

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **6th April 2022**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Simon de Beer – Head of Planning

TITLE: **APPLICATIONS FOR PLANNING PERMISSION**

WARDS: ALL

BACKGROUND PAPERS:

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

List of background papers relating to this report of the Head of Planning about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

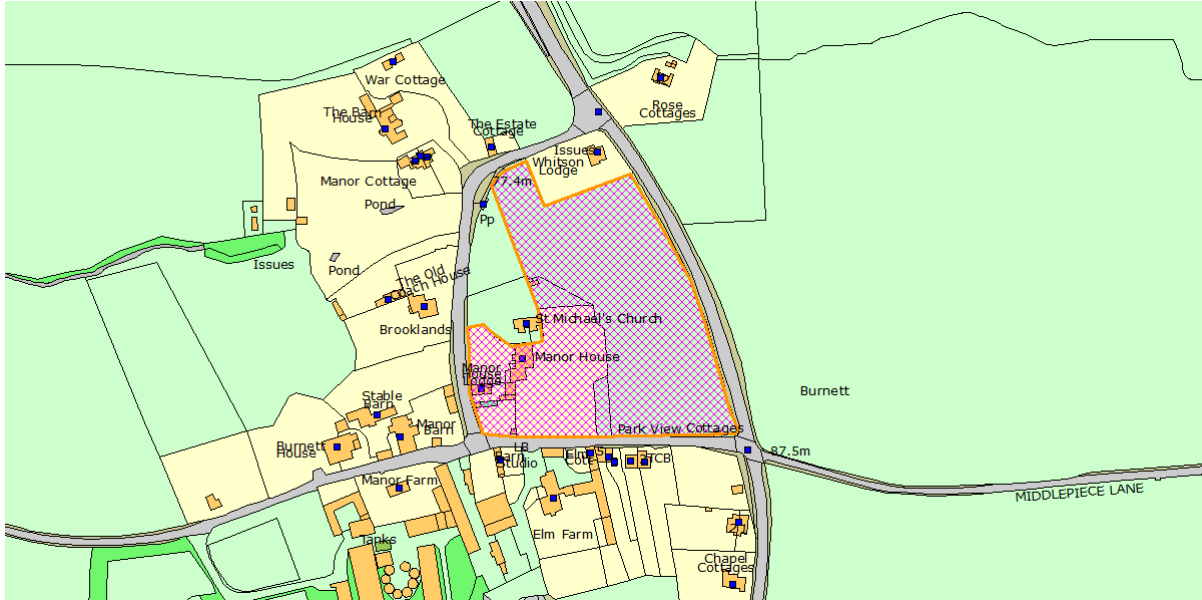
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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002	21/03966/LBA 21 October 2021	Mr & Mrs David Oliver Manor House, Watery Lane, Burnett, Keynsham, Bristol Internal and external alterations for the installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.	Saltford	Dominic Battrick	CONSENT
003	21/03682/FUL 10 March 2022	The Trustees of the Jones Family Settlement Church Farm, Church Lane, Priston, Bath, Bath And North East Somerset Erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.	Bathavon South	Isabel Daone	PERMIT
004	21/05364/FUL 11 April 2022	Skuse 16 Broadlands Avenue, Keynsham, Bristol, Bath And North East Somerset, BS31 2DU Erection of front, side and rear extension. Provision of attic conversion and garden room.	Keynsham North	Isabel Daone	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 21/03965/FUL
Site Location: Manor House Watery Lane Burnett Keynsham Bristol



Ward: Saltford **Parish:** Compton Dando **LB Grade:** II
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton
Application Type: Full Application
Proposal: Installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.
Constraints: Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs David Oliver
Expiry Date: 21st October 2021
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. A formal objection has been lodged by Compton Dando Parish Council, with planning policy reasons for the objection comments. The officer recommendation is contrary to this objection.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have studied the application carefully & note the comments from both statutory & third party consultees, some comments object while others support the proposal as is the case with CDPC & the Ward Cllr. who have differing views.

The proposal is clearly controversial & therefore I recommend the application be determined by the planning committee so the impact on the Green Belt & very special circumstances can be debated fully in the public arena."

The Chair, Cllr Sue Craig, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"I have reviewed this application and note the opposing comments from the ward councillor and parish council, plus the comments from other 3rd parties. Notwithstanding the fact that all applications are judged on their own merits, I believe that this case provides an opportunity to debate, in a public forum, a degree of harm to a listed building vs climate change mitigation. I therefore refer this application to the planning committee for a decision.

The application was deferred from the March committee in order that members could visit the site

DESCRIPTION OF SITE AND APPLICATION:

Manor House is a residential property comprising a Grade II listed house and its curtilage, and a large paddock field located to the east and northeast of the house. The field is adjacent to Old Burnett Lane to the south and Burnett Hill to the east. The site is within the small village of Burnett, which is part of the parish of Compton Dando.

Planning permission is sought for the proposed installation of solar PV panels and ground source heat pipework within the eastern end of the paddock to provide renewable energy sources for Manor House. The solar array is to be bordered with a security fence and hedging. An application for listed building consent accompanies this planning application under reference number 21/03966/LBA, seeking consent for works associated with the connecting the installation to the plant room in the basement of Manor House.

RELEVANT PLANNING HISTORY:

AP - 04/00036/RF - DISMIS - 5 November 2004 - Repositioned access and driveway

DC - 02/02067/FUL - RF - 17 December 2002 - Repositioned access and new driveway

DC - 02/02208/LBA - RF - 15 November 2002 - Repositioned access and new driveway to existing house

DC - 03/02654/FUL - RF - 10 December 2003 - Repositioned access and driveway

DC - 05/03121/FUL - RF - 17 November 2005 - Change of use of land from agricultural to domestic curtilage (extension of existing garden)

DC - 07/01705/FUL - PERMIT - 11 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 07/01706/LBA - CON - 20 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 19/03436/FUL - PERMIT - 23 September 2019 - Erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/03437/LBA - CON - 23 September 2019 - Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/04808/CONDLB - DISCHG - 6 December 2019 - Discharge of condition 3 of application 19/03437/LBA (Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The following comments received during the consultation process are summarised only. Please view the online case file for full comments.

CONSULTATIONS AND REPRESENTATIONS:

Compton Dando Parish Council: objection. (Comments received 22/09/21)

- The proposed solar panels are located in a sensitive area and will harm the historic open parkland setting of Manor House
- Adverse visual impact on the Green Belt
- Impact on wildlife
- Concerns over highway safety
- Hedging should be mixed native species
- The installation of the ground source heat pump is supported, subject to an archaeological watching brief during excavations
- The PC would like to have supported the application due to the Climate Emergency, but the location of the solar panels is considered inappropriate, and an alternative siting would be more acceptable

Conservation: no objection. (Revised comments received 12/01/22)

Archaeology: No objection, subject to conditions for archaeological monitoring for all groundworks and publication of the results. (Comments received 5/10/21)

Arboriculture: No objection, subject to conditions to secure tree protection measures and mitigation planting. (Comments received 25/10/21)

Ecology: No objection, subject to conditions to secure a wildlife protection and enhancement scheme and an ecological follow-up report. An informative for great crested newt is advised.

Highways: No objection. (Comments received 23/09/21)

OTHER REPRESENTATIONS / THIRD PARTIES:

24 representations received from the public, including 21 in objection, 1 in support and 2 neutral comments. The comments made are summarised as follows:

- Renewable energy should be supported in addressing the Climate Emergency
- Siting appears to maximise solar efficiency by avoiding trees
- Harm to Green Belt
- Renewable energy is supported in principle, but solar panels should be relocated to a more discreet location
- The installation is excessive for a domestic property, generating 24kw, 6 times that of a typical domestic installation
- The site contains 2.9 acres of land to choose an alternative location for the array
- The south-facing roof slope of Manor House or a curtilage outbuilding should be used to provide the PV panels instead
- The solar panels are unsightly and will be prominent in views from Whitson Lodge, particularly during winter when leaves are shed from the tree and hedge. The array should be re-sited
- It will take years for the screen hedging to mature, exposing the development
- Harm to character of historic parkland and rural setting of village
- Burnett has retained its historic charm should have conservation area status
- Harm to setting of the Victorian-period house of Whitson Lodge
- The submitted heritage statement has not assessed the impact on Whitson Lodge
- The solar panels will be prominent from the road
- The panels will be surrounded by a hedge of the same height and will not be visible from the road
- Concerns over highway visibility and safety due to PV array disrupting sightlines causing a distraction and reflective glare for motorists
- The adjacent road (B3116) is prone to accidents near this location
- The panels are angled away from the road, mitigating reflection towards the road
- Harm to wildlife
- Concerns over impact of groundworks for the ground source heat pump on local archaeology
- Neighbours were not consulted by the applicant prior to submission, contrary to application information
- The application form incorrectly states that the development cannot be seen from a highway or public land
- Devaluation of neighbouring property

Cllr Alastair Singleton, ward member for Saltford, has commented in support of the application, with a request for referral to planning committee in the event that case officers recommend refusal. The comments are as follows:

"I wish these applications be determined at the planning committee should the case officer recommend refusal. The applications refer to a well conceived and very professionally designed renewable energy scheme combining a ground source heat pump and ground-mounted solar panels to provide significant energy to the house - with surplus potentially available for other consumers. The project is sympathetic to the local environment and ecology and entirely in keeping with the Ambitions exemplified in the B&NES Council Climate Emergency policy. It has my full support."

A representation was received from the Campaign to Protect Rural England (CPRE) after the consultation period but has been considered as part of this assessment. The comments are summarised as follows:

- Objection, endorsing the comments of Compton Dando Parish Council.
- Burnett is a "very special village" and the proposed panels would have an adverse visual impact on the Green Belt and local buildings of historical importance.
- CPRE does not object in principle and supports non-carbon sources of energy but more consideration should be given to their location so they are not visually intrusive.

