

Our reference: 5208627

Planning Services  
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2 August 2023

Dear Sir/Madam,

**Proposed development of affordable homes for supported living on land to the rear of 89 to 123 Englishcombe Lane, Bath (nearest postcode: BA2 2EH)**

On behalf of our client, Bath and North East Somerset (the Client), we are pleased to submit this pre-application enquiry to Bath and North East Somerset Council (BANES) Local Planning Authority (LPA) for a supported living residential development on land to the rear of properties 89 to 123 Englishcombe Lane, Bath (the Site).

The formal description of development for the pre-application scheme is as follows:

***“Proposed development of 16 affordable residential dwellings for supported living (Use Class C3) with associated access, open space and landscaping.”***

The pre-application proposals comprise this covering letter, together with the following suite of documents and drawings:

- Completed Pre-application Enquiry Form
- Site Location Plan (drawing reference: 5208627-ATK-EL-00-D-A-01-1-002)
- Concept Site Layout Version 6 (drawing reference: 5208627-ATK-EL-00-D-A-01-1-001)
- Design Statement
- Landscape Strategy
- Ecology Note
- Biodiversity Net Gain (BNG) Initial Assessment
- Arboricultural Survey
- Tree Constraints Plan
- Transport Note
- (Ground Investigation) Desk Study Interpretive Report

## Background

The Site is allocated for residential development under the Bath Placemaking Plan <sup>1</sup> Policy SB17, for around 40 dwellings, and is owned solely by the Client. In 2018, the Client submitted a full planning application to the LPA to develop a residential scheme comprising 37 dwellinghouses at the Site (planning reference: 18/01516/REG04).

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<sup>1</sup> Bath Placemaking Plan Volume 2: Bath (adopted 2017)

An Ecological Impact Assessment (EclA) was undertaken at the Site in 2019<sup>2</sup> which supported the planning application. The EclA identified a number of ecological features that were assessed to have a 'county to local' conservation importance. During the determination of the planning application, concerns were raised primarily around the potential risk of the proposed scheme to the identified ecological features. In September 2020 BANES Planning Committee resolved to grant permission to the proposed scheme, subject to completion of a Section 106 (S106) agreement and compliance with 34 planning conditions. Due to the ecological concerns that were raised around the potential risk to the on-site ecology features, the Client made a decision not to pursue the proposed scheme and a decision notice has not been issued for the previous residential scheme at the Site.

## The Site and Surrounding Area

The Site extends to approximately 1.4 hectares in area and includes a land parcel located to the rear of properties 89 to 123 Englishcombe Lane, Bath. The location of the Site is shown on the 'Site Location Plan' (drawing reference: 5208627-ATK-EL-00-D-A-01-1-002 Rev P01) submitted alongside this letter. The Site is an unmanaged pasture grassland and comprises peripheral trees and scrub along the Site's boundaries, two small round-shaped areas of rough grassland with affinities to calcareous grassland to the northwest and west, a small round-shaped area of fine grassland to the east, and an area of tussock grassland together with a series of watercourses crossing the Site from south to north. The rest of the Site comprises rough grassland. The Site is accessed from the public highway at Englishcombe Lane by a small single-track lane located to the northeast of the Site, immediately to the west of the property 89 Englishcombe Lane. The Site has a significant level change, rising from the lowest point at 87 metres Above Ordnance Datum (AOD) at the Site access in the northeast corner to 103 metres AOD in the southwest corner.

Immediately to the north, the Site is bounded by Englishcombe Lane (road), boundary vegetation and rear gardens of properties 89 to 123 Englishcombe Lane. The western perimeter is bounded by vegetation and rear gardens of properties 1 to 27 Stirtingale Road whilst to the east and south, the Site boundaries contain thick vegetation. The A367 Wellsway and Rush Hill – Whiteway Road run approximately one kilometre to the east and west of the Site, respectively. The Bath Spa rail station located within the centre of Bath is located approximately two kilometres to the northeast of the Site.

The wider area in which the Site is located is characterised by residential development, and a range of community facilities and public green and open spaces. The Site is located within Natural England's National Character Areas (NCA) 107 Cotswold, which is '*defined by its underlying geology: a dramatic limestone scarp rising above adjacent lowlands with steep combs, and outliers illustrating the slow erosion of escarpments. The limestone geology has formed the scarp and dip slope of the landscape, which in turn has influenced drainage, soils, vegetation, land use and settlement*'. Within the local context, the Site lies on the west-northern edge of Area 18-Entry Hill, Perrymead and Prior Park Character Area which includes open agricultural land, woodlands, parks and gardens that provide natural beauty and views.

The Site is located within a consultation zone for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). It is also located within the boundary of Stirtingale Farm Site of Nature Conservation Interest (SNCI). The Site is located within Bath World Heritage Site (WHS), and Bath Conservation Area (CA) and there are six Listed Buildings within 500 metre buffer from the Site.

According to the flood mapping from the Environment Agency, the Site is located within Flood Zone 1 with low probability of flooding and within an area of negligible groundwater flooding. No Public Rights of Way (PRoW) traverses through the Site, or land immediately adjacent to the Site.

