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## Appeal Decisions

In-Person Hearing held on 22 November 2022

Site visit made on 22 November 2022

Virtual Event Held on 9 December 2022

**by Nicola Davies**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 April 2023**

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### **Appeal A Ref: APP/F0114/W/22/3300847**

#### **Frome House, Lower Bristol Road, Bath, BA2 1EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Crossman Acquisitions Ltd against the decision of Bath and North East Somerset Council.
- The application Ref 21/04147/FUL, dated 5 September 2021, was refused by notice dated 10 February 2022.
- The development proposed is enlargement of Frome House and associated change of use from office (use class E(g)) (excluding existing ground floor tyre repair centre) to 66 student bedspaces and associated works.

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### **Appeal B Ref: APP/F0114/W/22/3304204**

#### **Frome House, Lower Bristol Road, Bath, BA2 1EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Crossman Acquisitions Ltd against the decision of Bath and North East Somerset Council.
  - The application Ref 22/01299/FUL, dated 23 March 2022, was refused by notice dated 5 July 2022.
  - The development proposed is change of use of the existing building (excluding ground floor tyre repair centre) to 25 student bedspaces and associated works.
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## **Decisions**

1. Appeals A and B are allowed and planning permissions are granted at Frome House, Lower Bristol Road, Bath, BA2 1EY for: -

Appeal A - enlargement of Frome House and associated change of use from office (use class E(g)) (excluding existing ground floor tyre repair centre) to 66 student bedspaces and associated works in accordance with the terms of the application, Ref 21/04147/FUL, dated 5 September 2021; and

Appeal B - change of use of the existing building (excluding ground floor tyre repair centre) to 25 student bedspaces and associated works in accordance with the terms of the application, Ref 22/01299/FUL, dated 23 March 2022 application.

Both planning permissions are subject to legal agreements dated 23 November 2022 and the imposition of those conditions as set out within the attached schedules that correspond to Appeals A and B.

### **Applications for costs**

2. Applications for costs have been made in respect of both appeals by Crossman Acquisitions Ltd against Bath and North East Somerset Council. Those applications are the subject of separate decisions.

### **Preliminary Matters**

3. As set out above there are two appeals at this address. Given that the nature of the proposals are similar in respect of each case, I have dealt with both proposed developments in this single decision letter.
4. Subsequent to the in-person hearing, site visit and virtual event taking place, the Council have adopted the Bath & North East Somerset Local Plan Partial Update (19 January 2023) (the Local Plan Partial Update). The Update is an interim and partial revision of the Bath & North East Somerset's planning policy framework. The Local Plan Partial Update is a schedule of changes to the Bath & North East Somerset Core Strategy (2014) (the Core Strategy) and Bath and North East Somerset Placemaking Plan (2017) (the Placemaking Plan). As such, the Local Plan Partial Update is not a new Plan. It combines the Local Plan Update Policies with the existing Core Strategy and Placemaking Plan policies and forms part of the adopted development plan for Bath & North East Somerset. Both parties have had the opportunity to comment on the implications of the Local Plan Partial Update in relation to both appeals. I have taken into consideration the further comments made by the respective parties in reaching my decisions.

### **Main Issues**

5. The main issues raised by these appeals are the effect of the proposed developments upon: -
  - a) Office space (Appeals A and B)
  - b) Housing mix and need (Appeals A and B)
  - c) Character and appearance of area (Appeal A only)
  - d) Listed buildings and impact on significance (Appeal A only)
  - e) City of Bath World Heritage Site and impact on Outstanding Universal Values (Appeal A only)
  - f) Living conditions of the existing occupiers of 26 Argyle Terrace (Appeal A only)
  - g) Living conditions of existing and future occupiers (Appeal B only)

### **Reasons**

#### *Office space*

6. The proposals would result in the loss of the existing office space. The Council's position is that the change of use from offices would adversely affect the realisation of the vision and spatial strategy for the city and represent strong economic reasons for refusal. Furthermore, it is asserted that the space would represent a significant loss to strategically important office

- accommodation in the Council's area and significantly harm the Council's ability to plan positively for economic development.
7. The Council have pointed to the pre-ambles to Policy ED1B of the Placemaking Plan that says (paragraph 480) "*The term 'change to' encompasses both a change of use and redevelopment as ultimately both result in a 'change to' the use of land. Residential is defined as development in the C2, C3 and C4 use classes. Residential also encompasses sui generis residential uses such as large Houses in Multiple Occupation (i.e. blocks of student accommodation with shared flats housing more than 6 persons).*" Since the publication of the Local Plan Partial Update this text has been updated to include Purpose Built Student Accommodation (PBSA) and, as such, this policy is a relevant consideration.
  8. Policy EC1B sets out two criteria. Criterion a) resists the development if the site is located within the Bath Central Area, the Bath City Riverside Enterprise Zone, Somerdale, or a town centre listed within Policy CP12 or on a site that has been granted permission since 2011. The site is not located within any of these areas/zones nor captured by any of these stipulations.
  9. Criterion b) provides that the loss of the space would be a significant loss to strategically important office accommodation in B&NES and significantly harm the Council's ability to plan positively for economic development. From the information provided and what I heard at the hearing it has not been put forward by the Council that the site is of strategic importance as office accommodation or that there is a demand for office space in the area.
  10. The Council have referred to criteria of the newly adopted Policy H2A of the Local Plan Partial Update that relates to PBSA. These criteria resist PBSA in locations where it would result in a significant negative impact on retail, employment, leisure, tourism, housing or the Council's wider strategic objectives.
  11. The parties agree that the offices have been vacant since 2018 and have been unsuccessfully marketed during this period. It is suggested that the site is located within part of the city where there is not a substantial supply of alternative office accommodation. The appellant has sought to demonstrate that the property has been marketed without interest, despite the offices having been subject to refurbishment works. The current proposal would bring the property back into a beneficial use and this is an advantage of both of the proposed schemes and weighs positively in their favour.
  12. Although the Council contends that the proposal would result in a significant negative impact on employment which forms part of the Council's strategic objectives, it has not clearly explained how employment might be impacted or what strategic objectives would be undermined or how the proposal might substantially undermine the criteria set out within the updated Policies ED1B and new Policy H2A.
  13. For the above reasons, I find that the proposed development would not result in significant harmful loss of office space. As such, the proposal would not materially conflict with Policy ED1B or new Policy H2A.

