground floor warehouse has been designated and this is acceptable. Cycle parking to the front of the building is proposed in the form of 2no. Sheffield stands.

Student Management Strategy:

An outline of the Student Move-in/Move-out Strategy have been provided in the Transport Statement and this is acceptable at this stage. A fully worked up strategy should be required to be agreed with the Planning Authority prior to first occupation.

It is noted that students would be restricted from having cars, in the same way as other purpose-built student accommodation, and this would need to be secured through a s106 agreement.

Waste / Servicing:

The proposed waste and recycling store for the student accommodation is adequate. In addition, an area has now been designated within the warehouse area for the B8 use of the site, this will ensure that residential and commercial waste is kept separate and stored off the highway.

It is proposed that that service vehicles will be advised within the service management plan for the site to arrive at the development from the west only. A banksman will be required for any service vehicle access on the frontage of the site and this will be included as part of the Servicing and Waste Management Plan for the site. A revised Servicing and Waste management plan will be required to be agreed prior to first occupation.

Travel Plan:

A framework travel plan is submitted with the application. It is proposed that prior to occupation the appointed management company of the student accommodation will develop a full Travel Plan based on this Framework document. The Student Travel Information Pack will also be updated by the Management Company prior to occupation, to contain up-to-date information on local services. A full Travel Plan including Student Travel Information Pack can be secured by planning condition.

Construction Management Plan:

Due to the scale of the development and location on an 'A' class highway, a comprehensive demolition and construction traffic management plan will be required to be submitted prior to commencement of the development to be secured by planning condition.

Highways Summary:

Highways Development Control have raised no objection to this application, subject to s106 planning obligations including:

- o a financial contribution towards improved accessibility of the site
- o a financial contribution towards upgrading Twerton Mill bus stop (to be fully scoped and costed for the S106 agreement)
- o a financial contribution towards reducing delay to public transport on Lower Bristol Road in the vicinity of the development (in line with measures identified in the LCWIP to be fully scoped and costed for the S106 agreement) and
- o a mechanism for preventing student tenants having/ parking cars in the local area.

If the application was to be approved Highways also require conditions including construction management, student management, servicing and waste management.

Overall, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

TREES AND GREEN INFRASTRUCTURE:

Policy CP7 has regard to Green Infrastructure, it states that 'The integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure (GI) network will be protected, enhanced and managed. Opportunities will be taken to connect with, improve and extend the network'.

Policy NE1 states that within the context of Policy CP7 development will be permitted provided: a it can be demonstrated that opportunities have been maximised to design Green Infrastructure (GI) into the proposed development; b it does not adversely affect the integrity and value of strategic GI corridors; c the scheme makes a positive contribution to the GI network through the creation, enhancement and management of new, and existing GI assets.

Policy NE6 has regard to trees and woodlands and states that development will only be permitted where it seeks to avoid adverse impact to trees; it includes the appropriate retention and new planting of trees; if adverse impact or loss is unavoidable compensatory provision is provided in accordance with the Planning Obligations SPD.

Seven trees are proposed to be removed from the site, all of which are category c or u (poor quality). Four additional trees are to be planted on site. The proposal will incorporate a living wall on the northern riverside elevation, tree planting along the riverside, green roofs, improvement to the public realm along the Lower Bristol Road through new planting.

The revised landscape strategy has been designed to maximise the provision of green infrastructure as explained in the submitted landscape strategy. Along the riverside the extent of the planting has been increased from the initial submission and the maintenance access to the building has been changed from asphalt to reinforced grass. Planting proposals include wildflower/grass species, plugs and wood shrubs as well as additional tree planting on the river side. This is where the Green Corridor maintenance is most important. The Arboricultural Officer considers that the space between the proposed building and the riverbank inadequate to provide meaningful tree plant, however this is not substantiated.

Overall, despite the objection from the Arboricultural Officer, the proposal is considered to ensure the connectivity of the Green Corridor and seeks to enhance it. The proposal is considered acceptable in regard to policy CP7, NE1 and NE6.