## Description of Proposed Development

The pre-application enquiry scheme includes the following works:

- Construction of 16 bungalows, including:
  - 10 one-bed standard units
  - 2 two-bed standard units
  - 4 two-bed wheelchair accessible units

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<sup>2</sup> Undertaken by John's Associates in 2018 and last updated in 2019

- Provision of a hub building for health, well-being, and educating needs of the supported living residents .
- Provision of private outdoor spaces/gardens for each bungalow.
- Provision of communal outdoor space with potential for sensory landscaping.
- Provision of approximately 11 on-site car parking spaces.
- Provision of cycle parking space (quantum to be confirmed), potentially through a combination of private and visitor communal storage.
- Ecological enhancements, including grassland restoration at the north western part of the Site, Woodland edge creation at the southwestern part of the Site, and provision of meadow landscape to the southeast of the Site. The proposed development will retain the tussock grassland within the central section of the Site.

The proposed works are shown on the 'Concept Site Layout Version 6' (drawing reference: 5208627-ATK-EL-00-D-A-01-1-001) submitted alongside this letter.

## Relevant Site History

A search of BANES's online planning register has been undertaken to identify any relevant planning applications at the Site or within the Site's surrounding within the last five years. The previous planning application (planning reference: 18/01516/REG04) is the most relevant application at this Site.

A number of small-scale householder planning applications have also been identified in the wider area which are not considered to be relevant or result in cumulative impacts with the proposed development, therefore they have not been referenced in this letter.

## Environmental Impact Assessment

Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) sets out the types of development that may require an EIA if the development exceeds certain thresholds.

Category 10(b) of Schedule 2 refers to 'Infrastructure Urban Development Projects'. For development involving dwellings, the applicable thresholds and criteria applying to this description of development is 'the area of the works exceeds 5 hectares'. As the Site is 1.4 hectares in area, the proposed development falls below the 5-hectare threshold as set out in category 10(b) 'Infrastructure Urban Development Projects' and, therefore, does not necessitate the need for a screening opinion to be requested.

Confirmation of this from the LPA through this request would be welcomed.

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise.

### National Planning Policy

The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) set out the Government's planning policies and guidance for England. They provide a framework within which councils can produce their own development plans. In addition to providing guidance for local planning authorities and decision-takers in the compilation of plans, they are also a material consideration in determining applications. A presumption in favour of sustainable development is at the centre of the NPPF.

### Local Planning Policy

The development plan for BANES comprises the following documents:

- Core Strategy (adopted 2014)
- Placemaking Plan Volume 1: District Wide Policies (PPV1) (adopted 2017)
- Placemaking Plan Volume 2: Bath (PPV2) (adopted 2017)

- Local Plan Partial Update (LPPU) which updates/replaces some of the policies contained within the PPV1 and PPV2 (adopted 2023)
- Supplementary Planning Documents (SPDs) plus any other relevant guidance

The following table summarises relevant chapters/policies from the national and local planning policies documents that are most relevant to the proposed development:

Policy Document	Most Relevant Policies
NPPF	Chapters 2, 5, 8, 11, 12, 14, 15 & 16.
PPG	Various
BANES Core Strategy (adopted 2014)	Policies SD1, DW1, B1, CP2, CP5, CP6, CP9, CP10, CP13
BANES Placemaking Plan Volume 1: District Wide Policies (adopted 2017) including policies updated by LPPU	Policies: SU1, H1, H7, D1, D2, D3, D4, D5, D6, D7, D10, NE1, NE2, NE2A, NE3, NE4, NE5, NE6, ST1, ST7, CP7, SCR5, PCS1, PCS2, PCS3, PCS5, PCS6, PCS7A, HE1
BANES Placemaking Plan Volume 2: Bath (adopted 2017)	Policies BD1, SB17, B4
BANES Local Plan Partial Update New Policies (adopted 2023)	New Policies NE3a, SCR6, SCR9 Updated Policies DW1, CP2, CP7, H7, D5, NE1, NE2, NE3, NE5, NE6, ST1, ST7, PCS5
BANES Supplementary Planning Documents (SPDs)	Transport and Development SPD (adopted 2023), City of Bath World Heritage Site Setting SPD (adopted 2013), Bath City-wide Character Appraisal SPD (adopted 2005), Planning Obligations SPD (Review 2023), Bath Building Heights Strategy (adopted 2010), Energy efficiency, retrofitting, and sustainable construction (adopted 2022)
Other Relevant Guidance	West of England Sustainable Drainage Developer Guide (2015)

## Key Planning Considerations

### Principle of Development

PPV2 Policy SB17 ‘Englishcombe Lane’ allocates the Site for development of around 40 dwellings, and requires the development to also provide for:

- *‘Two vehicular access from between numbers 87–89 Englishcombe Lane, retaining as many trees as possible and replacing those lost elsewhere within the Site.*
- *Retention of hedgerows along the boundaries of the Site.*
- *Identify and assess the ecological interests of the Site and the likely effects of development on them. Protect and enhance these aspects and mitigate to avoid or minimise the effects*
- *Lighting and Green Infrastructure at this location must be designed to safeguard the ecological and habitat requirements of bats.*
- *Undertake a detailed historic environment assessment, and where necessary evaluation, in order to identify and implement appropriate mitigation’*