POLICIES/LEGISLATION

POLICY CONTEXT:

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

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

Core Strategy:

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

DW1: District Wide Spatial Strategy
CP3: Renewable Energy
CP6: Environmental Quality
CP7: Green Infrastructure
CP8: Green Belt

Placemaking Plan:

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

SCR3: Ground-mounted Solar Arrays
D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D6: Amenity
GB1: Visual Amenities of the Green Belt
HE1: Historic Environment
RE5: Agricultural Land

SPDs:

The following supplementary planning documents are also relevant in the determination of this application:

Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings (2013)

National policy and guidance:

The National Planning Policy Framework (NPPF) was updated in July 2021 and is a material consideration.

Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Conservation Areas

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

Listed Buildings

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

Low Carbon and Sustainable Credentials

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the

policies as identified and these have been fully taken into account in the recommendation made.

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT PLANNING ISSUES:

The main issues to consider are:

- Principle of development
- Green Belt impact
- Impact on character, including setting of the village and listed buildings
- Impact on residential amenity
- Highway safety
- Ecology
- Arboriculture
- Archaeology

OFFICER'S ASSESSMENT:

Principle of Development:

The applications are seeking to install a solar photovoltaic (PV) panel array and ground source heat pump to provide renewable energy for the property of Manor House, located within the small village of Burnett. The proposed development is located within a parkland area adjacent to the B3116 to the east and northeast of the house. The parkland, referred to as the paddock in the application, is private land forming part of the estate of Manor House, but is outside the recognised domestic curtilage of the house. Burnett has no Housing Development Boundary and is within the Bristol and Bath Green Belt.

Renewable energy development is broadly acceptable in principle, in accordance with policy CP3 of the B&NES Core Strategy (subject to assessment against policy CP6 and environmental impacts) and paragraph 158 of the National Planning Policy Framework (NPPF). The latter recognises that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Ground-mounted solar arrays are more directly addressed under policy SCR3 of the B&NES Placemaking Plan and are supported in principle, and should seek to minimise visual impact, respect nationally and locally protected landscapes and biodiversity. Proposals should be focused on non-agricultural land or land of lower agricultural quality. In all cases, proposals will be expected to be consistent with the relevant design, heritage, and landscape policies. These matters are addressed separately below.

The site is located within the Green Belt. National and local planning policy places substantial weight on the protection of the Green Belt, the aim of protecting their openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, as stated by paragraph 147 of the NPPF.

Paragraph 151 directly addresses renewable energy developments, stating that elements of many such projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

A statement from GeoEnergy Design (dated 19 August 2021) outlines the justification for the development.

Manor House currently burns 8000 litres of heating oil per year to provide for heating and hot water, producing roughly 20,160 kg of CO² per year. Space heating and domestic water provision attributes to over 80% of annual CO² production.

Steps have already been undertaken to draught-proof the windows and improve the insulation at Manor House; however, scope for further energy efficiency measures are limited by the listed building status of the building and the applicants are keen to utilise available land for renewable energy provision, given the CO² output of the property.

The proposed solar PV installation will generate 32,217 kWh of electricity p.a., offsetting the GSHP consumption of 20,901 kWh p.a. and providing a net production of 11,316 kWh available for domestic use, while a surplus can be fed back to the grid for use by other local properties. The statement estimates that the combined GSHP and PV system would result in a p.a. saving of 21,332 kg CO².

This is a substantial reduction in carbon production for a domestic property. Given the Climate Emergency, it is considered that the outlined energy benefits of the proposals outweigh the in-principle harm to the Green Belt, subject to consideration of openness, in accordance with Policy CP8 of the Placemaking Plan and paragraph 151 of the NPPF.

Impact on Green Belt openness:

The Solar PV array is to be located at the northeast corner of the paddock, occupying 6% of its 2.9 acres. The parkland south of the PV array site will be kept undeveloped above ground, maintaining its open and rural character throughout most of this land. By positioning the PV array at the northern boundary, the screen hedging will enclose the compound while minimising its intrusion into the parkland. It is considered that the siting and design adequately mitigates harm to the openness and amenity of the Green Belt, taking into account the very special circumstances for the development which are accepted.

The GHSP will be housed inside Manor House and the ground collector pipes will be buried below ground, negating any visual impact on the Green Belt. The engineering operations will not harm Green Belt openness.

The proposals therefore comply with policy GB1 of the Placemaking Plan and paragraph 150 of the NPPF.

Character and appearance:

The development is located at the edge of the small village of Burnett, adjacent to the B3116 which runs past the village. While Burnett does not have a conservation area designation, it has well-preserved historic rural character, and this is reflected in the listed buildings that form focal points within the village. These include St Michael's Church and the nearby Manor House to the south, both of which are Grade II listed. The estate benefits from a large area of parkland (referred to in the application as the paddock) to the east and north of the domestic curtilage.

Due to the scale of this land, its undeveloped and leafy appearance, and its open boundaries to the east and south fronting the B3116 and Old Burnett Lane respectively, the parkland contributes to the rural character of the village.

The proposed siting of the development has been chosen to maximise solar gain while attempting to mitigate and limit harm to the landscape and heritage assets.

It is acknowledged that, by siting the PV array close to the highway, the development will be prominent externally, at least in terms of its security fencing and screen hedging, and this will encroach into some of the visible parkland. However, positioning the installation adjacent to the northern boundary and the hedge that runs along it is considered the least intrusive location within the parkland, factoring in its open viewpoints from the public realm and the setting of listed buildings.

Upon site inspection, it was observed that the northeast corner of the parkland is largely obscured from view from Manor House by its dense trees and soft landscaping within the curtilage of the house. The siting of the PV installation minimises its visual impact both on views from the listed building and views to the building from the public realm. The setting of the Grade II listed St Michael's Church will also be safeguarded, although the development will be visible in the background from part of the churchyard. Harm may be adequately mitigated from the proposed hedging which will screen the installation.

One of the primary concerns raised in public objections relates to the impact on Whitson Lodge, Located immediately beyond the development site to the north. Whitson Lodge is a 19th Century building with elegant, well preserved Victorian character and is understood to have originally been a school building. The building is not listed but due to its local heritage value and its architectural value is considered to be a non-designated heritage asset.

The heritage statement provides limited consideration over the impact on the setting of Whitson Lodge, although it does highlight that the perimeter hedge, if adequately implemented, will screen the installation from ground level and should appear indistinct from the existing hedge at the boundary of Whitson Lodge.

The PV installation and associated enclosure will nonetheless appear visible at close range from Whitson Lodge within its immediate setting, particularly when viewed above

ground level. This results in less than substantial harm to the setting of this non-designated heritage asset. Great weight should be given to the assets' conservation (para 199 NPPF) however, non-designated assets are not afforded the same level of protection as designated assets and paragraph 201 requires a balanced judgement, having regard to the scale of harm and the significance of the asset. In this instance, it is concluded that the sustainability benefits of the development outweigh this harm.

The Council's Conservation Officer was consulted to consider the application, including the additional heritage statement and supporting information received in November 2021, and is satisfied that the proposed development and its siting has been appropriately considered and justified.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above, in this instance the proposed works will on balance preserve the setting of the listed building and as such this proposal would meet this requirement.

Subject to conditions ensuring the implementation and retention of appropriate hedging, it is considered that the siting and design of the proposed development will sufficiently safeguard the character and appearance of the site and its surroundings, including the setting of listed buildings. The proposed development is therefore in accordance with policies D1, D2, HE1 and NE2 of the Placemaking Plan, policy CP6 of the Core Strategy and sections 12 and 16 of the NPPF.

Residential amenity:

The proposed solar array is positioned to face south, which, while maximising solar gain, also mean that the panels face away from the adjacent property of Whitson Lodge to the north, preventing any issues of reflective light glare. The array, by virtue of their height relative to the existing and proposed boundary vegetation, will not result in any overbearing or overshadowing impacts.

The PV installation will be visible from upper floor south-facing windows of Whitson Lodge, as demonstrated with photographs supporting neighbour objections. However, this is a matter of private views which cannot be given significant weight.

The proposals do not raise any other concerns relating to residential amenity and are in accordance with policy D6 of the Placemaking Plan.

Highway safety:

Public representations raised concerns over the potential impact of the solar PV panels on highway safety, due to concerns of obstruction of visibility, distraction, and reflective glare.

The nearby highway junction Watery Lane and Burnett Lane (B3116) is separated from the site by the intervening property of Whitson Lodge, which provides an obstruction of visibility immediately south of the junction. The PV array is set back from the highway

and separated from the existing fence by the proposed fence and hedge, limiting its prominence from the highway. The panels are angled in a directly due south and are therefore angled slightly away from the adjacent road running southeast to northwest, minimising any residual risks of glare.

There is no compelling evidence that the proposed development will impact an existing highway safety concern.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts will be severe. Highways DC are unable to provide evidence that the development will result in unacceptable harm in this respect.

Highways are satisfied that the proposed development will not result in an adverse impact on the existing vehicular access to Manor House and will not result in a loss of existing parking.

The proposed development is therefore in accordance with policy ST7 of the Placemaking Plan.

Ecology:

The submitted bat survey is acceptable and demonstrates that the basement and Leyland cypress offer negligible roosting opportunity. While the horse chestnut supports preliminary roost features, a tree climbing inspection found that no roosts or evidence of bats were found. Measures to protect bats in the event they are discovered during works are proposed and supported.

The Council's ecologist has expressed disappointment that the assessment has not detailed procedures to protect nesting birds, hedgehogs, or badgers, but measures can be appropriately controlled via condition.

Subject to conditions securing the submission and implementation of a wildlife protection and enhancement scheme, the proposals comply with policies NE1, NE3, NE5, D5e and D8 of the Placemaking Plan and policies CP6 and CP7 of the Core Strategy.