ECOLOGY:

Policy NE3 has regard to Sites, Species and Habitats, it states that development that would adversely affect protected species and habitats will not be permitted unless in certain exceptional circumstances. In all cases the policy seeks that any harm to nature conservation is minimised and mitigation and compensation is provided otherwise.

The proposal lies immediately adjacent to the River Avon which is of high ecological value and is a designated Site of Nature Conservation Interest (SNCI) used by a range of wildlife including protected species such as otter, kingfisher and bats which utilise the river for foraging and as a connective flight route. The River Avon is known to be used by light-sensitive horseshoe bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and is considered to provide supporting habitat to the SAC.

The proposed landscaping and planting are very similar to previous submissions, and are accepted as previously.

The submitted lighting report has been updated. Further to ecology consultation comments of 24th June 2021 the revised lighting report (rev C) now addresses all previous concerns including comments of Natural England. As such an updated Appropriate Assessment has been produced and concludes that the proposal will not adversely affect the Bath & Bradford on Avon Bats Special Area of Conservation (SAC).

The ecology statement submitted provides empirical evidence that confirms that the proposed will deliver a net gain in biodiversity.

Subject to the condition, there is no longer any objection to the proposal on ecological grounds from the Council Ecologist or Natural England. The proposal is considered to comply with the ecological policies of the placemaking plan and the NPPF.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policies CP2 and SCR1 of the Placemaking Plan requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met. For major new build this figure is expected to be 19% CO2 emissions reduction from all measures including at least 10% from renewables only. The overall reduction from all measures is indicated as 42.1% (10.1% from renewables), which is compliant with, and exceeds, the policy requirements.

OFF-SITE PUBLIC OPEN SPACE CONTRIBUTION:

Policy LCR6 states that where new development generates a need for additional recreational open

space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD.

The Parks & Green Spaces Department has been consulted and raised no objection to this application subject to a S106 agreement securing a payment of £224,750 to greenspace enhancement projects in the local area to make the development comply with policy LCR6 and the Planning Obligations SPD (amended August 2019).

The residential element of the development proposed would be occupied by 120 persons, who will generate demand for green space. The total demand for greenspace created by the scheme equates to 3509m² in accordance with the Green Space Contributions Calculator. The Green Space Strategy has assessed the existing supply of Parks & Recreation Ground in the Twerton ward to be in deficit of -2.98ha and the adjacent Newbridge ward a deficit of -3.35ha.

The area therefore has an insufficient capacity to accommodate the recreational demands of additional residents without a greenspace improvement project. Onsite public open greenspace is not proposed or practical, therefore the development is reliant on existing or new off-site provision for the recreational needs of the residents. The green space demands generated from the development can be met through a S106 payment to this project to make the development acceptable in planning terms in compliance with policy LCR6.

The contribution is required and complies with the regulation 122 tests in that it is considered, necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

PLANNING OBLIGATIONS:

In addition to the CIL contribution that will be generated by the application proposal of circa £695,000 and the aforementioned offsite public open space contribution above of £224,750, the residual matters that will require financial planning obligations relate to following obligations which are agreed by the applicant:

- o local targeted recruitment and training package with a commuted sum payment of £10,320
- o a commuted sum payment of £15,000 towards enhancement to the local highway infrastructure, as described in the August 2020 revised Transport Statement
- o a commuted sum payment of £3,000 towards upgrading the Twerton Mill bus stop to provide real time bus information, as described in the August 2020 revised Transport Statement
- o a commuted sum payment of £5,000 towards a Traffic Regulation Order to extend the double yellow parking restrictions on Lower Bristol Road to extend across the site frontage, as described in the August 2020 revised Transport Statement

PLANNING BALANCE:

To re-iterate the proposal is considered to fail the sequential test, as the applicant considers that there is one sequentially preferable site (Rush Hill) and the Council considered there are four sequentially preferable sites (Rush Hill, Hartwell's, The Scala and Dick Lovett). The proposal is considered acceptable in regard to all other policy considerations. The proposal is therefore considered contrary to policy CP5 of the PMP.