### *Housing mix and need*

14. The Council relies on Policy CP10 of the Core Strategy within its reason for refusal. Following the adoption of the Local Plan Partial Update the Council has also referred to new Policy H2A of that updated plan.
15. Policy CP10 of the Core Strategy states that “*New housing development, both market and affordable, must provide for a variety of housing types and size to accommodate a range of different households, including families, single people and low income households as evidenced by local needs assessments (e.g. B&NES Residential Review, 2007) and the Strategic Housing Market Assessment or future evidence*”. This Policy also seeks housing to contribute to providing choice of tenure and housing type that are suitable for the needs of older people, disabled people and those with other special needs.
16. There is disagreement between parties as to whether Policy CP10 applies to student housing, and whether or not the development would comply with this policy. It is common ground between parties that the appeal proposals comprise PBSA which is a sui generis use and not a dwelling house C3 Use Class or an HMO C4 Use Class.
17. In relation to the creation of mixed communities, Policy CP10 aims to ensure development provides a mix of types and sizes of housing to achieve mixed and inclusive communities. The Council comments that student accommodation is classified as housing for the purposes of housing assessment and land supply. However, Policy CP10 does not refer specifically to student accommodation. The appellant asserts that Policy CP10 has been misapplied. On my reading, Policy CP10 relates to new housing development rather than PBSA.
18. Given the building is currently offices its change of use to PBSA would not impact upon the existing housing stock. By creating PBSA this would assist in preserving the existing housing stock in accordance with the strategic objections of Policy CP10. The proposed PBSA would comprise studios and cluster flats that would contribute to the house types and sizes in the area. Consequently, I do not find conflict with Policy CP10.
19. Turning to new Policy H2A, the supporting text to this policy sets out that Policy B5 provides the overall strategy to manage student accommodation. The strategic policy approach set out in Policy B5, is to support development of PBSA on and off campus in order to ensure growth in student numbers do not pressurise the private lettings market which relies on open market housing. Policy H2A sets out the policy requirements for all new, extensions to and conversions to PBSA.
20. Policy H2A has introduced new criteria upon which PBSA is to be assessed. This has created the requirement to assess the need for additional student accommodation and that PBSA is required to demonstrate that the need for the type and location is evidenced by way of a formal agreement between the developer and a relevant education provider located in the district. The accommodation is also required to meet the needs of second and third year university students.
21. Frome House is not an allocated site in the Plan where student accommodation use is specifically identified and supported. Therefore, the proposed use is only

- acceptable where there is an identified need for additional student accommodation.
22. The Council contend that other applications for student accommodation elsewhere in the city have been accompanied by formal letters that have demonstrated both need and support for the accommodation. The appellant has provided an email (amongst other email correspondence) summarising a meeting held with Bath Spa University that has been verified by the University's Estates Administration Manager. The email is limited in terms of the University's forecasted student accommodation need in the area. The email also raised issues relating to servicing at the site and noise given the proximity of the railway line.
  23. There is no formal agreement between the developer and a relevant education provider for the proposed accommodation. This is perhaps not surprising given this has not been a policy requirement prior to the adoption of the Local Plan Partial Update only a few months ago. Whilst not a formal agreement the email and the information it contains indicates that the University accepts that off-campus PBSA is required and would be willing to enter into a nomination agreement once the site benefits from planning permission. This indicates a need for the accommodation, otherwise the University would be unlikely to enter into discussions with the appellant or advance toward entering a nomination agreement. Given the requirement for a formal agreement was not a necessity at the time of submitting the planning application and making the appeal, for the purposes of these appeals, the email can be taken to establish that the parties are moving towards a nomination agreement.
  24. The Council have provided a copy of letter that relates to a 2017 student accommodation planning application and suggests a letter more akin to this would provide clearer evidence of a formal agreement. However, the letter does not represent a formal agreement and does not achieve any more than that which the appellant's email meeting note provides.
  25. Other criteria, as noted above, require the proposed development to meet the needs of second and third year university students. Policy H2A's supporting text outlines a preference for cluster flats with shared living facilities to meet the needs of these students and recommends the imposition of a planning condition to ensure they are provided solely for second and third year students. Further criteria of Policy H2A require student accommodation be well designed to sufficiently meet the needs of its occupiers (second and third year students).
  26. The emails, referred to above, also point to the location of the appeal site being favourable given its close proximity to Locksbrook Campus and indicate that the development appears to meet the university's accommodation standards, although servicing requirements would require further scrutiny. However, this does not necessarily mean servicing requirements would be unacceptable.
  27. The Council have not published any forecast data on the needs of second and third year students, however the appellant's own assessment indicates there to be a significant shortfall, which has not been challenged by the Council. The requirement to secure off campus student accommodation to second and third year student has only become a recent requirement. The University accepts that off-campus PBSA is required and that there is a need for the accommodation. The requirement to secure the accommodation was not a necessity at the time of submitting the planning application and making the

appeal. For the purposes of these appeals, I do not consider this to be a reasonable requirement at this point in time.