Core Strategy Policy SD1 ‘Presumption in Favour of Sustainable Development’ supports development that accords with local plan policies. Updated Policy DW1 ‘District-Wide Spatial Strategy’ seeks to increase the supply of housing in BANES by 13,000 units, while Policy B1 ‘Bath Spatial Strategy’ requires 7,000 of the new homes to be built in Bath. Policy CP9 ‘Affordable Housing’ requires developments of 10 dwellings or 0.5 hectares and above to provide 40% of the homes as

on-site affordable housing. PPV1 Policy H1 'Housing and Facilities for the Elderly, People with Other Supported Housing or Care Needs' supports supported housing that is compatible with the existing/future uses in the locality and requires adequate indoor and outdoor space be provided. Policy D7 'infill and backland development' supports infill development that does not impact the character and quality of its surrounding environs. Paragraph 8 of the NPPF defines the three dimensions of sustainable development as being social, economic and environmental. Paragraph 60 of the NPPF supports bringing forward a sufficient amount and variety of land where it is needed and addressing the needs of groups with specific housing requirements.

Under Policy SB17 of PPV2, the Site is allocated for around 40 dwellings. The Site is ecologically constrained, and concerns raised around the potential ecological impacts of the 2018 proposals indicate a challenge for the Client in bringing forward a policy-compliant development of a similar scale whilst at the same time safeguarding the existing ecological features present within the Site through provision of suitable and deliverable mitigation and enhancement measures. It is therefore considered that a policy-compliant development of the Site is not realistic or viable.

Both the city of Bath and the district as a whole have a considerable local housing need and housing delivery requirements, as identified within the BANES Core Strategy (adopted 2014) and Placemaking Plan (adopted 2017). The Core Strategy identifies a need around 13,000 new homes, out of which 7,000 are required to be delivered in Bath in the plan period. The housing need identified in the Core Strategy has been rolled forward in the Local Plan Partial Update (LPPU), adopted in January 2023, and the LPPU anticipates a potential for delivering 14,649 new dwellings in the plan period, out of which 7,500 new homes are expected to be delivered in the city of Bath. The existing site allocations from the Core Strategy and Placemaking Plan are expected to deliver 880 new units, and 530 new units are expected to be built through the new site allocations proposed in the LPPU. The NPPF encourages a sufficient amount and variety of land to come forward where it is needed, and where the needs of groups with specific housing requirements can be addressed.<sup>3</sup> The Client is therefore committed to develop the Site in line with the national and local policy in order to contribute to the supply of new homes in the city of Bath.

A strategic review of the local care and support market in the district was undertaken by BANES Specialist Commissioning team in 2021. The review has identified a significant undersupply of supported living provision in the district, which has resulted in an overreliance on meeting the needs of those who should be housed in supported living through often expensive out-of-area residential care placements. Currently around 55% of the total number of autistic people or people with learning disabilities (including people with sensory impairments, complex health needs or other conditions) are placed in Residential Care, with the majority (around 70%) being placed in neighbouring Local Authorities including Bristol, Somerset (Mendip), South Gloucestershire, North Somerset and Wiltshire.

There is a new service being designed which aims to resettle autistic people and people with learning disabilities who wish to return to BANES. This is likely to include individuals who have been living out-of-area for less than 3 years including:

- 9 people (aged 18+) who are in out-of-area Specialist Private Residential Colleges and will require Supported Living accommodation on their return to BANES in the next one to two years.
- 15 people who are aged under 35 and have been in out-of-area Residential Care for less than 3 years.
- 10 people aged between 36 and 64 have been in out-of-area Residential Care services for less than 3 years and may wish to resettle in BANES.

There is also significant 'pent up' demand for local Supported Living from around 51 aging people who are currently living with parents. Without suitable in-area Supported Living services there is a high risk that there will be no alternative to out-of-area Residential Care at the point their parents become unable to continue providing suitable levels of care.

Under the Equality Act 2010, local planning authorities are required to advance the equality of opportunity between people who share a protected characteristic, such as 'disabilities', which can

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<sup>3</sup> NPPF, Paragraph 60

include some forms of neurodiversity<sup>4</sup> like autism. Autism is a lifelong developmental disability which affects how people communicate and interact with the world. More than one in 100 people are on the autism spectrum and there are around 700,000 autistic adults and children in the UK<sup>5</sup>. Around 8 in 10 autistic people process sensory information differently, and for some this can cause challenges in everyday life.<sup>6</sup> Connecting autistic people with nature through sight, sound and touch can enhance their ability to cope with a wider range of stimuli and reduce their experiences of sensory overload.

The Site is quiet and spacious and is ideally suited to meeting the needs of autistic people who would significantly benefit from a calming and tranquil environment which helps with sensory and emotional regulation. The Site's ecological and arboreal assets lend themselves to a low-density and landscaped development which will provide the target user group of the Site with high quality supported living, plugging an existing service gap and reducing the need for expensive out-of-area placements, whilst also contributing to the provision of new homes in the city of Bath.

The Client has therefore considered that a 'do nothing' option at the Site would not be reasonable and has proposed to develop the Site for a low density, landscape-led supported living scheme comprising 16 bungalows to house autistic people / people with learning disabilities (target user group) to enhance opportunities that can benefit the district's autistic people. This scheme will contribute to the delivery of a much needed affordable specialist housing and assist the Council with its statutory requirement to advance equality across the authority area.