Arboriculture:

The Council's Arboriculturist has considered the submitted arboricultural impact assessment and has no objection to the removal of the T4 oak tree, subject to the planting of two trees in compliance with policy NE6. A condition is recommended to secure the necessary replacement planting. The indicative tree protection plan satisfactorily demonstrates how retained trees can be protected during construction.

Subject to conditions securing the submission and implementation of a detailed arboricultural method statement and a soft landscaping scheme concerning the replacement trees, the proposed development is in accordance with policy NE6 of the Placemaking Plan.

Archaeology:

The Council's Archaeologists were consulted to consider any archaeological issues associated with the proposals, including, most significantly, the extensive groundworks and excavation associated with the proposed ground source heat pump.

The proposed development lies close to St Michael's Church in an area where Roman material indicative of settlement activity has been recovered. Conditions are therefore recommended to secure archaeological monitoring of groundworks and publication of the results.

Subject to conditions, the proposed development is in accordance with policy HE1 of the Placemaking Plan.

Other matters:

Public representations have highlighted inaccuracies in the application, including the suggestion that the proposed development cannot be seen from highway or the public realm; this matter is noted. Local residents have raised disappointment that they were not consulted prior to the application. While this is regrettable, this matter does not influence the assessment that led to the officer's recommendation, which has taken into account comments received during the formal public consultation process.

Devaluation of property is not a matter that may be afforded weight in the assessment of a planning application.

CONCLUSION:

While the proposed development is inappropriate development in the Green Belt, very special circumstances are considered to apply that outweigh harm to the Green Belt.

The proposals will cause some limited harm to the landscape and character of the village and result in less than substantial harm to a non-designated heritage asset of Whitson Lodge adjacent to the site. However, the harm is sufficiently mitigated in the siting and design of the proposals.

In applying the planning balance, the officer's conclusion is that the substantial renewable energy benefits of the proposals in addressing the climate emergency outweigh the harm identified, and it is recommended that the application is approved, subject to the conditions referred to in this report.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Archaeology Watching Brief (Pre-commencement)

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

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

3 Archaeology Post Excavation and Publication (Pre-occupation)

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

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

4 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, service run locations and movement of people and machinery.

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

5 Arboriculture - Compliance with Arb Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed arboriculturist to the local planning authority within 28 days of completion.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE6 of the Placemaking Plan.

6 Soft Landscaping Scheme (Bespoke Trigger)

Within two months of the commencement of works a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of two replacement trees and the proposed perimeter hedging for the PV array.

Reason: To secure replacement tree planting on site and appropriate landscaping to screen the PV array and security fence in accordance with policies D2, NE2 and NE6 of the Placemaking Plan and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

7 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

8 Wildlife Protection and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in the Recommendations sections of the approved PEA report 26.08.21 together with the Bat Survey & Assessment report 19.11.21 both produced by Alder Ecology UK Ltd including:

- i) i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, protection of the rows of trees & beech hedgerow, translocation of 5 x fruit trees, compensatory tree planting and where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds, hedgehog, badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works; and

ii ii) Detailed proposals for implementation of the enhancement measures and recommendations of the approved ecological reports, including a new native hedgerow, creation of habitat piles, installation of bat and bird boxes and conservation grassland management, with specifications and proposed numbers and positions to be shown on plans as applicable.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy NE3 of the Bath and North East Somerset Local Plan. The condition is required to be pre-commencement as it involves approval of measures to ensure protection of wildlife that would be otherwise harmed during site preparation and construction phases.

9 Ecological Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until an Ecological Follow-up Report has been submitted to and approved in writing by the Local Planning Authority. The report shall be produced by a suitably experienced professional ecologist and shall confirm and demonstrate, based on a post-construction ecologist's site inspection and using photographs, the completion and implementation of all measures of the approved ecological mitigation and compensation schemes in accordance with approved details.

Reason: To demonstrate adherence to the approved ecological mitigation and compensation schemes and to prevent ecological harm, in accordance with NPPF and policies NE3 & D5e of the Bath and North East Somerset Local Plan.

10 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Existing Block & Location Plan - SMH/16/19/18-20 - received 23/08/2021
Existing Basement Plan - SMH/16/19/18-06 - received 23/08/2021
Proposed North & East Elevation - SMH/16/19/18-40 - received 23/08/2021
Proposed Basement Plan - SMH/16/19/18-41 - received 23/08/2021
Topographical Survey - SMH/16/19/18-50 - received 23/08/2021
Proposed PV Layouts - MH1001-GEO-EE-00-02-DR-PV-1401 - received 26/08/2021
Proposed Block & Location Plan - SMH/16/19/18-51 - received 26/08/2021
PV Enclosure Cross Section - SMH/16/19/18-52 - received 19/11/2021

2 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Responding to Climate Change (Informative):

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

4 Please note that great crested newts are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes individual newts, breeding ponds and terrestrial habitat. If great crested newts are unexpectedly found during works, all works must cease, and a suitably qualified ecologist and Natural England should be contacted for advice. Precautionary measures such as storage of materials and waste on pallets or in skips and fitting excavations with an escape board/plank should be followed.

5 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

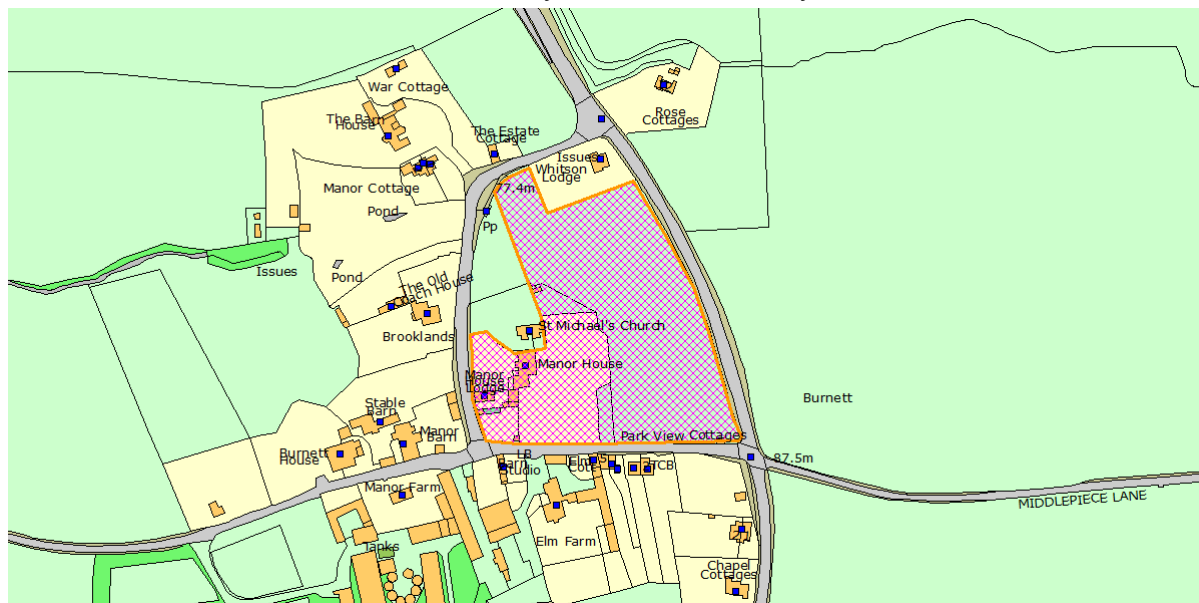
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

6 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Item No: 002
Application No: 21/03966/LBA
Site Location: Manor House Watery Lane Burnett Keynsham Bristol



Ward: Saltford **Parish:** Compton Dando **LB Grade:** II
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations for the installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.
Constraints: Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs David Oliver
Expiry Date: 21st October 2021
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. A formal objection to the application has been lodged by Compton Dando Parish Council, with planning policy reasons for the objection comments. The officer recommendation is contrary to this objection.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have studied the application carefully & note the comments from both statutory & third party consultees, some comments object while others support the proposal as is the case with CDPC & the Ward Cllr. who have differing views.

The proposal is clearly controversial & therefore I recommend the application be determined by the planning committee so the impact on the Green Belt & very special circumstances can be debated fully in the public arena."

The Chair, Cllr Sue Craig, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"I have reviewed this application and note the opposing comments from the ward councillor and parish council, plus the comments from other 3rd parties. Notwithstanding the fact that all applications are judged on their own merits, I believe that this case provides an opportunity to debate, in a public forum, a degree of harm to a listed building vs climate change mitigation. I therefore refer this application to the planning committee for a decision.

The application was deferred from the March committee in order that members could visit the site

DESCRIPTION OF SITE AND APPLICATION:

Manor House is a residential property comprising a Grade II listed house and its curtilage, and a large paddock field located to the east and northeast of the house. The field is adjacent to Old Burnett Lane to the south and Burnett Hill to the east. The site is within the small village of Burnett, which is part of the parish of Compton Dando.

The application is seeking listed building consent for internal and external alterations to Manor House to facilitate the installation of a solar photovoltaic array and ground source heat pump within the adjoining field. Consent is required for works associated with the connecting the installation to the plant room in the basement of Manor House. Planning application 21/03965/FUL accompanies this application, seeking planning permission for the installations.

RELEVANT PLANNING HISTORY:

AP - 04/00036/RF - DISMIS - 5 November 2004 - Repositioned access and driveway

DC - 02/02067/FUL - RF - 17 December 2002 - Repositioned access and new driveway

DC - 02/02208/LBA - RF - 15 November 2002 - Repositioned access and new driveway to existing house

DC - 03/02654/FUL - RF - 10 December 2003 - Repositioned access and driveway

DC - 05/03121/FUL - RF - 17 November 2005 - Change of use of land from agricultural to domestic curtilage (extension of existing garden)

DC - 07/01705/FUL - PERMIT - 11 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 07/01706/LBA - CON - 20 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 19/03436/FUL - PERMIT - 23 September 2019 - Erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/03437/LBA - CON - 23 September 2019 - Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/04808/CONDLB - DISCHG - 6 December 2019 - Discharge of condition 3 of application 19/03437/LBA (Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The following comments received during the consultation process are summarised only. Please view the online case file for full comments.

