



# Bath Heritage Watchdog

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APPLICATION NUMBER: 18/02330/FUL

ADDRESS: 43 Upper Oldfield Park, Bath

PROPOSAL: Originally: Erection of 5 residential units for student or healthcare worker accommodation and associated works  
Updated to: Erection of 5 units for student and/or healthcare worker accommodation (C4 use) and associated works

CASE OFFICER: Martin Arnold

DATE: 12 September 2018

COMMENT: STRONG OBJECTION

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Bath Heritage Watchdog maintains its objection to this application.

The logic of the latest amendment is not understood. By declaring in the application description that all five units are intended for C4 use, this development on its own breaks the threshold of 10% HMOs in an area, beyond which it is council policy that there are more than enough HMOs already.

In addition, the inclusion of “and/or” in the description of the occupants automatically implies that the worst case scenario has to be evaluated; and this requires the local amenities to be evaluated as though an area already flooded with students would accommodate a further 25 more students without being further unbalanced by them, while the transport assessment has to assume that all 25 occupants are Key Workers and therefore Policy ST7 of the Placemaking Plan requires 15 off-street parking spaces for 25 Key Workers.

Generally speaking, Key Workers have local jobs and thus they would expect to have somewhere relatively lasting to rent as a dwelling. The email from the Agent claims “it could be that it used for student accommodation during regular term times and key worker accommodation in between” which is wholly incompatible with Key Workers who would never settle on just infilling when the students are away; and where would they live before the students left? That pattern of residence suggests holiday lets or Airbnb rooms outside term time, not Key Worker accommodation.

Although not particularly within the brief of Bath Heritage Watchdog, we are aware of the importance the residents of Junction Road attach to the Stone Pine tree in the grounds of Norland College, protected by its location in a Conservation Area, and we had noted that Norland's 15/03897/COND proposed suitable methods of protecting the tree and its root system. Their Arboricultural Report had the benefit of being able to measure and examine the tree at close quarters.

We therefore take their report as being more accurate than one for this property next door which relied on estimates. The Norland report measured the trunk at 950mm compared to the Charters estimate of 870mm, which has an impact on the Tree Protection Zone which Norland assess using the British Standard methodology as 11.4metres in radius. The Norland report continues with “At the time of inspection no significant defects were visible within the trees, it was subsequently categorized A in accordance with the Cascading Chart of Tree Quality Assessment.” Something must have happened to downgrade the condition from A to B in a fairly short time, and we hope that the recently cleared vegetation from inside the gate was not achieved with the aid of an inappropriate weedkiller.

It is also noted that the Charters report categorises the tree as B1/2 when B1/3 is the correct designation. The tree is a landmark tree and requires proper measures to ensure its survival.

The Norland report is very specific: Any encroachment into the root protection area of the tree could potentially lead to soil compaction within the Root Protection Area. This could potentially lead to a reduction in the tree's ability to take up water and nutrients, resulting in a deterioration in the tree's health. By contrast, the Charters proposal shows the intention to dig a trench that is almost the length of the front to back distance of the fifth unit, and which will be entirely constructed through the Root Protection Area (which is already undersized according to the Norland measurements). When this trench is dug, “Any roots exposed less than 25mm in diameter will be cut cleanly flush with the trench wall using sharp, clean secateurs or loppers. Any roots exposed greater than 25mm in diameter, depending on size and frequency, will either be cut cleanly flush with the trench wall using sharp, clean loppers or pruning saw”. A lot of roots will be encountered and severed in a long trench; a lot of damage will be delivered to the tree's ability to take up water and nutrients.

In addition, the methodology proposes “the extant tarmac surfacing, where necessary, will be carefully lifted using a tracked mini-digger” yet the “Trees In Focus” document appended is very clear that this is unacceptable: “Excavations – **even stripping the topsoil** – within the rooting area will sever roots. The closer the excavation is to the trunk the larger will be the roots lost and the greater the significance for the health and stability of the tree.” The appended drawing 180807-43UOPk-TPP-NB shows that part of the excavation is within 2 metres of the trunk, so it must be assumed that the damage will be serious. The claim that the cellular design and perforated cell walls of the ‘Cellular Confinement System’ reduces the vertical load pressure on sub soils to tree roots and prevents damage does not reflect the Norland assessment of the same technology which insists that within a root protection zone it can only support light loads.

It is also apparent that the inclusion of the Tuff Track Heavy Duty Road Mat in the methodology means that the Root Protection Area will be subject to heavy vehicles, which will cause further damage, because the Road Mat will keep water away from the roots and the weight of the vehicles will cause pressure damage to them. Not only is there a plan to use the gate as an entrance for construction plant contrary to all the Conditions prohibiting such use, but it will do lasting damage to the tree, which may not survive.

This Arboricultural document is wholly unacceptable as a means of protecting a significant tree, and it should be rejected outright. The combined assaults of severing roots, starving the tree of water, compacting the soil with heavy vehicles and mixing cement within the root protection zone makes the death of the tree probable. Our members who lived in the area while Telewest was digging its trenches for its cables remember that despite the trench outside the Green Park Tavern being right on the edge of the root protection zone for the rare tree (*Fraxinus Excelsior* 'Pendula' or Weeping Ash) in the front of the pub, that tree died within months of the work being carried out

Finally the location is an undeveloped garden subject to an Enforcement Notice to develop it, not “an area of wasteland”. As such, the contribution of rainfall on open land to the water demands of the tree cannot be ignored, and building on top of the catchment area of the tree must reduce the supply of available water. It is therefore essential that the management of surface water run-off is provided as part of the planning documentation so that it can be evaluated. It is not acceptable to make a planning decision and then rely on a Condition. The history of the site shows that Conditions especially the condition that the gate into Junction Road should not be used, are not treated seriously.

.This objection is in addition to our original objection which still remains valid.