With regards to the loss of an existing area of greenspace, this has been accepted by the Council through the allocation of the Site in the Development Plan. This was informed by an evidence base and subsequently went through a thorough assessment process which was found to be sound by an Independent Planning Inspector. Notwithstanding, there is and a range of other public green and open spaces facilities which lie in proximity to the Site<sup>7</sup> and can adequately meet the requirements of the local residents. The proposed development has considered the Site's social context and therefore seeks to avoid introducing additional pressures on the wider network, by providing self-contained amenity spaces for the new residents within the boundaries of the proposed development.

In summary, the proposed development will partially meet the requirements of Policy SB17 by providing 16 dwellings which will be 100% affordable. It is considered that the proposed development will minimise ecological impacts when compared to the previous scheme via a lower quantum of development while contributing to the provision of supported living for the target user group that have demonstrable unmet accommodation needs in the district. It will therefore contribute to both the social and environmental objectives of sustainable development by supporting the health and wellbeing of communities, enhancing equality of opportunities in the district, while also contributing to the protection and enhancement of biodiversity features on this allocated site.

### Net Zero Development

LPPU New Policy SCR6 'Sustainable Construction Policy for New Build Residential Development' requires residential development to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Paragraph 152 of the NPPF requires planning to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.

The UK Government's Future Homes Standards (FHS) which will come into force in 2025 aims to decarbonise new homes by focusing on improving heating, hot water systems, and reducing heat waste. This will be achieved in part by replacing current technologies with low-carbon alternatives. For example, very high quality building fabric (structural materials, insulation etc.), triple glazing standards and low-carbon heating through heat pumps will replace their older, less efficient

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<sup>4</sup> Neurodiversity is the concept that all humans vary in terms of our neurocognitive ability, and it includes some forms of neurotypes such as ADHD, autism, dyslexia, dyspraxia, dyscalculia, dysgraphia and Tourette syndrome (Genius Within Website: <https://geniuswithin.org/what-is-neurodiversity/> (visited 17.7.23)

<sup>5</sup> National Autistic Society, <https://www.autism.org.uk/advice-and-guidance/what-is-autism> (visited 18.7.23)

<sup>6</sup> Autistic people can be hypersensitive or hyposensitive when experiencing sights, sounds, smells, tastes, touch, balance or body awareness.

<sup>7</sup> Including the Oval Park, a community park (300 metres to the north of the Site), Stiringale Road, Play Space (300 metres to the west), Moorlands Park (350 metres to the northeast), Hillcrest Park (450 metres to the northwest), The Tumps (700 metres to the southeast), and the Odd Down Sports Ground (700 metres to the southeast).

counterparts. It is anticipated that this, combined with additional regulation targeting existing homes, will contribute to reducing the UK's carbon emissions and achieving its net zero target by 2050.<sup>8</sup>

In line with the requirements of the Policy SCR6, the proposed development will seek to achieve compliance with the FHS as a minimum, and where possible, try to better it. Other principles such as Passivhaus and Whole Life Carbon will also be explored, and efforts will be made where possible to incorporate these principles in the detailed design of the proposed development. The strategy for energy, sustainable design and heating and cooling will be confirmed within the forthcoming full planning application.

### Housing Mix

Core Strategy Policy CP9 'Affordable Housing' requires qualifying development to provide 40% of the homes as on-site affordable housing. Policy CP10 'Housing Mix' requires residential development to provide a variety of housing type and size and contribute to providing choice in tenure. Supported housing projects are supported provided that users are integrated into the community. PPV1 Updated Policy H7 'Housing Accessibility' requires affordable housing developments to ensure that 7.8% of dwellings are built to meet Building Regulation M4(3)(2b) standard and the remainder to M4(2). Paragraph 62 of the NPPF stipulates that the size, type and tenure of housing needed for different groups in the community including those who require affordable housing, and people with disabilities should be met.

The proposed development will provide a mix of housing type and size including 10 one-bed standard units, 2 two-bed standard units, and 4 two-bed wheelchair accessible units, all of which will be available as affordable homes. The wheelchair accessible units will make up 25 per cent of the total proposed units, and will meet the requirements of Building Regulations Part M4(3) (Category 3: Wheelchair user dwellings), with the remaining 75% meeting the requirements of Part M4(2) (Category 2: Accessible and Adaptable Dwellings). The design of the dwellings will seek to be in compliance with British Standards (BS) 8300 'Design of an accessible and inclusive built environment. Buildings - code of practice' where possible, and it will also seek to follow guidance within the Publicly Accessible Specifications (PAS) 6463 'Neurodiversity and the built environment – Guide'. The proposed development will be landscape and ecology led, and its design will respond to the target user group's sensory, and mobility needs.

### Nature Conservation

Core Strategy Updated Policy DW1 'District-Wide Spatial Strategy' promotes sustainable development that protects and enhances biodiversity resources. Policy CP6 'Environmental Quality' requires development to protect and enhance the natural environment. PPV1 Updated Policy CP7 'Green Infrastructure' seeks to maintain, protect and enhance the Strategic Green Infrastructure network. Updated Policy NE1 'Development and Green Infrastructure' requires design to maximise green infrastructure and use nature-based solutions. Updated Policy NE3 'Sites, Habitats and Species' requires harm to biodiversity be avoided. Policy NE4 'Ecosystem Services' requires development to protect and enhance ecosystem services. Updated Policy NE5 'Ecological Networks and Nature Recovery' requires developments to contribute to habitat creation, protection, enhancement, restoration and/or management. Updated Policy NE6 'Trees and Woodland Conservation' requires development to protect and retain trees and woodlands of wildlife including veteran trees and provide appropriate compensation in the event adverse impacts are unavoidable. LPPU New Policy NE3a 'Biodiversity Net Gain' requires major developments to achieve BNG of a minimum of 10% which should be managed for a minimum of 30 years. Paragraph 174 of the NPPF requires development to contribute to and enhance the natural and local environments through various actions including by protecting sites of biodiversity. Paragraph 180 of the NPPF seeks to protect veteran trees from detrimental impacts.