CONSULTATIONS AND REPRESENTATIONS:

Compton Dando Parish Council: objection. (Comments received 22/09/21)

- The proposed solar panels are located in a sensitive area and will harm the historic open parkland setting of Manor House
- Adverse visual impact on the Green Belt
- Impact on wildlife
- Concerns over highway safety
- Hedging should be mixed native species
- The installation of the ground source heat pump is supported, subject to an archaeological watching brief during excavations
- The PC would like to have supported the application due to the Climate Emergency, but the location of the solar panels is considered inappropriate, and an alternative siting would be more acceptable

Conservation: no objection. (Revised comments received 12/01/22)

Archaeology: No objection, subject to conditions for archaeological monitoring for all groundworks and publication of the results. (Comments received 5/10/21)

Arboriculture: No objection, subject to conditions to secure tree protection measures and mitigation planting. (Comments received 25/10/21)

Ecology: No objection, subject to conditions to secure a wildlife protection and enhancement scheme and an ecological follow-up report. An informative for great crested newt is advised.

Highways: No objection. (Comments received 23/09/21)

OTHER REPRESENTATIONS / THIRD PARTIES:

21 representations received from the public during the consultation period, including 17 in objection, 1 in support and 3 neutral comments. The comments made reiterate the comments made on the accompanying planning application and are summarised as follows:

- Renewable energy should be supported in addressing the Climate Emergency
- Siting appears to maximise solar efficiency by avoiding trees
- Harm to Green Belt
- Renewable energy is supported in principle, but solar panels should be relocated to a more discreet location
- The installation is excessive for a domestic property, generating 24kw, 6 times that of a typical domestic installation
- The site contains 2.9 acres of land to choose an alternative location for the array
- The south-facing roof slope of Manor House or a curtilage outbuilding should be used to provide the PV panels instead
- The solar panels are unsightly and will be prominent in views from Whitson Lodge, particularly during winter when leaves are shed from the tree and hedge. The array should be re-sited
- It will take years for the screen hedging to mature, exposing the development
- Harm to character of historic parkland and rural setting of village
- Burnett has retained its historic charm should have conservation area status
- Harm to setting of the Victorian-period house of Whitson Lodge
- The submitted heritage statement has not assessed the impact on Whitson Lodge
- The solar panels will be prominent from the road
- The panels will be surrounded by a hedge of the same height and will not be visible from the road
- Concerns over highway visibility and safety due to PV array disrupting sightlines causing a distraction and reflective glare for motorists
- The adjacent road (B3116) is prone to accidents near this location
- The panels are angled away from the road, mitigating reflection towards the road
- Harm to wildlife
- Concerns over impact of groundworks for the ground source heat pump on local archaeology
- Neighbours were not consulted by the applicant prior to submission, contrary to application information
- The application form incorrectly states that the development cannot be seen from a highway or public land
- Devaluation of neighbouring property

Cllr Alastair Singleton, ward member for Saltford, has commented in support of the application, with a request for referral to planning committee in the event that case officers recommend refusal. The comments are as follows:

"I wish these applications be determined at the planning committee should the case officer recommend refusal. The applications refer to a well conceived and very professionally designed renewable energy scheme combining a ground source heat pump and ground-mounted solar panels to provide significant energy to the house - with surplus potentially available for other consumers. The project is sympathetic to the local environment and ecology and entirely in keeping with the Ambitions exemplified in the B&NES Council Climate Emergency policy. It has my full support."

A representation was received from the Campaign to Protect Rural England (CPRE) after the consultation period but has been considered as part of this assessment. The comments are summarised as follows:

- Objection, endorsing the comments of Compton Dando Parish Council.
- Burnett is a "very special village" and the proposed panels would have an adverse visual impact on the Green Belt and local buildings of historical importance.
- CPRE does not object in principle and supports non-carbon sources of energy but more consideration should be given to their location so they are not visually intrusive.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council, together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

- Core Strategy (July 2014)
- Placemaking Plan (July 2017)
- B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
- Joint Waste Core Strategy
- Made Neighbourhood Plans

Core Strategy:

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

B4: The World Heritage Site
CP6: Environmental Quality

Placemaking Plan:

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

D2: Local Character and Distinctiveness
HE1: Historic Environment

NPPF:

The adopted National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the Planning Practice Guidance (PPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

OFFICER'S ASSESSMENT:

This application is for the works which physically impact the listed building, however for completeness matters covered in the accompanying planning application in respect of the setting of heritage assets are also reviewed here.

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

The development is located at the edge of the small village of Burnett, adjacent to the B3116 which runs past the village. While Burnett does not have a conservation area

designation, it has well-preserved historic rural character, and this is reflected in the listed buildings that form focal points within the village. These include St Michael's Church and the nearby Manor House to the south, both of which are Grade II listed.

The proposed siting of the development has been chosen to maximise solar gain while attempting to mitigate and limit harm to the landscape and heritage assets.

It is acknowledged that, by siting the PV array close to the highway, the development will be prominent externally, at least in terms of its security fencing and screen hedging, and this will encroach into some of the visible parkland. However, positioning the installation adjacent to the northern boundary and the hedge that runs along it is considered the least intrusive location within the parkland, factoring in its open viewpoints from the public realm and the setting of listed buildings.

Upon site inspection, it was observed that the northeast corner of the parkland is largely obscured from view from Manor House by its dense trees and soft landscaping within the curtilage of the house. The siting of the PV installation minimises its visual impact both on views from the listed building and views to the building from the public realm. The setting of the Grade II listed St Michael's Church will also be safeguarded, although the development will be visible in the background from part of the churchyard. Harm may be adequately mitigated from the proposed hedging which will screen the installation (subject to conditions recommended under planning application 21/03965/FUL).

The plant is located within the Grade II listed Manor House at basement level and cabling and pipework is required to connect the services.

The equipment is freestanding and will be installed within an existing plant room. Pipework will pass through two 100mm diameter holes in the external wall below ground level and run across the open ceiling of the plant room. The proposals minimise harm to the historic fabric of the listed building and will not detract from its character and significance.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Conservation Officer is satisfied that the physical and visual impact on the listed building as a result of the installation of the associated services is now demonstrated to be negligible for the reasons set out in the supporting documentation: minimal aperture required for the pipework within below ground rubble stonework and an area of the house within the basement already the location for, and compromised by, existing services. It is concluded that the proposed PV installation and associated works will not harm the setting of the host listed building, nor the setting of the adjacent Grade II listed St Michael's Church.

It is concluded that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The development would preserve the significance of the listed building. The proposal accords with policy HE1 of the Bath and North East Somerset Placemaking Plan and part 16 of the NPPF.

Other Matters:

A number of issues and concerns have been raised during public consultation which relate to planning matters. These have been addressed under the committee report for the accompanying planning application 21/03965/FUL.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

CONSENT

CONDITIONS

1 Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Existing Block & Location Plan - SMH/16/19/18-20 - received 23/08/2021
Existing Basement Plan - SMH/16/19/18-06 - received 23/08/2021
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PV Enclosure Cross Section - SMH/16/19/18-52 - received 19/11/2021

2 Condition Categories

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The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

3 Responding to Climate Change (Informative):

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest

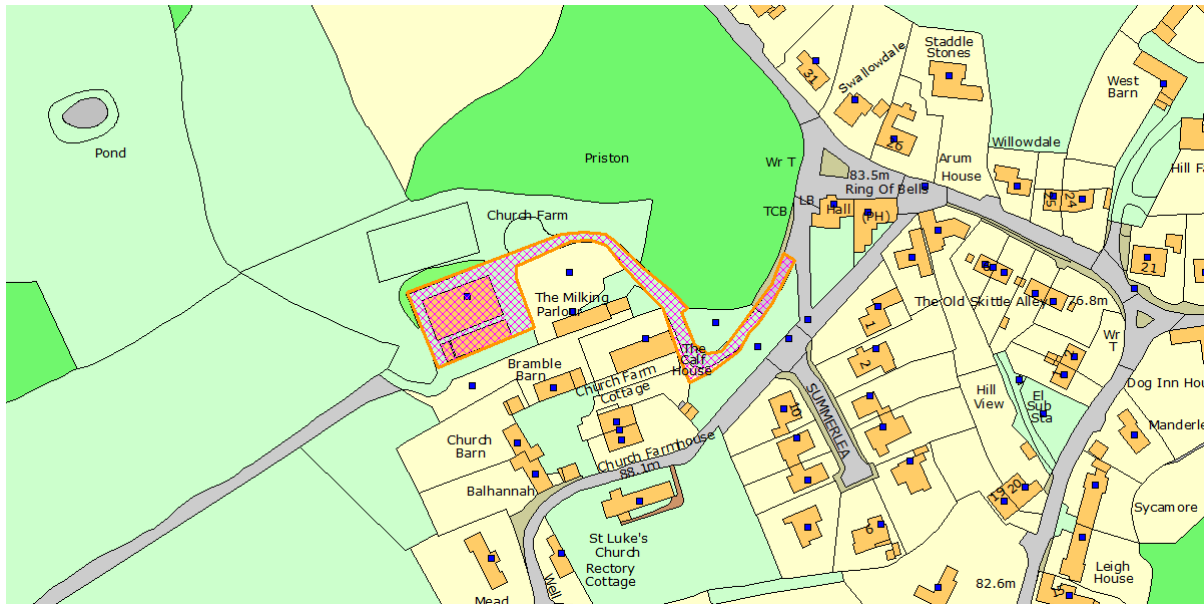
charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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

5 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Item No: 003
Application No: 21/03682/FUL
Site Location: Church Farm Church Lane Priston Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Priston **LB Grade:** N/A
Ward Members: Councillor Neil Butters Councillor Matt McCabe
Application Type: Full Application
Proposal: Erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,
Applicant: The Trustees of the Jones Family Settlement
Expiry Date: 10th March 2022
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

REASON FOR GOING TO COMMITTEE:

The Parish Council object to the scheme and the officer is minded to permit, as such the application was referred to the Chair of the Committee as per the Council's Scheme of Delegation. The Chair recommended the application be heard at committee, stating: 'I have reviewed this application carefully and have read all the comments and objections. The officer has worked with applicant to address most of the issues raised however concerns remain, both about the presence of new development on this plot and the size of the footprint it will occupy, which have been articulated by CPRE, Priston Parish Council

and a number of 3rd parties. For this reason, I believe it would benefit from being debated in a public forum by the planning committee.' The Vice Chair concurred.