It is necessary to consider whether there are any benefits of the scheme which would outweigh the conflict with policy CP5. The applicant undertook the Exception test (which is not a policy requirement) which identified benefits of the scheme as outlined in the Flooding Section above. The applicant considers that the provision of student accommodation to address the future

shortfall is a significant benefit of the scheme. The applicant submitted their own figures on student demand.

The officer has in the first instance considered the Council's most up-to-date student demand figures; these are available in the Topic Paper: Student Accommodation (August 2021) which forms part of the evidence base for the Local Plan Partial Update. Over the plan period a shortfall of 640 student beds has been identified which, if not addressed, would lead to an increased pressure in the private rented sector (e.g., greater numbers of HMOs).

The Topic paper has considered the most recent planning permissions in its figures up to the time of its writing, this takes into considerations the PBSA provision at the Hartwell's Site. The other sequentially preferable sites identified by the applicant (Rush Hill) and the officer (Scala and Dick Lovett) have not been included in these figures.

It is considered that Dick Lovett will provide 335 PBSA beds within the plan period and the Scala could provide around 72 (based on the provision in the current application). This is a total of 407 beds in sequentially preferable sites. This leaves a shortfall of 233 beds. Even if the Rush Hill site (whose capacity is constrained due to the Green Belt location) were to be bought forward as student accommodation there is still considered to be a shortfall. This application at the Jubilee Centre will provide 120 further beds which would therefore go some way to addressing the remaining shortfall.

Policy B1 seeks to enable the provision of off-campus accommodation (subject to B5), thereby facilitating growth in the overall number of students whilst avoiding growth in the student letting market. By helping to meet the identified shortfall at the end of the plan period the proposals would be helping to meet this policy which is afforded significant weight in the balance.

Furthermore, it is noted that the recent at the Plumb Center appeal (18/05047/FUL), the Inspector gave significant weight to the contribution that proposal would make towards addressing the demand for student accommodation, finding it outweighed any harm resulting from conflict with national and local flood risk policy arising from its flood zone 2 location. The inspector also gave weight to the 'freeing-up' effect the proposal may have on HMO's in the private rented sector, although there remains little evidence to establish the extent of this effect.

It is noted that the Local Plan Partial Update seeks to allocate further student accommodation at the Claverton Down Campus to address future shortfalls, however this is not currently allocated and therefore this can be given only limited weight. Again, of relevance is Plumb Center appeal (18/05047/FUL) where the inspector considered that Claverton campus is likely to provide additional student accommodation in the longer term, but the evidence does not demonstrate that it is currently a reasonably available site for the student accommodation.

A summary of the harms and benefits is set out as follows:

Harms:

- Proposal contrary to local and national flooding policy in regard to failing the sequential test contrary to policy CP5
- No other harms identified

Benefits:

- Contribution the proposed development would make to addressing the shortfall of PBSA in Bath whilst avoiding growth in the student letting market in accordance with policy B1
- Lack of sufficient sequentially preferable sites for PBSA outside of flood zone
- Potential 'freeing-up' of HMO's
- CIL receipts and Planning obligation contributions
- Temporary job creation from construction

- Increased provision of employment associated with B8 use
- Retention of local business with the B8 accommodation
- Biodiversity net gain

The above benefits are afforded various weight in the balance but together, with the significant weight attributed to the contribution towards PBSA demand over the plan period, they are cumulatively considered to result in benefits that would outweigh the harm resulting from conflict with national and local flood risk policy arising from its flood zone 2 location. Therefore, on balance the proposal is considered acceptable.

Recommendation:

PERMIT

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 Archaeology - Watching Brief (Pre-commencement)

No development shall commence, except archaeological investigation work and demolition required to undertake such work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a pre-commencement condition because archaeological remains and features may be damaged by the initial development works.