A Tree Survey has been undertaken at the Site in February 2023 which has identified four veteran trees on the Site. The Site is within Bath CA and therefore trees present on the Site are protected, however no record of trees with Tree Preservation Orders (TPOs) have been found on the Site. The proposed development is not anticipated to impact the principal arboreal assets at the Site including

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<sup>8</sup> CBRE, What is the 2025 Future Homes Standard and how will it impact residential real estate?  
<https://www.cbre.co.uk/insights/articles/what-is-the-2025-future-homes-standard-and-how-will-it-impact-residential-real-estate> (Viewed 17.7.23)

veteran trees. The proposed development will seek to minimise impacts on Site's trees and vegetations. Due to the infancy of the proposals, landscaping and planting proposals have not yet been developed, however, it is envisaged that a range of tree species could offer opportunities to increase biodiversity across the Site.

A full Arboricultural Impact Assessment (AIA) will be undertaken and submitted with the full planning application which will assess the impact of the proposed development on trees and will include measures to mitigate any impact. It will be necessary to protect retained trees throughout the development and a planning application will likely also include an Arboricultural Method Statement, where applicable, and a Tree Protection Plan.

An ecological walkover of the Site including a botanical survey and a bat survey have been undertaken in April and May 2023. The findings of the ecological walkover indicates that the species diversity within the Site's grassland has continued to decrease since the 2019 EclA and there are no priority or irreplaceable habitats present on the Site. The watercourses crossing the Site have changed routes since 2019 and while their botanical character is broadly the same as in 2019, they have not been identified as especially notable. The potential for the Site to be used by bats, reptiles and badgers has not been altered substantially since last surveys as part of the previous application at the Site. It is recognised that further ecological surveys (including related to protected species) will need to be undertaken in order to determine the likely impacts of the proposed development. The scope of any surveys would be agreed in conjunction with the LPA ecologist. Depending on the outcome of the surveys, it is understood that an EclA may be required to inform the ecological mitigation measures that may need to be incorporated into the design of the proposed development. A Habitat Regulations Assessment (HRA) will also be prepared and accompany the full planning application.

From the outset the applicant has aspired to deliver a high biodiversity net gain as part of the development proposals. A BNG Initial Assessment has been undertaken for the proposed development which acknowledges the requirement for a minimum of 10% BNG to compensate for the loss of habitat as a result of the proposed development. The BNG requirement will be assessed in full and addressed through retention and enhancement of habitats within the forthcoming full planning application. The applicant will continue to explore measures to improve on-site BNG and, if practicable, exceed the 10% BNG requirements. Should offsetting be required, it is envisaged that this would take place on council-owned land.

The development seeks to target a Building with Nature (BwN) Full Award, which externally certifies that the proposals meet the specified standards<sup>9</sup> and delivers high-quality green infrastructure, at both pre and post-construction stages.

Confirmation on the above requirements from the LPA is sought through this request.

### Transport, Highway Safety and Access

PPV2 Policy SB17 'Englishcombe Lane' requires vehicular access to the Site be provided from between properties 87 and 89 Englishcombe Lane. PPV1 Updated Policy ST1 'Promoting Sustainable Travel' and Updated Policy ST7 'Transport Requirements for Managing Development' both require development to encourage movement and be accessible by sustainable modes of transport. Updated Policy ST7 also requires development to support safe access, accessible cycle storage facilities, ultra-low emission vehicles, and an appropriate level of parking. LPPU New Policy SCR9 'Electric Vehicles Charging Infrastructure' requires all dwellings with one or more dedicated parking space or garage to provide access to electric vehicle charging infrastructure. The Transport and Development SPD requires housing developments within Zone B: Outer Bath, Keynsham and Saltford to provide a range of car parking spaces, including inter alia, one space per one-bed dwelling, 1.25 spaces per two-bed dwelling and 6% of capacity or three spaces (whichever is greater) for blue badge parking. With regards to cycle parking, the SPD requires two spaces per one-bed dwelling and two spaces per two-bed dwelling. Paragraph 111 of the NPPF stipulates development should 'only be prevented

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<sup>9</sup> The BwN is the first evidence-based benchmark for high-quality green infrastructure in the UK. It has been developed to support the delivery of high-quality green infrastructure and draws together policy and practice guidance related to health and well-being, sustainable water management, and biodiversity.

or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The Site is accessed from public highway at Englishcombe Lane by a small single-track lane immediately to the west of the property 89 Englishcombe Lane. It is proposed to utilise the existing access during both the construction and operational phases of the proposed development. It is proposed to provide vehicular access to all units, however except the wheelchair-accessible units, access to standard units is expected to be infrequent. The proposed development is anticipated to provide approximately 11 car parking spaces, which is lower than the requirements of the Transport and Development SPD. However, due to their nature the proposed supported living units at the Site are expected to generate lower parking demands. In terms of cycle parking arrangements, the proposed development will provide the minimum requirements in line with the Transport and Development SPD, and will seek to provide a combination of private and visitor communal storage. Further details of car and cycle parking provision at the Site will be provided within the forthcoming full planning application.