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

The application refers to a site located on the western edge of the village of Priston. The site is located outside of the Housing Development Boundary and within the Green Belt.

Planning permission is sought for the erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.

RELEVANT PLANNING HISTORY:

DC - 04/02734/FUL - WD - 27 October 2004 - New horse riding arena

DC - 04/03636/CLEU - PERMIT - 12 August 2005 - DIY livery stable for 7 horses

DC - 05/02355/FUL - PERMIT - 6 December 2005 - Construction of a manege with 2 lighting columns, in association with adjacent livery stables

DC - 10/05135/COND - DISCHG - 22 July 2011 - Discharge of condition 6 of application 05/02355/FUL (Construction of a manege with 2 lighting columns, in association with adjacent livery stables)

DC - 20/02819/FUL - WD - 10 May 2021 - Demolition of existing equestrian related barn and erection of three dwellings and associated works.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ARBORICULTURE:

14th Sept 2021: No objection subject to conditions

ARCHAEOLOGY:

24 August 2021: No objection

CONSERVATION:

28th Sept 2021: Scope for revision. The scheme has been significantly reduced in scale and the design altered to address concerns previously raised. The general revised design and scale is acceptable. However, there are no details of material finishes to comment on.

16th Nov 2021: More info requested on materials.

CONTAMINATED LAND:

13 August 2021: No objection subject to conditions

DRAINAGE AND FLOODING:

24 August 2021: Scope for revision. The Drainage and flooding team require more information as to how surface water will be managed on site.

26th Jan 2022: No objection subject to condition.

ECOLOGY:

6 Sept 2021: Scope for revision. An assessment of all buildings/habitat features within the red line boundary needs to be provided. The surveyed area in the ecology report and red line boundary of the site differ.

4th Dec: No objection subject to conditions

HIGHWAYS:

31 August 2021: additional information required on large vehicle access. Otherwise, no objection subject to conditions

4th Nov: No objection subject to conditions

HISTORIC ENGLAND:

26 August 2021: We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

PRISTON PARISH COUNCIL:

9th Sept 2021: Objection. Summary as follows.

1. The site cannot be considered previously developed land and does not qualify as one of the exceptions prohibiting the development of land within the Green Belt listed in para 145 of the NPPF. The Applicant claims (a) that the site is previously developed land, (b) that this has been recognized by BANES and (c) that this application deals with contested issues of inappropriate materials and modern design which rendered the previous scheme unacceptable. Priston Parish Council disputes these claims by referring to compelling evidence presented in Appendix 1.

2. The site lies outside the Housing Development boundary and does not constitute infill and in the absence of exceptional factors is therefore contrary to policy GB2 of the Core Strategy.

3. Despite the claim that the footprint and volume of the proposed development is smaller than the barns it would replace, it does not follow that there is lesser impact on the openness of the Green Belt. As discussed in the guidance to the NPPF, openness has a visual aspect as well as a spatial. Recent cases have emphasized the negative impact on the Green Belt of urban paraphernalia, suburban layout, boundary walls and fences etc.

Replacing an agricultural barn with residential development would diminish the openness of the Green Belt in contradiction to the requirements of para 145 of the NPPF.

4. Policies RA1 and RA2 of the Core Strategy guides development towards villages which have the facilities to make it sustainable. Priston is a village with few amenities and very poor links to other settlements, so is unsuited to further unsupported and substantial development.

5. In contravention of BANES guidance on the preparation of Planning Applications, the drawings provided contain no dimensions or levels which makes it very difficult to assess or to challenge some of the Applicant's assertions, such as that height of the proposed dwellings has been significantly reduced to ensure that the proposed dwellings are lower in height than the existing barn structures to be demolished and in scale with the surrounding buildings (para 5.3 of the Planning Statement). The proposed development extends substantially beyond the eastern boundary of the barns (contrary to the assertion in the Planning Statement) and covers an area greater than the two barns, which is difficult to see because of the lack of drawing dimensions. The footprint of the development is also considerably greater than that of the previous application.

6. The application form states that sewage disposal is to be handled by septic tanks which is contrary to Policy PCS 7A (3). No details have been supplied, yet the results of soakaway tests show that septic tanks are not viable, to which is added the difficulty of locating and servicing such tanks on this restricted site while conforming to stringent current regulations.

7. The Parish Council support BANES Drainage and Flood Team who have identified that major issues have not been addressed requiring a full drainage strategy. The fact that the existing bund, which protects the Milking Parlour and the Orchard from flooding, is in the garden of Plot 1, is surely not acceptable.

8. There is generally a lack of detail in this Application, for example in external lighting (Priston is a 'dark' village), the provision of services, construction materials, heating and ventilation etc.

Priston Parish Council requests that, should the Case Officer be minded to recommend acceptance of this application despite the Parish Council's objections, the matter should be raised at the Planning Committee.

Representations Received :

8 objections have been received from third parties, the following is a summary of the points raised:

- Not previously developed land
- Unclear what will be retained
- The menage should be returned to normal
- Some documents old or incorrect
- Ecological appraisal is lacking
- Application missing details on materials etc

- Concern over construction traffic
- Impact on green belt openness
- Impact on landscape
- Dangerous precedent
- Outside of housing development boundary
- No reference to village design statement
- Increase in traffic movements
- Drainage, flooding and sewerage concerns
- Ecology concerns
- Climate change concerns
- Out of scale and character with surroundings
- Loss of agricultural land
- Turning circle cannot be kept clear of obstruction due to neighbours right of access

CPRE: objection. Firstly, it does not conform to Policy GB2 of the BANES Core Strategy, which requires that residential development in villages washed over by the Green Belt be confined to infill sites. This proposal is outside the Housing Development Boundary and is not infill.

Secondly, while para 145 of the NPPF does allow for residential development on previously developed land within the Green Belt, examination of the previous planning history of the site does not support the view that the agricultural barns which it is proposed to develop actually lie within the curtilage of an area established for equestrian use by a certificate of lawful use (04/03636/CLEU). The area cannot therefore be considered to be previously developed land and the Application is not supported by the NPPF.

Thirdly, even if the land were established as previously developed (which it is not), the NPPF requires that there should be no detrimental effect on the openness of the Green Belt. As pointed out in our previous response, CPRE emphasises the visual as well as the spatial aspects of openness. The fact that the existing barns to be demolished comprise a lesser volume than the 2 houses intended to replace them takes no account of the fact that barns are much more fitted to a Green Belt than the urban residential development with its separate curtilages, garages and small gardens. The openness of the Green Belt would therefore be harmed both from the standpoint of Priston residents as well as impinging on the near and distant views from the various approaches to the village.

POLICIES/LEGISLATION

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

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

- o Made Neighbourhood Plans

Core Strategy:

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

CP2: Sustainable Construction
CP6: Environmental Quality
CP8: Green Belt
CP10: Housing Mix
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
D7: Infill and backland development
GB1: Visual amenities of the Green Belt
GB2: Development in Green Belt villages
HE1: Historic environment
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
RA1: Development in the villages meeting the listed criteria
RA2: Development in villages outside of the Green Belt not meeting Policy RA1 criteria
ST7: Transport requirements for managing development
H7: Housing accessibility
SCR1: On-site renewable energy requirement
SCR5: Water efficiency
SU1: Sustainable drainage policy
LCR9: Increasing the provision of local food growing
PC55: Contamination

National Policy:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Design and heritage
- Archaeology
- Trees
- Residential amenity
- Highways matters
- Flooding and drainage
- Contaminated land
- Ecology
- Sustainable construction and renewable energy

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

Planning permission is sought for the demolition of an existing equestrian related barn and the erection of two dwellings and associated works. The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

The NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It goes on, however, to set out a number of exceptions to this, including exception g:

'Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development'.

The NPPF defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings'.

In 2004 a Certificate of Lawful use was granted on the site for the use of the building as a livery stable for 7 horses. It is understood the Parish Council have concerns over which part of the site the certificate of lawfulness pertains to.

Officers have looked back over the site history. There appears to be 6 plan drawings on the file for 04/03636/CLEU, one of which is in colour and 5 of which are in black and white.

The application description is for 'DIY livery stable for 7 horses'. The officer report states under the section 'Details of the Proposal' that the application relates to a 'modern farm building... 7 loose horse boxes have been formed with the remainder of the barn used as a hay store...'. The report later in the officer's assessment advises that the stables being 'applied' for were built into the barn in 1992. The second to last plan is marked with the application reference and dated on the 25th Nov 2004 (prior to the applications decision date) this plan shows the barns clearly outlined with a distinct line. The last plan then shows the location of the stables in the barn and is entitled 'stables', presumably this marked out the floor plan for the site.