28. The 66 student bedspaces would comprise 22 studios and 10 cluster flats, whereby the 25 student bedspace scheme would host 13 studios and 2 cluster flats. This equates to a third of the 66 student bedspaces being studios and just over half of the 25 student bedspace development being studios. In terms of the student accommodation being well designed the Council contends that the studios are restricted in size, designed for single occupancy that would not host socialising or relaxing space for more than one person within them. Furthermore, it is commented that the room sizes would restrict the ability of occupiers to share facilities and live with friends, unlike those of cluster flats. As studio accommodation is not shared, living costs are likely to be higher.
29. The appellant advises that on-going discussion with Bath Spa University indicates the University's expression of interest in the appeal proposals with further correspondence from the Head of Estates of the university confirming the need for the type of accommodation proposed (off-campus), which comprises both studio and cluster accommodation, and that the proposed accommodation is likely to be of an acceptable standard. This also indicates an on-going commitment of the University to continue to secure a nomination agreement. The University has not suggested there to be a problem with the standard of accommodation, nor does Policy H2A specifically require the needs of second and third year university students to be provided solely by cluster units. The studio accommodation would provide a kitchenette and dinner table with chairs. I see no substantive reason why this accommodation could not or would not meet the needs of second and third year university students.
30. The submissions by ward members as well as public consultation responses demonstrate the strength of feeling with regard to the extent of student accommodation within the immediate area surrounding Frome House. Third party concerns have been raised to the levels of student accommodation and Houses in Multiple Occupations (HMO) in the area and within close proximity to the appeal site and that this could result in the lack of an appropriately mixed community in this locality. This was also raised at the hearing. It is suggested that there is a more pressing need for affordable homes for key workers.
31. With the exception of 22 Argyle Terrace, numbers 20 to 26 are licensed HMOs. The residential accommodation above The Golden Fleece PH and Seven Stars House is student accommodation and HMO. HMOs are occupied by a wide range of groups including young professionals, students, immigrants, asylum seekers, and those on housing benefit or contract workers. Exemption from Council tax payment does not directly indicate that occupation of HMOs or other property is solely by students.
32. From information provided I acknowledge that there is a concentration of student accommodation and HMOs in this area, perhaps not surprisingly given its proximity to Locksbrook university campus. However, given discussions at the hearing it is apparent to me that not all HMOs would be exclusively occupied by students. Nonetheless, policy outlines support for PBSA on the basis this will prevent creation of further HMOs and associated loss of housing. Furthermore, based on the Council's forecasted demand for student accommodation (which forms part of the Plan evidence base – Topic Paper: Student Accommodation, August 2021) which is taken from the Universities'

Growth Plans, there are 536 additional bedspaces required by 2028/2029 (as advised by the Council).

33. The Council acknowledges that there are extant planning permissions which currently could cover the shortfall, but the delivery of those developments is beyond the scope of planning to secure and, therefore, there is not a guarantee these would be constructed. Those planning permissions do not provide robust evidence that the student accommodation need in the area has been met or that an oversupply of such accommodation would occur as these developments may not be implemented.
34. For these reasons, the change of use would not result in any harmful impact upon housing mix and need and, as such, the proposal accords with Policy CP10 in relation to housing mix. Consequently, I do not find conflict with Policy CP10. I note that the appellant participated in the Local Plan Partial Update examination process, however, given the newness of Policy H2A and the lateness in which its considerations came to apply to these appeals this should be a consideration in these particular cases. Notwithstanding this, for the above reasons I do not find that the proposal would materially conflict significantly with the objective of Policy H2A.

#### *Character and appearance*

35. It is common ground between parties that the site is located in Area 12: Twerton, Whiteway, Southdown and Moorlands, of the Bath City-wide Character Appraisal Supplementary Planning Document (SPD). Notwithstanding this, it is also agreed between the parties that the description provided relating to Area 7: Brassmill Lane, Locksbrook and Western Riverside is more applicable to Frome House itself. The site is positioned in a transitional location between Character Areas 7 and 12 as described within the Bath City-wide Character Area SPD.
36. The site is also within Zone 3 Valley Floor as described in the Bath Building Heights Strategy. In this part of the city the Strategy sets out that building shoulder height (or parapet height, as clarified at the hearing) should be a maximum 4 storeys. The Strategy also indicates that one additional setback storey within the roofscape is likely to be acceptable. The proposal is four storeys with a fifth floor being located within a mansard style roof set within the parapet. The proposal would be considered acceptable when assessed against the Strategy, which, although not formally adopted as Council policy, is a material consideration.
37. Within the vicinity of the appeal site there are three storey buildings with pitched roofs and a single storey supermarket with a large footprint. Argyle Terrace comprises two storey dwellings with pitched roofs. The Bathwick Tyres building is single storey with pitched roof. A recent development, known as the Old Bakery, is a four-storey building and has an elevated siting to that of the appeal site. Further along Lower Bristol Road there are buildings of four and five storeys in both directions.
38. The parties agree that the site is outside the Georgian city. I would agree as this part of Bath, with its variety of building heights and fragmentation of the building density, is different both in character and appearance to that of the Georgian central core of the city.

39. The site would be laid out much the same as the existing building, although the built form would extend along the Jews Lane road frontage. The existing building is of plain simple architecture with a horizontal rhythm to its fenestration. The proposal would continue the horizontal rhythm that would assist in breaking up the scale and massing of the visual appearance of the building. The design maintains the simple architectural style of the existing building. The mansard top would add an additional setback storey that would be subservient to the host building and add interest to its appearance.
40. Consequently, I consider that the re-design of the building is acceptable, together with its extension. Furthermore, given the variety of types, styles and heights of buildings in the locality there is no one clear character to the area with which to conform to or assimilate with. The overall size and height of the building would not be out of keeping within the local context such that it might appear visually discordant or unsuitable.
41. Bath stone ashlar is proposed for the external elevations with dark grey metal clad mansard roofs. There are stone finished buildings in the area with metal cladding used within buildings in the wider area. I also saw that the Old Bakery hosts elements of metal cladding, and a pale coloured brick that did not appear to be commonplace within this area. Furthermore, the supermarket is a metal and glazed structure of its own design. In terms of the materials, they would be appropriate given the mix of materials within the area and would respond to the local context.
42. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area. As such the proposal would comply with Policy CP6 of the Core Strategy and Policies D1, D2, D3 and D5 of the Placemaking Plan that seek, amongst other matters, development to be of high-quality design and contribute positively to and not to harm local character and distinctiveness.
43. The Council confirms that the Local Plan Partial Update has not introduced significant changes to the Council's policies relating to character and appearance. Policy H2A of the Local Plan Partial Update states that only student accommodation of an appropriate scale and design will be permitted. I have found that the proposed development would not harm the character and appearance of the area and, as such, would not bring the proposal into conflict with Policy H2A.