Requirements for refuse collection and fire tender access will be confirmed through consultation, however early appraisals indicate that servicing and emergency access is feasible.

A Transport Note provided with this pre-application enquiry outlines the transport conditions for the Site and the surrounding area, and explores potential trip generation associated with residential development of the land. The Note sets out that the proposed development will be located in an area with good access to sustainable transport and active travel links which can support moderate residential development. There would be a small increase in the number of traffic movements on the local highway network as a result of the proposed development, which would not have a detrimental impact on the local highway network. It should be noted that trip generation data is based on a scheme of 20 traditional residential dwellings, whereas this proposal concerns 16 dwellings for a specialist type of housing where vehicle trips would be expected to be lower. Therefore, the number of trips generated by the proposed development would likely be lower.

This transport and traffic impacts of the proposal will be demonstrated through a Transport Statement, which will accompany the forthcoming full planning application.

### Water, Flood Risk and Drainage

Core Strategy Updated Policy CP2 'Sustainable Construction' requires development to minimise vulnerability to flooding. Policy CP5 'Flood Risk Management' requires development in areas at risk of flooding to be made safe throughout its lifetime and incorporate sustainable drainage systems. PPV1 Policy SU1 'Sustainable Drainage' requires SuDS to be employed for development in an area at risk of flooding. Policy PCS7A 'Foul Sewage Infrastructure' requires development to connect to public sewer system. Updated Policy H7 'Housing Accessibility' allows a reduction in the accessibility requirements where the site is vulnerable to flooding. Paragraph 159 of the NPPF seeks to direct development away from areas at risk of flooding while Paragraph 167 seeks to ensure that flood risk is not increased elsewhere.

The Site is located within Flood Zone 1, with low probability of flooding, and within an area of negligible groundwater flooding. Given the Site area extends to 1.4 hectares, a Flood Risk Assessment (FRA), a proof of concept and a drainage strategy will be prepared and will accompany the forthcoming full planning application. These will assess the risk of flooding to and from the proposed development. The proposed development will result in an increase in impermeable hardstanding area; however, a drainage strategy will be developed to ensure that surface water drainage will be managed appropriately, and the risk of flooding elsewhere will not increase as a result of the proposed development. The design and management of surface water drainage will have full regard to the West of England Sustainable Drainage Developer Guide.

### General Design Principles

Core Strategy Policy CP6 'Environmental Quality' requires development to demonstrate high quality and inclusive design. PPV1 Policy D1 'General Urban Design Principles' requires development to enhance connectivity by all modes of transport and enhance landscape and character. Policy D2 'Local Character and Distinctiveness' and Policy D3 'Urban Fabric' both support development that respects and contributes to local character. Policy D4 'Streets and Spaces' requires development to be well-connected, respect street hierarchy, enhance public realm and incorporate safe shared

surfaces. Updated Policy D5 'Building Design' supports innovative design and requires careful consideration to designing-out potential seagull nesting and roosting areas in new buildings. Policy D10 'public realm' requires development to enhance public realm. Updated Policy H7 'Housing Accessibility' requires affordable housing developments to comply with accessibility standards. PPV2 Policy BD1 'Bath Design Policy' requires sensitive development to consider the design values and significance of the historic environment in Bath. Paragraph 130 of the NPPF requires development to be visually attractive, respect local character and maintain a sense of place, optimise the potential of the Site, and be safe, inclusive and accessible.

The proposed bungalows are intended to be homes for life, as long as they remain appropriate. They will be homes for autistic people and those with learning difficulties who may require supported living assistance. Therefore the design of the proposed units will seek to offer a range of accessibility measures, focusing on providing flexibility and maximising opportunities to meet progressing/regressing individual needs. The proposed development will provide 25% of the units as wheelchair accessible which will meet the requirements of Building Regulations Part M4(3). The remainder of the units will meet the requirements of Part M4(2). The proposed development will seek to comply with the requirements of a range of other Building Regulations, mainly provisions within Part B: Fire Safety, and Part O: Overheating.

With regards to British Standards for accessibility, it is considered that the significant level changes at the Site will be a challenging constraint to overcome, and therefore it may not be possible to follow principles of BS8300 throughout the entire Site, however the design of the houses will seek to follow BS8300 principles, as well as guidance within the PAS6463, tackling areas such as site and building layout, internal layout, external spaces and access, acoustics and noise management, light and reflection, safety and quiet spaces. The forthcoming full planning application will consider whether the requirements of the BS8300 can also be considered in the layout design of the wider Site. A Landscape Strategy has been undertaken for the proposed development which provides further details of the key themes that are proposed to be considered in the landscape design. The proposed scheme will have full regard to the requirements of Policy D5 in designing out seagull nesting and roosting.

A Heritage Statement will also be prepared for the forthcoming full planning application that will have regard to the Bath Building Heights Strategy SPD.

Confirmation of the above requirements from BANES including from specialist consultees is sought through this request.