Seven years have passed since the Certificate of Lawful use was granted. Whilst there may be some ambiguity over the Certificate of Lawfulness officers have visited the site and following a site visit it is clear that the stables are located in the modern barn along with storage of equestrian paraphernalia. There is a menage on site. There were horses in the fields. The Dutch barn had hay stored within it. There was also a horse box vehicle on site. The entire site was in equestrian use. The council is satisfied that the site is in established equestrian use rather than agricultural and therefore is considered to be previously developed land.

Therefore, the proposal is appropriate in the first instance in the Green Belt in accordance with exceptions G. To reiterate exception G goes on to say that the proposal will only be appropriate if it would not have a greater impact on the openness of the Green Belt than the existing development'

The build form of proposed plot one is T shaped and plot 2 is L shaped. Much of the bulk of the built form will be located on the southern and eastern footprint of the Modern barn and part of the Dutch barn. The footprint will spread slightly wider than the existing footprint but much less in other places. Overall, the built form footprint is comparable to the existing footprint. The heights of the proposed dwellings are much reduced than the height of the existing barns. The dwellings will read as single storey with elements of altering heights which breaks up the massing. Open gaps are maintained around the buildings where parking is located. Physically and visually the proposal is not considered to have a greater impact on openness than the existing built form.

Overall, the proposal is therefore considered to be appropriate development in the Green Belt and accords with policy CP8 of the Core Strategy and NPPF.

PRINCIPLE OF DEVELOPMENT IN COUNTRYSIDE LOCATION:

The Placemaking Plan identifies Priston as one of the villages where Policy GB2 (Development in Green Belt Villages) applies. GB2 states that development in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development the proposal is within the defined Housing Development Boundary.

It is recognised that the land is outside of, but adjoining, the Housing Development Boundary of Priston and therefore does not directly comply with policy GB2. Whilst the Housing Development Boundary should not be viewed simply as some arbitrary line it is noted that in the High Court Decision of *Wood v Secretary of State* (Feb 2015) the judge

considered that an assessment of the 'village on the ground' was also required. The site is surrounded on three sides by development (houses, roads and the riding arena). When driving to the site it doesn't seem as though one has yet left the village when arriving at it. The built form of the village is readily visible in views from and into the site. Even some objectors have made comment that the site is 'within the village'. As such this is a material consideration.

Policy DW1 of the Core Strategy sets out a district-wide spatial strategy. It seeks an increase in the supply of housing by around 13,000 homes. It sets out the focus of new housing, jobs and community facilities will be in Bath, Keynsham and the Somer Valley. In the rural area, it seeks to ensure that development is located at settlements with a good range of local facilities and with good access to public transport. The village benefits from daily public transport, and facilities including a pub, church, village hall, and cricket ground. The parish has a population of around 232 people.

The proposal must also be considered in accordance with paragraph 80 of the NPPF which seeks to avoid introducing new, isolated homes within the countryside. The proposal is closely related to other buildings and located adjoining the development boundary. As such, the proposal cannot be considered to be isolated.

Section 11 of the NPPF has regard to making effective use of land, it states at paragraph 120 that substantial weight must be given in decision making to the value of using suitable brownfield land within settlements for homes. The site is considered to be previously developed land (brownfield land). As such in this instance it is considered that a departure from policy GB2 is acceptable to accord with the development plan and NPPF as a whole.

On balance therefore, the location of housing in this location can be supported in principle.

DESIGN, CHARACTER AND APPEARANCE:

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

The proposal will replace a set of existing barns as previously discussed in this report. The loss of the existing buildings is acceptable. The application proposal two dwellings in their place, plot 1 is roughly T shaped and plot 2 is roughly L Shaped. The two plots are set in the south west of the site, with the site entrance and parking in the north west of the site. Both plots have amenity space. A field access remains in place to the south. The proposed layout is considered acceptable and the quantum of development is not considered to result in overdevelopment.

The proposed dwellings could be described as bungalows in nature, they will have a mainly single storey appearance with some elements being taller, reading as 1 and a half stories. The overall height and massing is comparable to surrounding buildings in the village and is less than the existing buildings on site. This is considered acceptable.

In terms of design detail, the buildings are now of a quiet, more traditional design that are not offensive. During the course of the application the agent has confirmed that the proposed materials used will be:

Roof - Clay roof tiles

Walls - Natural coursed rubble stone in lime mortar

Windows and doors - Timber windows and doors, natural stain

Rainwater goods - Black metal rainwater goods

Fascia and soffit - Timber

These materials are considered to be acceptable as they follow the local palate of materials and are appropriate within the sites sensitive local setting. A material schedule and samples will be conditioned.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HERITAGE:

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

The current building is a modern barn and there are no concerns with its demolition.

Immediately adjacent to the application site is Church Farmhouse and associated barn conversions. The main farmhouse is grade II listed together with a granary adjacent, whilst the barns are not individually listed, these are clearly important heritage assets. In addition, the grade I listed Church of St Luke and St Andrew is in close proximity.

Historic England have been consulted and have not raised an objection or specific concerns with the revised drawings.

The Conservation Officer has been consulted. The scheme has been significantly reduced in scale and the design altered to address concerns previously raised. The general revised design and scale is acceptable. The officer has no longer raised an objection.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting.

The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

ARCHEAOLGY:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. South West Heritage Trust have been consulted on the scheme in regard to archaeology and have raised no objection. The proposed new dwellings lie within the core of the medieval settlement of Priston and in close proximity to the medieval church and possible manor, as such condition have been recommended including an archaeological watching brief and publication of any results. As such these will be attached to the decision.

TREES:

Policy NE6 has regard to trees and woodland conservation. It states development will only be permitted if it is demonstrated that adverse impact on trees is unavoidable to allow for development, and that compensatory measures will be made in accordance with guidance in the Planning Obligations SPD.

The application is supported by an arboricultural report which includes a tree survey, impact assessment and method statement.

The red line boundary which has been identified excludes all trees and provides insufficient space to contain construction activities. This means that tree protection measures are essential to control the spread of these activities as outlined in the Arboricultural report. A condition will be included to ensure compliance with the report.

No objection is raised to the proposed tree pruning and tree removals. Ash Dieback is widespread in the district and the likely requirement to remove those trees affected is acknowledged.

The proposal is considered acceptable and accords with policy NE6 of the Placemaking Plan.

RESIDENTIAL AMENITY:

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

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance.

The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

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

Accessibility / Public Transport / Walking / Cycling:

The site has limited opportunities for sustainable travel due to the distance to most local services and lack of dedicated cycling and walking facilities. There is limited public transport links in the locality and as a result the development is likely to be dependent on the private car. However, it is noted that this is previously developed land where car trips would already be generated. The site is located in proximity to the housing development boundary with some local facilities within the village. As such, an objection on the grounds of sustainability would not be justifiable in this instance.

Access/ Traffic:

The site is accessed via a shared access from Church Farm Lane which also serves a number of existing dwellings including The Orchard, The Milking Parlour and The Calf House. The proposed development is unlikely to significantly increase the number of vehicular trips compared to the existing use. There might be an additional benefit of removing the need for large, slow-moving vehicles to access the site if the equestrian use of the barns is ceased.

The red line boundary of the application on the Site Location Plan has been updated to include

the area labelled as 'existing turning area'. This enables the turning area which would be required for any large vehicles accessing the proposed dwellings to be secured by planning

Neighbours have raised concerns over the right of access to turn into the site. Certificate A has been submitted with the application. Any easements or covenants are a civil matter which would not preclude the granting of planning permission.

Car Parking /Cycle Parking/ EV charging:

Each of the proposed residential dwellings requires the provision of a minimum of two secure covered cycle parking spaces, plus 3 car parking spaces per four-bed dwelling. Based on the proposed floorplans, that equates to 6 parking spaces. The provision shown within the application submission meets with the standards set out in the Placemaking Plan.

In the case of new development proposals, facilities for charging plug-in and other ultra-low emission vehicles will be sought where practicable as set out in Policy ST7 of the Placemaking Plan. The BANES Parking Strategy says that Electric vehicle charging should be provided residential developments with individual parking - passive provision within each property.

Passive provision requires the enabling work to be undertaken, including ensuring sufficient capacity in the connections and providing cabling to the parking spaces. This will be conditioned.

Waste:

The Waste Management Plan states that the refuse collection vehicles currently enter the shared private lane to collect waste rather than collecting from the Church Farm Lane which is the nearest adopted highway. The proposal for an additional 2 dwellings to have similar collection arrangements is acceptable.

Construction Management Plan:

Due to the nature of the local highway the introduction of construction vehicles may cause harm to road safety and residential amenity. Therefore a demolition and construction management plan should be required prior to commencement of the development.

DRAINAGE AND FLOODING:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that all development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.

The Drainage and flooding team have been consulted on the application and additional information has been submitted over the course of the application. A General Arrangement Drainage Plan has now been submitted. The proposed plans now show an acceptable drainage system. A condition will be required confirming capacity of the onward system or an alternative method of drainage.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as the NPPF.

CONTAMINATED LAND:

Policy PCS5 has regard to Contamination. The Contaminated Land Officer has been consulted on the application. Taking account of the sensitive nature of the development (i.e. residential), conditions are recommended in regard to reporting unexpected contamination.

The proposal is considered acceptable in terms of policy PCS5 of the Placemaking Plan.

ECOLOGY:

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

The Council's ecologist has been consulted on the scheme. There is no ecological objection in principle to the proposals.

Previous ecology comments have been provided (Sarah Dale 6th Sept 21) raising the issue of a

discrepancy between the site boundaries of the submitted planning application and the site

boundary used for the ecological survey and assessment. A revised ecological survey and assessment has been submitted which now includes the whole site. Appropriate recommendations are made regarding avoidance of harm to nesting birds, and provision of replacement habitats, nesting sites and ecological enhancements.