3 Archaeology - Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

4 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 in situ sample panels 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

5 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:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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 and 15 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.

6 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 and 15 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.

7 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 and 15 of the National Planning Policy Framework.

8 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 and 15 of the National Planning Policy Framework.

9 Detailed Drainage Design (Pre-Commencement)

Prior to commencement of development (other than for site clearance, investigation or remediation) a detailed drainage design is to be submitted to the local planning authority for written approval. The detailed design is to include plans and calculations for the onsite surface water drainage demonstrating no increase in from the brownfield discharge rate and no flooding at the critical 1in100+40% storm event.

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

10 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with the ecological measures described in the approved Ecology Technical Note dated July 2021 by Nicholas Pearson Associates and Appendices 1 to 3 of the Technical Note, and shall include:

- (i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;
- (ii) Detailed proposals and method statements as applicable for implementation of the wildlife mitigation measures and recommendations of the approved ecological reports and landscape

scheme habitat provisions, including provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife; 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.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan.

NB The above condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

11 Ecology Follow-up 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 the Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of Wildlife Protection and Enhancement Scheme, 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

12 b Landscape and Ecological Management Plan (LEMP) (Pre-occupation)

No occupation or operation of the approved development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority providing full details of proposed conservation management of habitats and protection of species at and using the site. The LEMP details shall include:

- (i) habitat and species conservation aims and objectives;
- (ii) detailed proposals for long term ecological and conservation management practices and wildlife friendly maintenance prescriptions and proposed ecological monitoring, reporting, review and remediation measures as applicable, for the long term establishment protection and retention of habitats at the site, and promotion of use of the site by key species
- (iii) Details as applicable, of proposed timing, frequency, methods and equipment
- (iv) Proposed legal responsibilities, resourcing, and proposed frequency of review, reporting and updating of the Plan which shall be in place in perpetuity

All works within the scheme shall thereafter be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: in the interests of securing long term habitat value at the site with benefit to wildlife associated with the River Avon SNCI

13 Sensitive Lighting Design (Bespoke Trigger)

No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details shall fully meet and comply with the standards of lighting design, light containment and lux level thresholds as detailed in the approved Lighting Assessment Rev C by LightPad dated 24th September 2021 (P0122/REP1010/10082021 C) and shall include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; details of predicted lux levels and light spill; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife; and details of

proposed compliance checks, long term monitoring and remediation where applicable. The lighting shall be installed maintained and operated thereafter 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 and to avoid impacts of light spill onto supporting habitat to the Bath & Bradford on Avon Bats Special Area of Conservation.

14 Flood Risk Assessment (Compliance)

The development shall be carried out in accordance with the submitted flood risk assessment ('Hollis Building, Lower Bristol Road, Bath Flood Risk Assessment and Drainage Strategy, 30 April 2021), Tumu Consulting' ref 19261-R01-06) and the following mitigation measures it details:

- o Finished floor levels for ground-floor areas serving the upper floor residential dwellings shall be set no lower than 18.69 metres above Ordnance Datum (AOD), as in Section 4.1 of the submitted FRA.

- o Finished floor levels for the ground floor commercial development shall be set no lower than 18.39mAOD, as in Section 4.1 of the submitted FRA.

- o Flood resilient design measures will be incorporated up to a level of 19.19mAOD, as set out in Section 4.2 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

15 Noise Assessment (Pre-occupation)

On completion of the development but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The following levels shall be achieved:

Maximum internal noise levels of 35dB_LA_{eq},16hr and 30dB_LA_{eq},8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB_LA_{max}.

Reason: To protect future occupants of the development from exposure to noise from road traffic

16 Plant Noise (Compliance)

Plant Noise associated with the development shall not exceed the limits specified in Table 11 of Acoustic Report, reference 8353/SL

Reason: To protect future occupants of the development from exposure to environmental noise

17 Construction Environmental Management (Pre-Commencement)

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council, and shall include details of demolition, deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities, highway condition survey and site compound arrangements. 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 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: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; 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. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect neighbouring residents from potential nuisance associated with construction.