### Landscape and Visual

Core Strategy Policy CP6 'Environmental Quality' requires development to conserve and enhance the area's distinctive landscape character. PPV1 Updated Policy NE2 'Conserving and Enhancing the Landscape and Landscape Character' supports development that conserves or enhances local landscape character, and important views. Policy NE2A 'Landscape Setting of Settlements' requires development to conserve and enhance landscape character and views. The Site is within the 'Area 18 Entry Hill, Perrymead and Prior Park' of the Bath City-Wide Character Appraisal SPD. According to the SPD, agricultural and amenity landscapes and important clusters of residential areas are the main land uses in this area. The area has an overall low density and is considered a tranquil area. Paragraph 174 of the NPPF requires development to *'contribute to and enhance the natural and local environments by protecting valued landscapes and recognise the intrinsic character and beauty of the countryside'*.

A Landscape Strategy has been prepared for the proposed development and has identified the neighbouring properties overlooking the Site as the key visual receptors who are likely to be the most affected by the proposals. The key leisure areas within 2km of the Site are also visual receptors, however they will likely have limited views of the proposed development, due to the existing vegetation and citywide landform. The proposals will take into account visual mitigation measures such as retention of the existing mature hedgerows bordering the Site.

The Landscape Strategy references a number of key landscape themes that have informed the proposals to date and will shape the placemaking and nature based solution design parameters of the proposed development. These are focused mainly on inclusive and accessible layout, enhancement of biodiversity and ecological networks, and sensory-friendly landscape design, material and drainage. These themes will be explored in more details within the forthcoming full planning application. The proposed development will have regard to Bath City-Wide Character Appraisal SPD and Bath Building Heights Strategy SPD.

## Ground Conditions

PPV1 Updated Policy PCS5 'Contamination' supports proposals that do not cause significant pollution, harm or risk to health or the environment. Policy PCS6 'Unstable Land' requires development on unstable land to demonstrate that the Site is capable of being developed without adversely affecting the stability of the development or that of neighbouring land; and any remedial and/or precautionary measures proposed as a result of the development do not adversely affect local amenities and/or environmental interests. Paragraph 185 of the NPPF requires development to be appropriate to its location and consider its impacts of pollution on health, living conditions and the natural environment.

A Geo-environmental Desk Study has been undertaken for the Site which indicates that the majority of the Site is underlain by bedrock of Fullers Earth Formation, with the northern extent being underlain by bedrock of the Inferior Oolite Group and Bridport Sand Formation. The Desk Study also finds that the investigations undertaken for the previous planning application identified the Site as having lower hillslope stability. The design of the proposed development will take account of any geological risks that may affect the design.

There are no current licensed landfill sites, waste disposal sites or Control of Major Accident Hazard Sites (COMAH) located on-site or within 250 metres of the Site. The Site is not within a groundwater Source Protection Zone, or an area affected by coal mining. The desk study has assessed the proposed Development to overall have a low risk to human health. A full site investigation including site inspections and approvals of critical foundation depth will be undertaken and a report of the findings will accompany the planning application. Any required remediation of the Site or mitigation measures will be implemented in line with policies PCS5 and PCS6.

## Amenity

PPV1 Policy D6 'Amenity' requires development to achieve appropriate levels of privacy, outlook and natural light, and not to cause significant harm to the amenity of existing residents. Policy PCS1 'Pollution and Nuisance' permits development where there is no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or other existing or proposed land uses. Policy PCS2 'Noise and Vibration' permits development where it does not cause unacceptable increases in levels of noise and/or vibration that would adversely impact the quality of life of surroundings. Policy PCS3 'Air quality' supports development that does not give rise to polluting emissions impacting its surroundings. Paragraph 185 of the NPPF requires planning decisions to ensure that new development is appropriate for its location and takes account of the effects of pollution on health, living conditions, and natural environment.

During the construction phase, there is potential for temporary disturbance associated with noise, vibration and construction traffic. However, adherence to mitigation measures and best practice would minimise any impact.

The proposed development would introduce residential accommodation into a largely residential area. As such, no detrimental increase in noise levels is anticipated to arise from the completed development.

There are no Air Quality Management Areas (AQMA) within 200 metres of the Site. During construction there is potential for temporary increases in dust, NO<sub>2</sub> and PM<sub>10</sub> associated with the works. However, adherence to mitigation measures and best practice would minimise any impact. Whilst there would be a small increase in temporary HGV movements across the local road network, once operational, the development itself is not anticipated to result in any notable increase in emissions. Therefore, it is not considered that an Air Quality Impact Assessment or a Noise Impact Assessment are required.

## Historic Environment

Core Strategy Policy CP6 'Environmental Quality' requires development to protect historic environment. PPV1 Policy HE1 'Historic Environment' requires a development impacting heritage asset to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance. PPV2 Policy SB17 requires that a detailed historic environment assessment is submitted, and where necessary evaluation, in order to implement appropriate mitigation. Policy B4 'The World Heritage Site and its Setting' supports a presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity. Paragraph 206 of the NPPF states that proposals for new development in CAs that preserve and better reveal the CA's significance and setting should be treated favourably.

The Site is located within Bath World Heritage Site, and Bath CA and there are six Listed Buildings within 500 metre buffer from the Site. A Heritage Statement will be prepared and will accompany the full planning application that will have regard to the City of Bath World Heritage Site Setting SPD.