In relation to the northern barn and associated hardstanding and scrub, the assessment and its findings are accepted. The site supports limited wildlife value, although the building does have nest boxes and signs of use by nesting birds; swallow nests were also noted. Appropriate recommendations are made regarding provision of replacement and new habitat, and measures to avoid harm to wildlife and to provide additional benefits for wildlife. These include provision of bird and bat boxes and landscape planting, sufficient to achieve net gain for biodiversity (in accordance with Policies NE3 and D5e and the NPPF) which could be provided through a wildlife friendly landscape and planting scheme to be secured by condition. This must also include provision of replacement swallow nesting sites within a suitable sheltered location such as beneath an overhang, within porches or within an open building.

Sensitive lighting design would be necessary in this location in accordance Policy D8, and best practice to avoid harm to wildlife including bats. A condition will be attached accordingly.

A detailed mitigation scheme is also required, the Council's ecologist has confirmed this can be sought by condition.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 48% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is compliant with policy CP2 in this instance.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.).

CONCLUSION:

The location of housing in this location is contrary to Policy GB2 of the PMP, however on balance, as set out in the report above, given its siting 'within' the village, it meeting the objectives of policy DW1 and its non-isolated location, it is considered the development can be supported in principle. As such, in this particular case, it is considered that a departure from policy GB2 is acceptable. The proposal complies with all other the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Arboricultural Compliance (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan (Tim Pursey 29th July 2021)

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

3 Archaeology Watching Brief (Pre-commencement)

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

Reason: The site is within an area of significant archaeological interest and the Council will
wish to examine and record items of interest discovered in accordance with Policy HE1 of the
Bath & North East Somerset Placemaking Plan. This is a condition precedent because

archaeological remains and features may be damaged by the initial development works.

4 Archaeology Post Excavation and Publication (Pre-occupation)

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

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

5 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

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

6 Sample Panel - Walling (Bespoke Trigger)

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, 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.

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

7 Reporting of Unexpected Contamination (Bespoke Trigger)

In the event that contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the Local Planning Authority. The Local Planning Authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by soils or materials with unusual colour, odour, texture or containing unexpected foreign material.

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

8 Parking and Turning (Compliance)

The areas allocated for parking and turning, as indicated in the Site Location Plan 001 Rev.A and Ground Floor Plan 111B, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate car parking and turning areas are always retained, in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

9 Construction Management Plan (Pre-commencement)

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 deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

10 Electric Vehicle Charging Points (Pre-occupation)

No building shall be occupied until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

11 Surface Water Drainage (Pre-Commencement)

No development shall commence, except ground investigations, until written confirmation of the capacity of the onward system can take the flow of 13.4 l/sec as proposed by the Drawing 101P3 is submitted and approved by the LPA if this is not the case an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should be installed prior to the occupation of the development.

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

12 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme that is in accordance with Section 5 of the approved Ecological Appraisal (Engain, 8th November 2021) have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all

necessary protection and mitigation measures, including, where applicable, proposed precommencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations

of the approved ecological report, including suitable replacement nesting provision for swallow;

wildlife-friendly planting / landscape details; and provision of bat and bird boxes. Proposed specifications, numbers, models, materials, species, sizes, and positions (as applicable) shall

be provided and shown on a plan; for fencing shall include provision of gaps to allow movement

of wildlife such as hedgehog through and around the site.

All works within the scheme shall be carried out in accordance with the approved details and

completed in accordance with specified timescales and prior to the occupation of the development.

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

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

13 Ecology Follow-up Report (Pre-occupation)

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

Reason: To demonstrate compliance with the Wildlife Protection and Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3, NE5 and D5e of the Bath and North East Somerset Local Plan.

14 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

15 Sustainable Construction (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- o Table 2.4 (Calculations);
- o Building Regulations Part L post-completion documents

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

16 Water Efficiency - Rainwater Harvesting (Pre-occupation)

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

17 Water Efficiency (Compliance)

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

Reason: In the interests of water efficiency in accordance with Policy SCR5 of the Bath and North East Somerset Placemaking Plan.

18 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

01 Oct 2021	001 A	SITE LOCATION PLAN
01 Oct 2021	002 B	TOPOGRAPHICAL SURVEY
01 Oct 2021	110 E	GROUND FLOOR PLAN
09 Nov 2021	109 E	SITE PLAN - ROOF PLAN
09 Nov 2021	111 C	FIRST FLOOR PLAN
09 Nov 2021	112 E	ELEVATIONS
09 Nov 2021	113 F	SITE ELEVATIONS
25 Nov 2021	114	SITE PLAN - EXISTING BARN FOOTPRINT ROOF PLAN
06 Jan 2022	101 P3	DRAINAGE SYSTEM - GENERAL ARRANGEMENT

2 Informative

Desk Study and Walkover Survey

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.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey should be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation would 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 should be required

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

5 Responding to Climate Change (Informative):

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

6 Community Infrastructure Levy - General Note for all Development

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

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges,

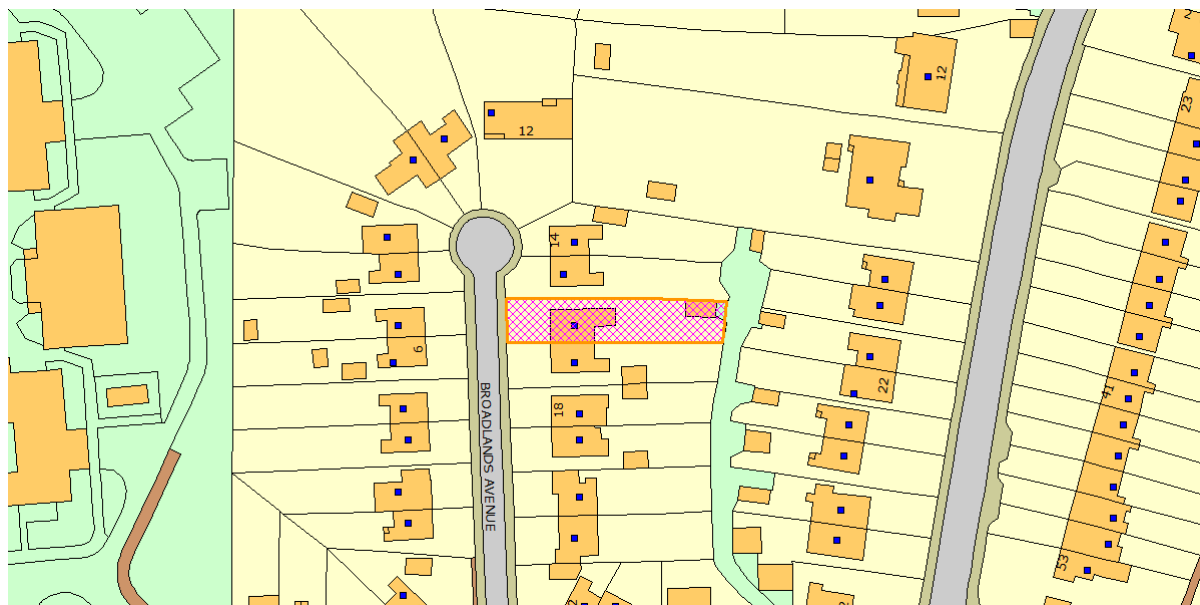
interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Item No: 004
Application No: 21/05364/FUL
Site Location: 16 Broadlands Avenue Keynsham Bristol Bath And North East Somerset BS31 2DU



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor Vic Clarke
Application Type: Full Application
Proposal: Erection of front, side and rear extension. Provision of attic conversion and garden room.
Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: Skuse
Expiry Date: 11th April 2022
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application was referred to the Chair and Vice Chair of the Planning Committee as the Town Council's comment were contrary to the officer's recommendation. Councillor Simmons had also called the application to committee; however this did not trigger the referral process as this was done outside of the time period for ward councillor call in. However, the comments of the Town Council did trigger the process. The Chair and Vice Chair's decisions and reasons are as follows:

CHAIR: Committee

I have reviewed this application and note the objections from Keynsham Town Council, the ward Councillor and other third parties. The officer has worked with the applicant to

modify various aspects of the proposal during the application process, but concerns remain due to the overall volume of change and size of the development. For this reason, I believe it would benefit from being debated at committee.

VICE CHAIR: Committee

I have studied this application carefully noting objection comments from both third party & statutory consultees, the Officer has negotiated some amendments to the application as it has progressed through the planning process, but concerns remain regarding parking & size.

These concerns have been assessed against relevant planning policies & some issues e.g. parking adhere to policy as the report explains however it also states the changes are seen as significant therefore I recommend the application be determined by the planning committee so it can be debated in the public arena whether it leads to an overdevelopment of the host dwelling.

Details of location and proposal and Relevant History:

The application refers to a semi-detached, two-storey property which is located within the Keynsham Housing Development Boundary.

Planning permission is sought for the erection of a front, side and rear extensions, the installation of a dormer and the erection of a garden room.

Relevant Planning History:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

KEYNSHAM TOWN COUNCIL:

Original comments received 14th December 2021:

Object - Keynsham Town Council object on the following grounds:

- (i) The proposal is incongruous with the street scene and would dominate this section of the road.
- (ii) The extension proposed would constitute overdevelopment of the site.
- (iii) The amenity of neighbours' light would not be preserved.
- (iv) The proposed conversion to the rear of the garden is also considered as an overdevelopment of the site.

The application is contrary to Policies D2, D3 and D6 of the Bath and North East Somerset Placemaking Plan.

Re-consultation response comments received 8th February 2022:

Object - Keynsham Town Council reiterate their objections with a few additions on the following grounds:

- (i) The proposal is incongruous with the street scene and would dominate this section of the road.
- (ii) The extension proposed would constitute overdevelopment of the site.
- (iii) The amenity of neighbours' light would not be preserved, and the development would create overlooking into neighbouring properties.
- (iv) The proposed conversion to the rear of the garden is also considered as an overdevelopment of the site.
- (v) Keynsham Town Council support the objections of local residents that parking in this location will be exacerbated by this development and agree with Highways that the applicant has failed to demonstrate that access on to the public highway can be achieved satisfactorily.