#### *Listed buildings*

44. There is agreement between parties that the issue relates to the impact upon the setting of two Grade II listed buildings known as Avon House and the former Cabinet Factory. Avon House is located approximately 80m west of Frome House on Lower Bristol Road and its setting has changed significantly since its construction in 18<sup>th</sup> Century. The former Cabinet Factory, now a supermarket, is approximately 35m from the appeal site on the opposite corner of the adjacent road junction.
45. Avon House derives its significance from its historical and aesthetic value given both its age and its architectural style being an 18<sup>th</sup> Century Georgian building from the historic period in the growth of the town as a Georgian Spa. Being some distance from the appeal site there would be no change to the immediate setting of the building and the proposal would not obstruct views of the



building from the public realm. Nonetheless the proposal would be seen briefly in the backdrop of Avon House when travelling in an easterly direction along the Lower Bristol Road. However, much change has taken place within the immediate setting of this listed building. Some limited change to the backdrop of this building would not significantly alter its setting or how this building is experienced.

46. The former Cabinet Factory is the lowest building in the area. It was built in 1967 and listed in 2007. It derives its significance from being an example of work by architect Brian Henderson, who was a leading proponent of the British High-Tech Movement and is situated in a prominently visible location. The location of the building in this mixed commercial area is historically significant, reflecting the changes to this part of Bath in the post-Second World War period.
47. There are a range of buildings around the former factory that vary both in height and style. In this context, the proposed enlargement and increase in height at Frome House would not significantly alter the setting of the former Cabinet Factory and how it is experienced. The development would not obstruct or change the visibility of the former Cabinet Factory in views from the public realm. It would not obscure the interest of this building as a structure from the British High-Tech Movement. The changes at the appeal site would not erode the reasons why this asset was listed.
48. For these reasons, I conclude that the proposed development would not be harmful to the setting of listed buildings in the area or their significance. As such, the proposed development would comply with Policy HE1 of the Placemaking Plan, that seeks, amongst other matters, to safeguard heritage assets and that requires development within the vicinity of listed buildings not to adversely impact on elements which contribute to their special architecture or historic interest, including their setting.
49. The Council confirms that the Local Plan Partial Update has not introduced significant changes to the Council's policies relating to the assessment of impact to Listed buildings. Policy H2A of the Local Plan Partial Update requires the impact of the historic environment to be assessed. I have found that the proposed development would not be harmful to the setting of listed buildings in the area or their significance and, as such, would not bring the proposal into conflict with Policy H2A.

#### *World Heritage Site (WHS)*

50. The site is within the City of Bath WHS which is internationally recognised to be of Outstanding Universal Values (OUV). This designation highlights its significance as a designated heritage asset.
51. The parties agree that the only attribute of OUV of the WHS that requires consideration is 'the green setting of the City in a hollow in the hills'. The green, undeveloped hillsides within and surrounding the city are features of OUV of the WHS. The parties agree on this. This includes trees, tree belts and woodlands predominantly on the skyline, lining the river and canal, and within parkland and gardens, as well as open agricultural landscape around the city edges, in particular grazing and land uses which reflect those carried out in the location and setting of the Georgian period.

52. The appellant's Landscape and Visual Assessment (LVIA) provides various views with and without the proposed development in place. The Council at the hearing confirmed that the view of most concern is that from Lower Bristol Road looking southwest. In close views of the site the hills are already obscured by the existing building. This is shown to be the case within viewpoint E of the LVIA. In longer range views from Lower Bristol Road there would be some change and obscuring of the hillside in the backdrop of the building. However, this will vary depending on your location and proximity to the building.
53. The Council have concluded the harm to the WHO would be less than substantial. The viewpoints provided within the appellant's LVIA show that views of the surrounding hills will continue to be available with the development in place. The increased height of the building would cause some extremely limited degree of occlusion of the green, undeveloped hillsides. However, I consider this to be so limited that it would have a negligible impact in the area in which it would be experienced and would not equate to harm to the OUV or the significance of the WHO. As such, this would not engage paragraph 202 of the National Planning Policy Framework (the Framework) as the development would not harm the WHS.
54. For these reasons, I conclude that the proposed development would not be harmful to the City of Bath WHS and its OUV. As such, the proposed development would comply with Policy B4 of the Core Strategy and Policy HE1 of the Placemaking Plan that, amongst other matters, set a strong presumption against development that would result in harm to the OUV of the WHS, its authenticity or integrity.
55. The Council confirms that the Local Plan Partial Update has not introduced significant changes to the Council's policies relating to the assessment of impact to the City of Bath WHS. Although I have been referred to Policy H2A of the Local Plan Partial Update, this policy does not make reference to the WHS or its OUV. I have found that the proposed development would not be harmful to the City of Bath WHS and its OUV and, as such, would not bring the proposal into conflict with Policy H2A.