## Planning Obligations

Core Strategy Policy CP13 'Infrastructure Provision' states that developer contributions for infrastructure provision will be based on the Planning Obligations SPD. Paragraph 57 of the NPPF states that planning obligations must only be sought where they are: necessary, and directly and reasonably related in scale and kind to the development.

The previous residential scheme proposed at the Site was required to commit to a range of financial and non-financial contributions through a S106 agreement. These contributions included:

- Parks and open spaces
- Affordable housing
- Details of Management Company and commitment to maintenance / drainage strategy
- Financial contribution, and method statement for offsite ecological mitigation measures and responsibilities for ongoing monitoring.
- Site Specific Targeted Recruitment and Training in Construction
- Financial contribution to Fire Hydrants
- Financial contribution to highway works as detailed above

It is expected that similar financial and non-financial contributions will be required from the proposed development, details of which will be confirmed through the pre-application discussions.

## Planning Application Supporting Documents

Following a review of the BANES validation checklist, it is anticipated that the following documents will be required for a full planning application. It is assumed that an EIA will not be required to be undertaken to support the full application:

- Planning Application Form and CIL Form;
- Certificates and Notices;
- Planning Application fee;
- Accessibility Standards for Market Housing Proposals Checklist;
- Sustainable Construction Checklist;
- Planning Statement; including Affordable Housing Statement, Planning Obligations Statement and Heritage Statement;
- Design and Access Statement, including Open Space Assessment, and Building for a Healthy Life Assessment;
- Statement of Community Involvement;
- Ecological assessments including Ecological Impact Assessment, Biodiversity Net Gain Assessment and Habitat Regulation Assessment;
- Tree survey and Arboricultural Impact Assessment;
- Transport Statement and Travel Plan, including parking provision;
- Flood Risk Assessment and Drainage Strategy;
- Energy Assessment;
- Waste Management Plan;
- Lighting Assessment;
- Landscape and Visual Appraisal, including Landscape Plan; and
- Contaminated Land Report.

Confirmation of the proposed list of planning application requirements from the LPA is sought. In addition, with regards the suite of drawings that will be required to accompany the planning application it would be useful to understand any specific requirements or requests from the LPA.

## Conclusion

This request for pre-application advice is made on behalf of BANES for proposed development of 16 residential dwellings for supported living (Use Class C3) with associated access, open space and landscaping at land to the rear of 89 to 123 Englishcombe Lane, Bath.

The pre-application enquiry has been informed by an initial review of the relevant national and local planning policy. The proposed development will provide a range of accessible supported living options for autistic people and people with learning disabilities. It will be a landscape-scheme, offering greater ecological enhancement and mitigation measures at the Site though a limited quantum of development compared to the previous scheme.

While the pre-application scheme does not deliver 40 residential dwellings (as per Policy SB17), it is an appropriate response to the known site constraints and will make a considerable contribution to the provision of supported housing options for autistic people in the district, helping to diversify the supply of housing within the district and supporting BANES in meeting its statutory requirements under the Public Sector Equality Duty.

Taking into account the key issues set out within this letter, LPA feedback and guidance is sought in respect of the following matters:

1. Confirmation that the principle of the proposed development including provision of 16 supported living units at the Site is acceptable.
2. Agreement that the under provision of dwellinghouses at the Site is preferable in terms of meeting the needs of the target user group, and the opportunities it offers to advance equality of opportunities within the district while minimising ecological impacts of the development at the Site.
3. Confirmation that given the type of dwellinghouses and the target user group at the Site, the under provision of car parking is acceptable.
4. Feedback on the proposed quantum of car parking spaces and approach to provision of cycle parking spaces.
5. Confirmation that the proposed development is not an EIA development.
6. Feedback on the proposed layout, as shown on the Concept Site Layout Version 6' (drawing reference: 5208627-ATK-EL-00-D-A-01-1-001), including mix of dwelling size, building orientation, private and communal open spaces, and landscaping/ecological enhancement measures.
7. Confirmation of the standards and guidance for inclusive and accessible design that are required to be followed in the design of the Site's layout, landscaping scheme and the individual buildings.
8. Feedback on the conclusions reached in the Ecology Note, BNG Initial Assessment, Desk Study Interpretive Report and Landscape Strategy.
9. Confirmation of the further ecological surveys and habitat assessments required to accompany the forthcoming full planning application.
10. Confirmation of the requirements for any other matters relating to the design and mitigation of potential impacts, such as transport, drainage, heritage, amenity and visual.
11. Confirmation of likely planning obligations required from the developer to make the scheme acceptable in planning terms.
12. Taken together, whether officers will in principle support the proposed development of a supported living scheme for autistic people and people with learning disabilities at the Site.
13. A full list of validation requirements for a full planning application.

Please note that we would request that the documentation provided is not made available in the public domain. If there is a need to make certain information available, we would appreciate it if that could be agreed in advance.

In light of the significance of the project, it would be beneficial to have a meeting with the allocated Planning Officer to discuss the scheme further once they have had the opportunity to carry out an initial assessment. It would be useful to use this pre-application enquiry process to enable the scheme to be developed through engagement with officers.

I look forward to confirmation of registration of the pre-application enquiry. If you have any questions regarding this, please do not hesitate to contact me.

Yours Sincerely

*Ashley Grant*

**For and on Behalf of Atkins Ltd.**

**Ashley Grant MRTPI  
Associate Planner**