The application is contrary to Policies D2, D3 and D6 of the Bath and North East Somerset Placemaking Plan.

HIGHWAYS:

Highways have provided comments on both the original and revised scheme. Their latest comments are summarised below, received 8th February:

- Revised proposals propose three no. policy compliance parking spaces at the front of the property
- Wall will be removed
- Dropped kerb will need permission through a S184 Licence
- The proposed garage is not permissible as a parking space as it has insufficient internal dimensions
- Not clear whether the garage is accessible from the rear lane to the east of the property's boundary
- Submitted information does not demonstrate that visibility can be achieved
- It needs to be demonstrated that a 2m by 25m visibility splay can be provided between either the side of the access, and the back edge of the footway within land owned by the applicant or under the control of the Local Highway Authority
- The submitted information does not demonstrate that adequate pedestrian visibility can be achieved. The applicant should therefore demonstrate that a 2m x 2m visibility splay can be provided between either side of the access, and the back edge of the footway within land owned by the applicant or under the control of the Local Highway Authority.

COUNCILLOR BRIAN SIMMONS:

I wish to have the application 21/05364/FUL dealt with by the committee if the officer recommends to permit for the reasons stated in the Keynsham Town Council Planning Committee Meeting on 7/02/2022

Representations Received :

17 objections have been received and this includes objections to the original scheme and revisions. All comments have been assessed in full by the case officer and a summary of the main points is given below:

- Increase in traffic
- Impact to tranquil environment
- Increase in air pollution due to traffic
- Bungalow in rear garden
- Potentially going to turn property into an HMO
- Overdevelopment of the site
- Will cause disruption during construction
- Change the appearance of the street
- Overlooking
- Impact to privacy
- Overbearing and overshadowing
- Back lane is not fit for purpose
- Construction will block the rear lane for residents
- Access issues to the land after construction
- Parking issues

POLICIES/LEGISLATION

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

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

Core Strategy:

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

CP6: Environmental Quality

DW1: District Wide Spatial Strategy

SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D5: Building design
D6: Amenity
ST7: Transport requirements for managing development

National Policy:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

- Character and appearance
- Residential amenity
- Parking and highway safety
- Other matters

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary, mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

There are a number of elements to the scheme which will be assessed separately for clarity.

Two storey side and single storey front extension:

The proposed two-storey side extension will be approximately 1.5m in width. The proposed front extension will be a lean-to. It is considered subservient to the host dwelling. The materials have been amended to be painted cement render, rather than the cladding previously proposed. Officers consider that this will better reflect the character of the street scene. A number of properties in the street have had extensions to the side and as such, the principle of the side and front extensions is considered acceptable. Officers consider that these elements of the scheme reflect the character of the host dwelling and the materials maintain the character of the street scene and they are considered to be acceptable.

Hip-to-gable and dormer loft conversion:

The roof height is not raising above the existing ridge but will go from a hip to a gable. There are other hip-to-gable conversions in the street, and this is considered acceptable in principle. The proposed dormer has been revised so that it is a similar size to that previous approved at no.18. Although still large, it is considered subservient to the roof scape.

Single storey rear extension:

A flat-roof, single storey extension is also proposed to the rear, and this will be clad. Cladding is not a common material within the street scene, however as this is on the rear and single storey, visibility is limited.

Conclusion on these elements:

It is noted that these changes together are significant. However, they are not considered to be an overdevelopment of the host building. Each element is considered to compliment and respect the host dwelling. The material palette is considered to be appropriate given the existing dwelling and surrounding developments.

Garden Room:

The proposal also includes the provision of a garden room. The garden room will replace the existing garage and shed; there is no objection to the loss of these structures. There are a number of outbuildings located along this rear lane and the principle of such a building is again, considered acceptable. The building will have a flat roof and be finished in painted block work to the lane elevation, which will also include a garage door. The garden facing elevation will be finished in cladding which will match the single storey extension. The overall appearance of the garden room is considered appropriate.

Conclusion:

Overall, the proposals are considered acceptable in terms of their character and appearance. They are not considered an overdevelopment of the site. Although garden

space will be lost, the property benefits from a long plot and sufficient garden space will remain. The development will not appear cramped. Officers accept that the proposals will change the appearance of the street scene, as noted by third parties. However, other similar developments have been approved in the locality, most notably no.18 which has a hip-to-gable loft conversion. It is not considered that the proposals would be incongruous.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

A number of objections have been received from third parties and the Town Council pertaining to residential amenity issues.

The matter to consider is whether the development will result in a loss of privacy to neighbours, as a result of overlooking from the property. The proposed side window on the first floor of the side extension will be obscurely glazed and this will be secured by condition. This will therefore not result in additional overlooking.

The proposed dormer will introduce windows at third floor level. The windows at second floor level provide views in the gardens of the neighbouring properties and the new windows will not exacerbate the current situation to a level which would warrant a refusal. Concerns have been raised that the dormer will provide views in the rears of the properties on St Ladoc Road, which are located on the opposite side of the lane to the host dwelling. The proposed dormer is located around 30m from the rear boundaries of the properties on St Ladoc Road, measured from the site layout plan. This is considered a sufficient distance so that the impacts of overlooking are not severe, and it is not considered reasonable to sustain an objection on this basis. There is already some overlooking from other neighbouring dormers and a degree of overlooking in a built-up residential area can be expected.

It has been raised that the windows of the garden room will allow views into the neighbouring garden and property. These windows are at ground floor level and will provide no greater views than standing in the garden and looking up the garden. The proposed situation is not considered to create a significantly greater impact than the existing arrangement. The garden room is around 15m from the neighbouring property's rear elevation which is considered a sufficient separation distance.

Consideration has also been given to overbearing, overshadowing and loss of light as a result of the proposals. The proposed two storey extension will result in built form being closer to the neighbour. However, there will still be separation between the two dwellings and the two-storey element does not extend to the rear of the existing rear elevation. It is

not considered that it will appear significantly overbearing or create significant overshadowing which would justify a refusal on this basis.

The proposed single storey rear extension is of a height and depth which is also not considered to cause significant harm in these regards. It will extend slightly beyond the neighbouring built form, but only by around 2m which is not considered to be significant.

The proposed garden room is also a single storey and around 3m in height. As such, it is not anticipated that it would create significant overshadowing and loss of light.

Matters of noise and disturbance during construction have also been raised. However, these are temporary and can be reasonably expected for householder developments. It is not a valid reason for refusal.

Overall, it is not considered that the proposal would cause a significant impact to the neighbouring residents and a refusal on this basis would not be justified.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

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

In order to address the concerns of highways, and local residents, the applicant will provide three policy compliant car parking spaces to the front of the property. There is no objection to this, and the dwelling would have a policy compliant number of parking spaces.

The proposed garden room will feature a garage. However, the garage does not have sufficient internal dimensions to count towards the parking provision. The garage would be accessed via a lane which runs to the rear of Broadlands Avenue and St Ladoc Road. A number of residents have garages and parking areas accessed via this lane.

The Highways Officer has objected to the scheme and has requested visibility splays and pedestrian visibility splays for the proposed garage. However, as this lane is not part of the adopted highway, it is not considered reasonable to request these in this case. The garden room would be constructed within the applicant's land and would be accessible by a vehicle. The lane is not a right of way and is used by the occupiers of the dwellings which back onto it.

The NPPF states "Development should only be prevented 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."

Given that the property will have sufficient parking space without the garage, which is not policy compliant, and the lane is already accessed by a number of residents and that there is an existing garage on the site, it is not considered that there would be an unacceptable impact upon highway safety. Users of the lane are not generally the general public, and it serves as access to the rear of these dwellings. Officers consider that on balance, the failure to provide this information in this case is not a reason for refusal.

It has also been raised that construction traffic should not block the lane. The scale of the development does not warrant a Construction Management Plan; however the applicant should not block access to neighbouring properties with construction traffic. Construction is temporary and this will not be a permanent issue.

It has also been raised that the back lane is not fit for purpose. However, it is already used by a number of vehicles and is considered to be accessible by a vehicle.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

OTHER MATTERS:

It has been raised that the dwelling may become an HMO. The dwellinghouse is not within the district's Article 4 area and therefore, planning permission would not be required to change the use from C3 to C4. The site is currently a C3 dwellinghouse. Should the applicant wish to change the use to a C4 property, it could be done under permitted development in this location.

CONCLUSION:

It is therefore considered that the proposal complies with the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

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

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

3 Ancillary Use (Compliance)

The garden room hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 16 Broadlands Avenue, Keynsham, Bristol

Bath And North East Somerset, BS31 2DU; and shall not be occupied as an independent dwelling unit.

Reason: The garden room is not capable of independent occupation without having a detrimental impact to the residential amenity of the neighbouring occupiers and highway safety.

4 Parking (Pre-occupation)

Prior to the first use of the development hereby approved, 3no. parking spaces shall be provided in accordance with plan reference 16BA.P03 Revision B. The parking spaces shall be permanently retained for the parking of vehicles thereafter.

Reason: To ensure sufficient off-street car parking in accordance with policy ST7.

5 Bound/Compacted Vehicle Access (Compliance)

The vehicular access/driveway shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

Reason: To prevent loose material spilling onto the highway in the interests of highways safety in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first-floor window on the side elevation of the two-storey side extension shall be obscurely glazed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 This decision relates to the following plans:

16BA.P01 Revision B. Location Plan & Site Layout Plan. Received 16th February 2022

16BA.P02 Revision A. As Existing. Received 18th January 2022

16BA.P03 Revision B. As Proposed. Received 15th February 2022

2 Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

3 Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Responding to Climate Change (Informative):

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

6 Highways Access Advice Note

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.