*Living conditions (26 Argyle Terrace)*

56. No 26 is approximately 10 to 12m east of the appeal site. It has windows within the western side elevation of the property at ground and first floor level that serve habitable rooms. No 26 also hosts small garden areas to the side and rear of the property. The development would be four storeys in height on the other side of Jews Lane. The side elevation of the proposed development that faces No 26 would include windows at ground, first, second and third floor levels.
57. The parties agree that there is already some intervisibility between No 26 and the existing property at the appeal site. There is already some outlook from the existing building toward No 26. Nonetheless, the proposal would increase the height of the building at the corner of Jews Lane. The windows at third floor would be at a higher level than that of Argyle Terrace, although the windows in the mansard style roof would have a setback where outlook would be over the neighbouring terrace or obscured to some extent by the parapet shoulder. Overall, given the separation between developments, I do not consider that the occupiers of No 26 would experience significant harm to their

living conditions from increased overlooking. Furthermore, I note that there is an absence of objection from the owner or occupiers of No 26.

58. The new extension would introduce new windows, but these would be separated from No 26 by the road. The additional storeys would be akin to one and a half storeys, and I accept would be noticeable in the outlook from No 26 and from its associated gardens. However, given there would be separation between the respective developments, I do not consider that the scale and massing of the proposed development would cause significantly harm to the living conditions of adjacent occupiers through overbearing impacts or substantially harm their outlook.
59. For these reasons, I concluded that the proposed development would not have a harmful effect upon the living conditions of the existing occupiers at No 26 Argyle Terrace. As such, the proposed development would comply with Policy D6 of the Placemaking Plan that seeks, amongst other matters, development to provide for appropriate levels of amenity.
60. The Council confirms that the Local Plan Partial Update has not introduced significant changes to the Council's policies relating to the assessment of impact upon living conditions. Policy H2A of the Local Plan Partial Update refers to the requirement for PBSA not to have an unacceptable impact on the amenity of surrounding residents. I have found that the proposed development would not have a harmful effect upon the living conditions of the existing occupiers at No 26 Argyle Terrace and, as such, would not bring the proposal into conflict with Policy H2A.

*Living conditions (existing and future)*

61. The site is located on Lower Bridge Road and within a mixed commercial and residential area. The Council confirmed at the hearing that its concern related solely to the tyre fitting garage that is to be retained as part of the proposals, despite other noise matters relating to the railway line, supermarket and nearby public house, amongst others, being cited within their evidence.
62. The Council is concerned that the commercial car repair garage, with its high level of activity, vehicle movements, mechanical operations would negatively impact upon future occupiers of the student accommodation and point out that the appellant's Noise and Vibration assessment deals primarily with road noise. However, the appellant points out that the Assessment did indicate that internally, noise from the existing tyre changing premises was mostly unnoticeable at first floor level directly above the commercial activity.
63. The Council's Environmental Health Officer recognised that existing commercial activity, road and railway noise could impact the living environment for future residents of the development but raises no objection. I see no reason why those considerations relating to commercial activities would not have included the noise impact of the existing tyre fitting garage during its operational hours that is to be retained as part of the proposals.
64. To ensure that the building would achieve acceptable internal noise levels for future occupiers, the Environmental Health Officer has recommended an acoustic assessment be undertaken prior to occupation (to be secured by way of planning condition). This would require that sound attenuation measures specified to achieve appropriate noise levels within the building. This could

- address noise disturbance emitting from the existing tyre fitting garage and that of the railway line close by, on which the University has commented.
65. Notwithstanding the above, the Council are concerned that if this mitigation were to be by way of acoustic glazing system, this potentially would require windows to be kept shut. This is not considered to be a reasonable expectation for future occupiers. However, I have not been provided with any substantive evidence that might lead me to conclude that non-opening windows would cause harm to the living conditions of future occupiers, or that noisy ventilation would be installed. That said, condition 10 requires an acoustic assessment to be submitted for local planning authority approval. This would ensure that satisfactory noise levels would be achieved for future occupiers.
66. The Council are also concerned over the high level of occupancy of the building, after 6pm and overnight. As such, the building would be more intensively used internally than traditional housing and occupiers would share communal area. There would be a high level of circulation internally, as well as comings and goings. The outdoor space could be used without limitation. However, the site is in a busy area that currently generates a high-level of activity with background noise throughout the day and into the evening. In such a context the proposed student accommodation use would not be out of keeping or be likely to generate substantially more noise and disturbance than those activities and uses already within the area.
67. In addition to the above, a student management plan has been provided. This sets out measures as to how the student accommodation would be managed to minimise and mitigate impact to existing neighbouring residents. The measures would include a dedicated management company, on site staff including an accommodation manager, move in/out protocols and CCTV, amongst other measures. The student management plan can be controlled by a suitably worded planning condition (condition 3). Further to this, Policy H2A of the Local Plan Partial Update now sets a requirement for student management plans to be a condition of all new PBSA development.
68. Whilst the Council have expressed concern over the potential enforceability of the student management plan it acknowledged that similar such management plans were in place at other PBSA. The measures would contribute to safeguarding the living conditions of existing occupiers in the area and I see no substantive reason why enforceability would be of concern, noting that such management plans appear to be commonly used at other PBSA within this administrative authority. If anti-social behaviour occurs, a PBSA setting with management plan in place would provide a preferable form of accommodation in which to manage such issues, as opposed to rented dwellings or HMOs.
69. For these reasons, I concluded that the proposed development would not have a harmful effect upon the living conditions of the existing and future occupiers. As such, the proposed development would comply with Policy D6 of the Placemaking Plan that seeks, amongst other matters, development to provide for appropriate levels of amenity.
70. The Council confirms that the Local Plan Partial Update has not introduced significant changes to the Council's policies relating to the assessment of impact upon living conditions of both existing and future occupiers. Policy H2A of the Local Plan Partial Update refers to the requirement for PBSA not to have an unacceptable impact on the amenity of surrounding residents. I have found

that the proposed development would not have a harmful effect upon the living conditions of the existing and future occupiers and, as such, would not bring the proposal into conflict with Policy H2A.

### **Other Matters**

71. Local concerns have been raised to other aspects of the proposed schemes. It is suggested that students will bring cars and park in local streets which cannot accommodate additional parking. The developments are intended to be car-free, and clauses would be included within student tenancy agreements to secure this. Furthermore, there are also enforcement measures included within the Student Management Plan which can be secured by condition (condition 3) upon the respective schemes.
72. The Council have advised that similar arrangements have been adopted with regard to other student accommodation schemes that have been granted planning permission. This accords with the development plan that discourages car use within student developments. The Council considers this to be sufficiently robust to prevent parking issues in the area surrounding the site. Furthermore, the Council's Highway Officer has not raised objection to the proposals either in respect of these matters or on highway safety grounds.
73. It is contended that the bus service cannot accommodate more people and that there are not enough food/supplies in local supermarkets to accommodate further increase in population. However, I have no substantive evidence before me that might corroborate these assertions.
74. Concerns have also been raised to potential landscape impact and lack of renewable energy/sustainable construction within the schemes. However, these matters can be controlled through the imposition of suitably worded planning conditions.
75. Comments are made that the developments would not contribute to council tax income, and the proposals are purely for profit with no benefit to the city and its residents. These matters do not make a development unacceptable in planning terms or would justify refusal.
76. Third party concern is also raised regarding noise from students in relation to Appeal A only. I have noted above that the site is in a busy area that currently generates a high-level of actively and background noise throughout the day and into the evening. In such a context the proposed student accommodation use would be unlikely to generate substantially more noise and disturbance than those activities and uses already within the area, even if accommodating 66 students.
77. It has also been suggested that there has been a lack of neighbour consultation, however I have not been directed to any particular examples that might indicate this to be so. Some concern has been raised to the plans pertaining to the submissions being inaccurate. The Council have accepted the plans and made their determination upon them, which does not indicate there to be any inaccuracies relating to the plans.
78. Both appeals have been supported by completed legal obligations that would secure financial contributions toward community infrastructure. Both parties have engaged to secure these agreements and I have no reason to doubt that

the contributions they secure are necessary to make the developments acceptable in terms of their respective impacts upon community infrastructure.

### **Conditions**

79. In respect of Appeal A, a list of agreed conditions has been provided in the Statement of Common Ground. With regard to Appeal B, the Council has provided a list of suggested conditions within its Statement of Case. At the hearing it was agreed that both appeals should be subject the same Student Management Plan (compliance) condition.
80. I have considered the conditions provided by the Council in light of paragraph 56 of the Framework and the advice in the Planning Practice Guidance (Appeals A and B). In some cases, I have changed or omitted wording to improve the clarity of the condition. Some of the conditions put forward are common or similar to both appeals. However, others are individual to the respective appeals. Many of the conditions sought are required to ensure compliance with development plan policies.
81. Appeals A and B - In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of biodiversity/ecology, conditions relating to wildlife enhancement and ecological follow-up statement are necessary. In the interests of the visual appearance of the area conditions relating to materials and small area allocated for car parking provision are necessary, although the latter is also required to ensure highway safety is achieved. Also in the interests of highway safety is a construction management plan required. To protect the living conditions of existing and future residential occupiers conditions relating to a student management plan and indoor acoustic installation are necessary. The requirement for a student management plan is also necessary to comply with Policy H2A of the Local Plan Partial Update. To encourage sustainable travel, it is important to secure bicycle storage provision.
82. Appeal A – To ensure appropriate site drainage and to prevent flooding a surface water condition is required. In the visual interest of the area a landscape design and implementation condition is required. A condition is necessary in the interests of sustainable construction, as are water efficiency conditions.
83. Appeal B – Conditions that would deal with surface or unexpected contamination at the site are necessary to ensure the safety of future users of the site. To reduce carbon emissions a renewable energy condition is required.
84. Some conditions require matters to be approved before development commences. This is necessary to address issues arising during the construction phase of the development or that prepare the site for other enhancements, such as, biodiversity/ecology. In respect of Appeal A the pre-commencement conditions have been agreed between parties and included within their Statement of Common Ground. With respect to Appeal B the appellant has provided written confirmation of willingness to accept those pre-commencement conditions as set out in the Council's Statement of Case.
85. In respect of Appeal A, the Council have drawn attention to the Policy D5 that has been revised as part of the Local Plan Partial Update, which requires

designing-out nesting and roosting areas for seagulls which can pose public health and safety problems. The development includes areas of flat roof and raised parapets could encourage gull nesting and roosting. However, the Council advises that this could be achieved by way of a suitably worded planning condition that would satisfy compliance with Policy D5. The appellant agrees with the Council that the development could incorporate gull deterrent measures and would agree to a suitably worded planning condition requiring approval of these details.

86. The Council have highlighted that the proposal does not demonstrate compliance with Policy SCR6 relating to sustainable construction policy for new build residential development. However, the appellant highlights that the supporting text to this policy does not apply to existing buildings that propose applications for extensions, conversion and other change of use. These proposals comprise extensions/change of use and as such, Policy SCR6 is not engaged.
87. Biodiversity Net Gain is required by Policy NE3A. The Wildlife Enhancement Scheme and landscape design proposals conditions agreed in the statement of common ground would be sufficient to ensure a minimum 10% net-gain for biodiversity is secured in perpetuity.

### **Conclusion**

88. Having regard to my findings, both Appeals A and B should be allowed, subject to the legal agreements dated 23 November 2022 and the imposition of those conditions within attached schedules corresponding to Appeals A and B.

*Nicola Davies*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANTS:

Matthew Halstead	Crossman Group
Charles Banner KC	Kenting Chambers
Chris Miele	Montague Evans

### FOR THE AUTHORITY:

David MacFadyen	Bath & North East Somerset Council
David Gosset	Bath & North East Somerset Council

### INTERESTED PERSONS:

Dine Romero	Councillor Southdown
Paul Crossley	Councillor Southdown
Lynda Pearse	

## **DOCUMENTS SUBMITTED AT THE HEARING**

Hearing Attendance Sheet

Copy of letter advising of time, date and venue of hearing and corresponding circulation list (Appeal B)

Statement of Common Ground (Appeal A)

Copy of emails from Matthew Halstead and Bath Spa University, dated 10 and 21 November 2022, relating to Nomination Agreement (Appeals A and B)

Page 183 of Core Strategy, part of the pre-amble and to be read in connection with Policy ED1B (Appeals A and B)

Pages 70 and 71 of the Core Strategy, Policy B5 and its associated pre-amble (Appeals A and B)

Email from Councillor June Player, Westmoreland Ward, Bath, dated 21 November 2022, Student Properties – Lower Bristol Road (Appeals A and B)

## **DOCUMENTS SUBMITTED FOLLOWING THE HEARING AND BEFORE CLOSE OF THE HEARING**

Completed S106 legal agreements (Appeals A and B) dated 23 November 2022 and received 24 November 2022



## APPEAL A

### SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.
  - 07 September 2021 W0653-0100a Existing Site and Roof Plan;
  - 07 September 2021 W0653-0111a Existing Ground Floor Plan;
  - 07 September 2021 W0653-0112a Existing Fires Floor Plan;
  - 07 September 2021 W0653-0113b Existing Elevations Page 1;
  - 07 September 2021 W0653-0114b Existing Elevations Page 2;
  - 07 September 2021 W0653-0201c Proposed First Floor;
  - 07 September 2021 W0653-0204d Proposed Fourth Floor;
  - 07 September 2021 W0653-000a Site Location Plan;
  - 25 October 2021 W0653-0150c Proposed Site and Roof Plan;
  - 25 October 2021 W0653-0202d Proposed Second Floor;
  - 25 October 2021 W0653-0203d Proposed Third Floor;
  - 25 October 2021 W0653-0300a Proposed North West Elevations;
  - 25 October 2021 W0653-0301d Proposed East Elevation;
  - 25 October 2021 W0653-0302f Proposed South East Elevation;
  - 25 October 2021 W0653-0303e Proposed South West Elevation;
  - 25 October 2021 W0653-0400d Proposed Sections;
  - 22 November 2021 W0653-0200h Proposed Ground Floor.
3. The use hereby approved shall operate in accordance with all terms and measures set out within the submitted Student Management Plan (Student Management Plan, Frome House, Lower Bristol Road by Crossman Acquisitions, dated 23 March 2022) including the Car Parking Enforcement and Move-in/Move-out Strategies unless otherwise agreed in writing by the Local Planning Authority.
4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of demolition, deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities, a local highway condition survey and site compound arrangements. The scheme shall also specify the sound levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. The development shall thereafter be undertaken in accordance with the approved details.
5. No development shall take place (including demolitions, ground works, or vegetation clearance until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include, as applicable, a plan showing exclusion zones and specification for fencing of exclusion zones; details and specifications of all necessary measures to avoid or reduce ecological impacts during site clearance and construction; findings of updated surveys or pre-commencement checks of the site; and appointment of an ecological clerk of works. The approved CEMP shall be

adhered to and implemented throughout the construction period strictly in accordance with the approved details.

6. No development shall take place until full details of a Wildlife Enhancement Scheme for the site have been submitted to and approved in writing by the Local Planning Authority.  
These details shall include proposals for implementation of wildlife enhancement measures, including wildlife-friendly planting / landscape details; provision of integrated bat boxes and 10 x swift features, with proposed specifications and proposed numbers and positions to be shown on plans as applicable.  
All works and measures included in the approved Wildlife Enhancement Scheme shall be carried out and completed in accordance with the approved details and within specified timescales, prior to first occupation of the development.
7. No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, and approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.
8. No construction of the roof of the development shall commence until a schedule and sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
9. No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a. Lamp models and manufacturer's specifications, positions, numbers and heights;
  - b. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land (particularly the railway line).The lighting shall be installed and operated thereafter in accordance with the approved details.
10. On completion of the development but prior to any occupation of the development hereby approved, an acoustic assessment by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The acoustic assessment shall demonstrate that the development has been constructed to provide the following sound attenuation against external noise. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq, 8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F time weighting) shall not (normally) exceed 45dBLAmax. The development and associated sound attenuation measures must be maintained in accordance with the agreed details for the lifetime of the development.
11. No occupation of the development hereby approved shall commence until an Ecological Follow-up Statement has been submitted to and approved in

writing by the Local Planning Authority. The statement shall confirm and demonstrate, using photographs, the completion and implementation of all measures of the approved wildlife enhancement scheme in accordance with approved details.

12. No occupation or use hereby permitted shall commence until bicycle storage for at least 34 bicycles have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter, free from obstruction and used solely for the purpose of parking bicycles.
13. The areas allocated for parking, as indicated on submitted Proposed Ground Floor Plan W0653-0200 Rev F shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development.
14. No development shall commence, except ground investigations and remediation, until a surface water drainage strategy based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the details so approved.
15. No development above slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved in writing by the Local Planning Authority. The details shall include, as appropriate:
  - a. Proposed finished levels or contours;
  - b. Means of enclosure;
  - c. Car parking layouts;
  - d. Other vehicle and pedestrian access and circulation areas;
  - e. Hard surfacing materials;
  - f. Minor artifacts and structures (e.g. outdoor furniture, play equipment, refuse or other storage units, signs, lighting);
  - g. Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports, etc); and
  - h. Retained historic landscape features and proposal for restoration. Where relevant soft landscape details shall include:
    - i. Planting plans;
    - ii. Written specifications (including cultivation and other operations associated with plant and grass establishment); and
    - iii. Schedule of plants, noting species, planting sizes and proposed numbers/densities.
16. 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 to be submitted to and agreed in writing by 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. All hard and soft landscaping works shall be retained in accordance with the approved details for the lifetime of the development.

17. Prior to the first occupation of the development hereby permitted 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 the written approval of the Local Planning Authority together with the following documents;
  - a. Table 2.1 Energy Strategy (including detail of renewables);
  - b. Table 2.2 Proposals with more than one building type (if relevant);
  - c. Table 2.4 (Calculations);
  - d. Building Regulations Part L post-completion documents; and
  - e. Microgeneratins Certification Scheme (MGS) Certificate/s (if renewables have been used).
18. No occupation of the approved student units shall take place until a scheme for rainwater harvesting or other methods of capturing rainwater for used 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.
19. The approved dwelling shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.
20. No occupation of the approved student units shall take place until a scheme for gull deterrent measures has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the approved student units the gull deterrent measures shall be implemented in full and retained as approved for the lifetime of the development

## **End of Schedule**

## APPEAL B

### SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.
  - 24 March 2022 W0653-0000 A Site Location Plan
  - 24 March 2022 W0653-0211 A Proposed First Floor Plan
  - 24 March 2022 W0653-0212 A Proposed Second Floor Plan
  - 24 March 2022 W0653-0310 A Proposed North West Elevation
  - 24 March 2022 W0653-0311 B Proposed East Elevation
  - 24 March 2022 W0653-0312 B Proposed South East Elevation
  - 24 March 2022 W0653-0313 A Proposed South West Elevation
  - 24 March 2022 W0653-0410 B Proposed Sections
  - 30 March 2022 W0653-0100 A Existing Site and Roof Plan
  - 30 March 2022 W0653-0111 A Existing Ground Floor Plan
  - 30 March 2022 W0653-0112 A Existing First Floor Plan
  - 30 March 2022 W0653-0113 A Existing Elevations 1
  - 30 March 2022 W0653-0114 A Existing Elevations 2
  - 13 May 2022 W0653-1150 B Proposed Site Plan
  - 19 May 2022 W0653-1151 B Proposed Renewable Energy Layout Plan
  - 18 October 2022 W0653-0210 E Proposed Ground Floor Plan.
3. The use hereby approved shall operate in accordance with all terms and measures set out within the submitted Student Management Plan (Student Management Plan, Frome House, Lower Bristol Road by Crossman Acquisitions, dated 23 March 2022) including the Car Parking Enforcement and Move-in/Move-out Strategies unless otherwise agreed in writing by the Local Planning Authority.
4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of demolition, deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities, a local highway condition survey and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details, unless subsequently otherwise agreed in writing by the Local Planning Authority.
5. No development shall take place until full details of a Wildlife Enhancement Scheme for the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall include proposals for implementation of wildlife enhancement measures, including green roof, wildlife-friendly planting / landscaping strategy; provision of integrated bat boxes and 10 x swift features, with proposed specifications and proposed numbers and positions to be shown on plans as applicable.

All works and measures included in the approved Wildlife Enhancement Scheme will then be carried out and completed in accordance with the

approved details and within specified timescales, prior to first occupation of the development.

6. Prior to implementation of the relevant element of development, further details of proposed materials including detailed specifications, images and samples (as necessary) of the following elements shall be submitted to and approved in writing by the Local Planning Authority.
  - a. Timber cladding, fascia and doors to bin and cycle stores
  - b. Green roofs including planting and substrate specifications
  - c. Fire escape infill stoneDevelopment shall then be completed in accordance with the agreed specifications prior to first commencement of the use hereby approved.
7. No new external lighting shall be installed, until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

  - a. Lamp models and manufacturer's specifications, positions, numbers and heights;
  - b. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land (particularly the railway line).The lighting shall be installed and operated thereafter in accordance with the approved details.
8. The development hereby approved shall incorporate sufficient renewable energy generation (solar PV and ASHP) such that carbon emissions from anticipated (regulated) energy use in the development shall be reduced by at least 10% calculated against DER/BER Baseline emissions. Prior to first occupation of the development hereby approved those matters listed below shall be submitted to and approved in writing by the Local Planning Authority:
  - A completed copy of Energy Table 1 (of the Local Planning Authority's Sustainable Construction Checklist). This shall be completed to reflect the actual technologies installed as part of the development hereby approved,
  - A completed copy of Energy Table 3 (of the local planning authority's Sustainable Construction Checklist). This shall be completed to reflect the actual renewable energy systems installed as part of the development hereby approved,
  - Manufacturers specifications of proposed renewable energy generation equipment (solar PV and ASHP)
  - Evidence documentation (e.g. commissioning certificates, Feed in Tariff certificates or receipts) relating to those installed technologies listed in Energy Table 3 demonstrating to the Local Planning Authority's satisfaction that they have been installed correctly and are generating energy in line with the assumptions set out in Energy Table 1.The approved renewable energy systems (Solar PV and ASHP) shall be installed and fully operational in accordance with the approved Energy Tables 1 and 3 and the approved evidence documents prior to first occupation of the development hereby approved and shall be retained as such thereafter as an integral part of the development hereby approved.

9. Prior to first occupation of the development hereby approved, an acoustic assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall be undertaken by a competent person and must demonstrate that the development has been constructed to provide the following sound attenuation levels relating to external noise:
- Maximum internal noise levels of 35dB LAeq,16hr and 30dB LAeq, 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 LAmax
- The development and associated sound attenuation measures must be maintained in accordance with the agreed details for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
10. Prior to first occupation of the development hereby approved, a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey shall be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation should provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment will be required. Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended.
11. In the event that contamination 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.
12. No occupation of the development hereby approved shall commence until an Ecological Follow-up Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall evidence with photographs the completion and implementation of all measures of the approved wildlife enhancement scheme in accordance with approved details.
13. No occupation or use hereby permitted shall commence until bicycle storage for at least 10 bicycles have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter, free from obstruction and used solely for the purpose of parking bicycles unless otherwise agreed in writing by the Local Planning Authority.

14. The areas allocated for parking, as indicated on submitted Proposed Ground Floor Plan W0653-0210 E 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 unless otherwise agreed in writing by the Local Planning Authority.

**End of Schedule**