18 Highway Works (Pre-commencement)

No development shall commence until detailed GA drawings of the highway and access works indicated on drawing number IMA-20-055 Rev A and AWW 4112-0200 Rev J have been agreed with the Highway Authority. No occupation or use hereby permitted shall commence until the approved works have been completed. There shall be no on-site obstruction between 0.6m and 2m above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

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. This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

19 Student Management Plan (Pre-occupation)

Prior to the first opening of the development a Student Management Plan setting out the agreed arrangements for managing student drop off/collection procedures and location, at the start/end of semester/academic year shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Student Management Plan.

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

20 Servicing and Waste Management Plan (Pre-occupation)

No occupation or use hereby permitted shall commence until a Servicing and Waste Management Plan has been submitted to and approved in writing by the Local Planning. 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.

21 Closure of Access (Pre-occupation)

No occupation or use hereby permitted shall commence until the existing vehicular access at the west end of the development has been permanently closed and a footway constructed, including the raising of dropped kerbs, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

22 Bicycle Storage (Pre-occupation)

No occupation or use hereby permitted shall commence until bicycle storage as shown on the approved plans has been provided. The bicycle storage shall be retained permanently thereafter.

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

23 Travel Plan (Pre-occupation)

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

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

24 Travel Plan (compliance / management)

Prior to occupation or use hereby permitted is commenced, evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority.

The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling methods in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan

25 Car Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan(s) reference: IMA20-103-006revD and AWW 4112-0200 Rev J 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

26 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

27 Sustainable Construction Checklist (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 for approval to the Local Planning Authority together with the further documentation listed below:

1. Table 2.1 Energy Strategy (including detail of renewables)
2. Table 2.2 Proposals with more than one building type (if relevant)
3. Table 2.3 (Calculations);
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Microgeneration Certification Scheme (MCS) Certificate/s (if renewables have been used)

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

28 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.

29 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.

30 Plans List (Compliance)

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

Reason: To define the terms and extent of the permission

PLANS LIST:

This decision relates to the following plans:

17 May 2021	152-004_P5	Landscape Plan
17 May 2021	152-005_P2	Existing Landscape Areas
17 May 2021	152-006_P5	Proposed Landscape Areas
17 May 2021	152-019_P2	Tree Retention And Removals Plan
17 May 2021	152-201_P5	Planting Plan
17 May 2021	152-202_P4	Planting Plan - Living Wall Arrangement
17 May 2021	152-401_P1	Low Landscape Wall Typical Detail
17 May 2021	152-501_P4	Northern Elevation
17 May 2021	152-801_P4	Illustrative Masterplan

17 May 2021 4112-0100_B Site Location Plan
17 May 2021 4112-0101_E Site Layout Plan
17 May 2021 4112-0105_A Site Demolitions Ground Floor Plan
17 May 2021 4112-0150_B Existing Site Plan
17 May 2021 4112-0155_A Existing Elevations
17 May 2021 4112-0200_J Ground Floor Plan
17 May 2021 4112-0201_E Mezzanine Floor Plan
17 May 2021 4112-0202_D First And Second Floor Plan
17 May 2021 4112-0203_D Third And Fourth Floor Plan
17 May 2021 4112-0204_D Roof Plan
17 May 2021 4112-0300_F Elevations
17 May 2021 4112-0310_C Context Elevations
17 May 2021 4112-0400_E Section A
17 May 2021 4112-0700_C Proposed Areas

Informative

Local Highway Authority require an agreement (Section 278)

The Local Highway Authority (LHA) requires the developer to enter into legally binding agreements to secure the proposed access improvements including stopping up of the existing vehicle access to the west of the site and improvements the drop kerb footway crossover to the south of the site on Lower Bristol Road. Further information in this respect may be obtained by contacting the LHA

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.

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.

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 have 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

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.

Case Officer:

Samantha Mason

Authorising Officer: