

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **12th March 2025**

AGENDA
ITEM
NUMBER

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RESPONSIBLE OFFICER: Louise Morris - Head of Planning & Building Control

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.

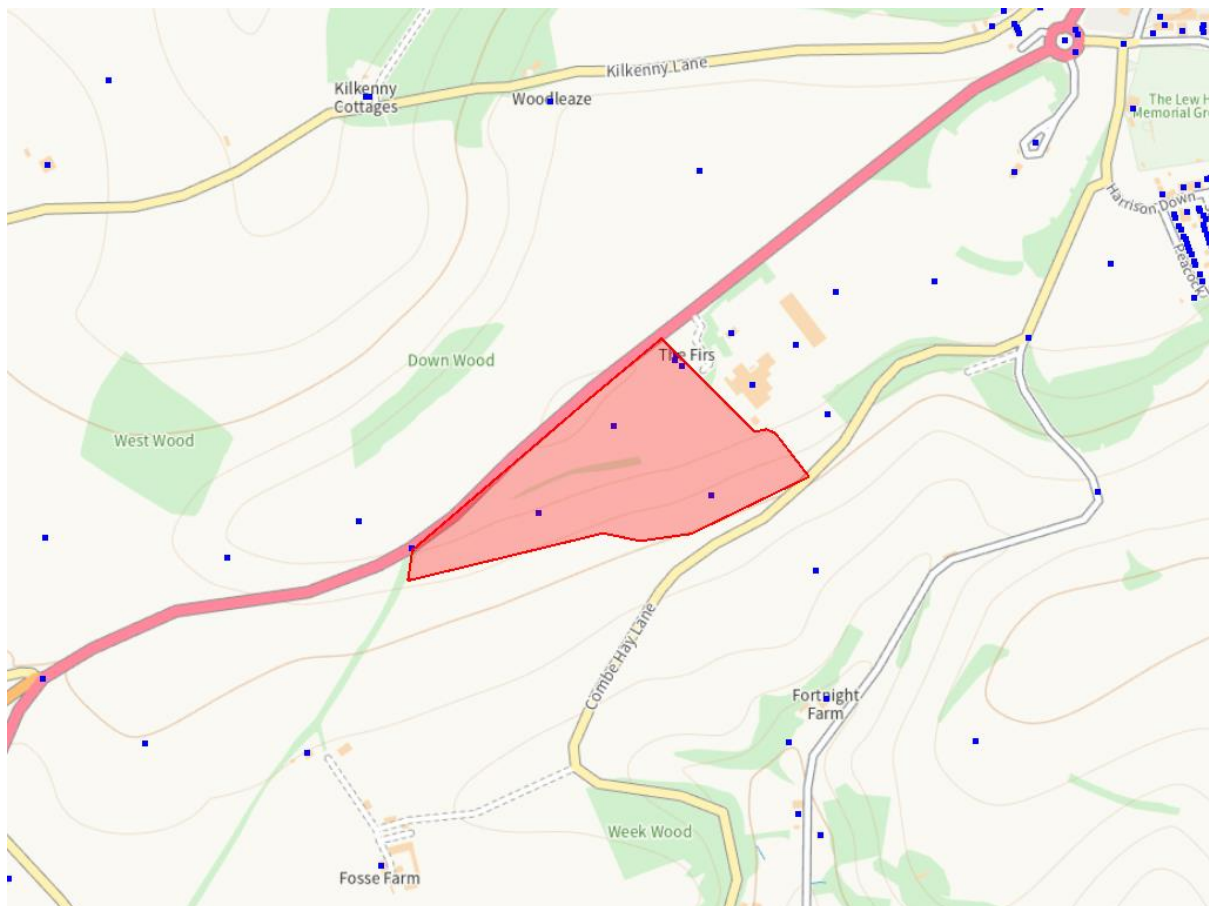
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| ITEM NO. | APPLICATION NO. & TARGET DATE: | APPLICANTS NAME/SITE ADDRESS and PROPOSAL | WARD: | OFFICER: | REC: |
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| 01 | 24/01566/FUL 14 March 2025 | Mr Barry Williams Parcel 7512, Fosseyway, Englishcombe, Bath, Bath And North East Somerset Reprofiling of land for the purposes of agricultural improvement, biodiversity benefits and landscape screening | Bathavon South | Isabel Daone | PERMIT |
| 02 | 23/03975/FUL 25 January 2025 | Ms Abigail Stokes Plots 25 And 26, The Smallholdings, Claude Avenue, Twerton, Bath Erection of new commercial buildings. | Southdown | Samantha Mason | PERMIT |
| 03 | 24/01294/FUL 12 June 2024 | Mr Jose Macedo Barnlea , Withy Mills, Paulton, Bristol, Bath And North East Somerset Erection of 4x agricultural buildings (Retrospective). | Paulton | Sam Grant | PERMIT |
| 04 | 24/02599/FUL 10 December 2024 | Butcombe Brewery Ltd Ring Of Bells , The Street, Compton Martin, Bristol, Bath And North East Somerset Installation of 6no. shepherd's huts for guest accommodation. | Chew Valley | Angus Harris | PERMIT |
| 05 | 23/02444/FUL 13 March 2025 | R + S MacGrain (Executors for K L Cooper) Hazel Elm , Old Midford Road, Midford, Bath, Bath And North East Somerset Erection of a replacement dwelling, to follow removal of existing house and outbuildings. | Bathavon South | Ed Allsop | REFUSE |
| 06 | 24/03981/FUL 17 December 2024 | Mr and Mrs Cooke Lake View , Stoke Hill, Chew Stoke, Bristol, Bath And North East Somerset Erection of rear extensions. | Chew Valley | Angus Harris | PERMIT |

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| 07 | 23/02711/FUL 14 March 2025 | Mr and Mrs Mark Charlwood St Anthony's , The Barton, Corston, Bath, Bath And North East Somerset Erection of 3-bed, two storey house in garden of existing house. | Saltford | Christopher Masters | PERMIT |
| 08 | 24/04018/FUL 20 January 2025 | Mr Steven Horler New Leaf Farm, Mill Lane, Bathampton, Bath, Bath And North East Somerset Erection of 2no. Agricultural storage buildings. | Bathavon North | Christopher Masters | PERMIT |
| 09 | 24/04510/LBA 31 January 2025 | Steve George 10 Berkeley Place, Walcot, Bath, Bath And North East Somerset, BA1 5JH Internal work to replace existing damp proofing system in basement. | Walcot | Holly Rowland | CONSENT |

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 24/01566/FUL
Site Location: Parcel 7512 Fosseway Englishcombe Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Combe Hay **LB Grade:** N/A

Ward Members: Councillor Matt McCabe Councillor Fiona Gourley

Application Type: Full Application

Proposal: Reprofilng of land for the purposes of agricultural improvement, biodiversity benefits and landscape screening

Constraints: Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Coal - Standing Advice Area, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Hazards & Pipelines, Joint Waste Core Strategy, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 Regionally Important Geologic, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Grassland

Strategic Netwo Policy NE5, Strategic Nature Areas Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, All Public Rights of Way Records, SSSI - Impact Risk Zones, Tree Preservation Order,

Applicant: Mr Barry Williams

Expiry Date: 14th March 2025

Case Officer: Isabel Daone

To view the case click on the link [here](#).

REPORT

REASON FOR COMMITTEE:

Combe Hay Parish Council have objected to the proposed development. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee. Both have reasoned that the application should be debated and decided by the Planning Committee with their comments as follows:

Chair:

"This is a complex application with a significant history and relates to a prominent gateway location in the Greenbelt, on the border with the Cotswold National Landscape and leading into the World Heritage Site. Given the objection of the Parish Council, it is considered the Committee should give this proposal scrutiny in respect of the reprofiling works, the management of ecology, the landscaping and the biodiversity net gain proposals."

Vice Chair:

"Noting the complex history associated with this application site and its prominence in the Greenbelt, with impacts on the Cotswold National Landscape and given the objection of the Parish Council, I recommend that the key policy areas relevant to this application are debated in public by the Planning Committee."

Details of the proposals:

The application refers to land at Bath Recycling Skips. The site is accessed off of the A367. Planning permission is sought for the reprofiling of the land for agricultural improvements. The application site is directly adjacent to an existing industrial premises which is referred to by a number of names including Bath Recycling Skips, Old Fullers Waste Processing Site and Fosseway Environment Park.

The proposal will involve the relocation of sub-soils which are already present on the site, and no importation of materials is anticipated to be required, though a condition is recommended should additional material become necessary. This will be further explained within the report. Some excess material will be exported from the site.

Relevant history and planning enforcement:

A planning application for a similar scheme at the site was refused under application reference 21/02813/FUL for six reasons. Subsequently, another scheme was submitted to address these reasons (23/00021/FUL) which was refused for one reason as follows:

"Insufficient information has been provided in relation to protected species to demonstrate compliance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Wildlife and Countryside Act 1981 (as amended). Additionally, insufficient information has been provided to give confidence that at least a 10% biodiversity net gain can be provided on-site in accordance with the submitted biodiversity net gain metric. As such, the development is contrary to Policy 12 of the Joint Waste Core Strategy and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update."

The current application seeks to address this reason for refusal.

On 27th March 2013, planning permission was granted for the "variation of conditions 2 and 12 of application 10/01774/FUL (Reprofiling land for the purposes of agricultural improvement on land adjacent to Old Fullers Earthworks, Odd Down on parcels 7512, 8600 and 6600)" - planning reference 12/04830/VAR.

A number of planning conditions were attached to this permission and those pertinent to this application are as follows:

Condition 1 -

This permission shall be limited to a period of 12 months from the date of this decision notice, by which date the importation of materials shall have ceased and the site shall be restored in accordance with the approved details.

Reason: to ensure the development is completed within a satisfactory timescale in the interests of local amenity.

Condition 2 -

No materials shall be imported to the site other than top soil and sub soil.

Reason: It is the view of the Local Planning Authority that only these materials are required in order to return the site to a beneficial after use.

Condition 11 -

Landscaping works in accordance with Drawing No. 18429/02/A dated 06/04/10 and Drawing No. 18429/L01 dated 16/07/10 shall be completed within 12 months of the date of this decision notice. Any trees and plants which die are removed or become seriously damaged and diseased shall be replaced during the following planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: in the interests of visual amenity.

Condition 13 -

Site restoration contours shall be strictly in accordance with Drawing BW/003/002 Rev C dated 12/03/10 and Drawing BW/003/03 Rev B dated 07/04/10.

Reason: to ensure the site is restored to a condition capable of a beneficial after use.

Condition 21 -

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.

The conditions set out above have not been complied with. Significant amounts of material (including topsoil, subsoil and other material) have been stored on the land and the levels have not been restored as per Conditions 1, 2, 11, 13 and 21. Consequently, a Breach of Condition Notice was served by Bath and North East Somerset Council on 18th March 2024. The notice sets out that compliance with the conditions set out above is required by removing the imported material from the land (other than topsoil and subsoil) and restoring the land in accordance with the plans referenced in conditions 11, 13 and 21. There was a 6-month compliance period.

The notice has not been complied with; however, the live planning application being considered seeks to provide an alternative proposal to complete removal and until this is concluded, further action is unlikely to be taken. The current application seeks to remove some of the material on site (around 7500m³) and utilise the remaining material to reprofile the land, which will have ecological and agricultural benefits.

Relevant Planning History:

10/01774/FUL

PERMIT - 13 December 2010

Reprofiling land for the purposes of agricultural improvement on land adjacent to Old Fullers Earthworks, Odd Down on parcels 7512, 8600 and 6600.

12/04830/VAR

PERMIT - 27 March 2013

Variation of conditions 2 and 12 of application 10/01774/FUL (Reprofiling land for the purposes of agricultural improvement on land adjacent to Old Fullers Earthworks, Odd Down on parcels 7512, 8600 and 6600.)

18/01068/FUL

REFUSED - 16 November 2018

Re-profiling land for the purposes of agricultural improvement.

21/02813/FUL

REFUSED - 30 November 2022

Reprofiling of land for the purposes of agricultural improvement and provision of beehives.

23/00021/FUL

REFUSED - 01 November 2023

Reprofiling of land for the purposes of agricultural improvement, biodiversity benefits and landscape screening (Resubmission).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Arboriculture:

No objection subject to conditions.

Combe Hay Parish Council:

Object to the proposals on the following grounds -

1. There is nothing in the application to demonstrate how the much used Public Right of Way will be protected. In fact, the existence of the right of way is not even shown or acknowledged.
2. The mounds on site are unlawful and the materials to be found in them are unknown and likely to contain contaminated or hazardous materials. This application should not be approved until such time as an investigation into the existing site materials has been carried out and the unsuitable materials removed from the site.
3. There is nothing in the application which demonstrates that run off from this site will not be affected by the proposed works.

Ecology:

22nd October 2024 - Object

11th February 2025 - No objection subject to conditions

Health and Safety Executive:

Do Not Advise Against, consequently, HSE does not advise on safety grounds, against the granting of planning permission in this case.

Highways:

No objection, subject to conditions.

Landscape:

12th June 2024: Scope for revision

26th July 2024: Scope for revision (options available to either provide additional information at this stage or to secure landscape details via condition).

Third Party Representations:

None received.

POLICIES/LEGISLATION

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

JOINT WASTE CORE STRATEGY:

The Joint Waste Core Strategy was formally adopted in 2011 and the following policies of the JWCS are relevant to the determination of this application:

Policy 12: General Considerations

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 and its Setting

CP5: Flood Risk Management

CP6: Environmental Quality

CP8: Green Belt

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:

B1: Bath Spatial Strategy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric

D4: Streets and spaces

D6: Amenity

GB1: Visual amenities of the Green Belt

NE2A: Landscape setting of settlements

NE4: Ecosystem services

PCS1: Pollution and nuisance

PCS4: Hazardous substances

RE2: Agricultural development

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and

Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

NE1: Development and green infrastructure

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NE5: Ecological networks

NE6: Trees and woodland conservation

PCS5: Contamination

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) 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.

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:

1. Principle of the development in the Green Belt
2. Waste
3. Impact to landscape character
4. The World Heritage Site and its setting

5. Residential amenity
6. Highway safety
7. Drainage
8. Contaminated Land
9. Arboriculture
10. Ecology
11. Public Rights of Way
12. Public Sector Equality Duty

1. PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

Paragraph 154(h) of the NPPF outlines that engineering operations are not considered to be inappropriate development in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it.

Detailed section drawings and a contoured site plan have been provided to demonstrate the finished land levels following the reprofiling. The proposed levels are not dissimilar to those approved under the original permission in 2010, though there is some variation across the site. Whilst the land levels proposed are greater than the "historic" levels (pre-unauthorised material), they will result in a naturalistic landform which will assimilate well in the rural landscape.

It is considered that the proposed topography would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. In this regard, the re-profiling is considered to comply with paragraph 154 of the NPPF, policy CP8 of the Core Strategy and policy GB1 of the Placemaking Plan.

Overall, therefore, it is considered that the development is appropriate development in the Green Belt.

2. WASTE:

Policy 12 of the Joint Waste Core Strategy states that waste related development will be granted, provided it can be demonstrated that any impacts of the proposed development would not significantly adversely affect people, land, infrastructure, resources, and the environment and that, where appropriate, enhancement could be achieved. These matters will be discussed in more detail below, however in summary it is considered that the proposal will not significantly adversely affect the above matters, and the scheme complies with policy 12 of the Joint Waste Core Strategy.

3. IMPACT TO LANDSCAPE CHARACTER:

The site is outside of but close to the Cotswolds National Landscape. Several issues and concerns were raised by the Council's Landscape Officer with regard to the initial submission. In response the following revised plans and documents have been submitted:

- Site Plan Rev C
- Site Section Rev C
- Landscape Plan Rev C
- Boundary Plan Rev C

- LEMP Rev D

The amended Site Plan now shows the entire site and is consistent with the Landscape Plan. The red line boundary has been amended so that all landscape works proposed are now contained within the red line (including additional hedgerow planting) and as such, the implementation of these can now be secured by planning condition.

Reprofiling works:

As set out above, the site currently houses several unauthorised earth mounds which are incongruous within the landscape. The site section and site plan drawings show the "existing levels" of the site which, as set out in the submitted covering letter, relate to the land levels prior to the mounds of material being dumped on the site. These correspond with the land levels set out in the 2010 planning application and are considered to be accurate. The proposed land levels are set out. These are not dissimilar approved as part of the 2010 application, though there is some variation, and those levels proposed are slightly higher than those approved in 2010. The enforcement notice requires that the land levels are returned to those approved within that application.

The land levels proposed within this application, though slightly higher, will still result in an undulating, naturalistic landform. It is considered that it will appear as a natural field within the landscape. The proposed landscaping plan shows woodland planting and calcareous grassland which will also enhance the visual appearance of the site and will provide additional ecological benefit beyond that permitted in 2010.

The Parish Council have expressed that the materials within the unlawful earth mounds are not known, and it follows that it is not wholly clear whether the existing material onsite can be used for reprofiling. LIDAR surveying has been used to ascertain the quantity of material on site, which amounts to around 20,000m³ of material. 12,500m³ of material is required for the proposed land profile, and 7,500m³ is proposed to be exported from the site. Having visited the site on several occasions, the material on site appears to comprise natural soils, as well as waste material (such as builders' rubble). There will be a requirement to screen and sort the material, prior to the re-profiling. Officers understand the concerns that, following this screening and sorting, there may not be sufficient material left to provide the profiles that have been stated in the application without importing clean material. It is considered that a suitably worded condition can ensure that the materials are suitably screened and sorted, so that only "clean" soils are used for the reprofiling. The condition can be worded so that, in the event that there is insufficient material was left to provide the approved profiles, alternative profiles or information relating to the importation of additional "clean" material as required had to be submitted to and approved in writing by the Council.

The NPPF sets out that planning conditions should be used to make development acceptable where possible. As such, the approach set out above is required reasonable.

Overall, it is considered that the submitted land profile would be acceptable within the landscape and would not result in an adverse impact to the setting of the Cotswold National Landscape, the boundary of which is to the south of the site.

Landscape Ecological Management Plan (LEMP):

A number of amendments have been incorporated into the latest version of the LEMP (Rev D). The LEMP now cross-refers in a clear and consistent manner with submitted Landscaping Plan and references to monitoring and review now specify the need for agreement between the landowner and Local Planning Authority. The LEMP can therefore be secured by condition.

Landscaping Plan:

The Landscape Plan provided is acceptable as a landscape strategy but does not provide the level of detail necessary to avoid the need for a standard Landscape Condition to be imposed. However, the amount of additional information required would not be onerous to provide. It would be sufficient to provide a more detailed planting schedule that shows numbers as well as densities of plants, provided botanical as well as common names for species selected, more accurate specifications for sizes and forms of plants. The Landscape Officer has summarised their comments as "scope for revision on this basis" but notes that these details can be secured by way of condition.

4. THE WORLD HERITAGE SITE AND ITS SETTING:

The proposed development is outside of the World Heritage Site but does fall within its setting. Policy B4 sets out that there is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity. This presumption applies equally to development within the setting of the World Heritage Site.

The A367, along which this site is located, provides one of the main gateways into the World Heritage Site. The proposed landform would assimilate with the rural landscape and have an agricultural character, reflecting its rural surroundings. It is not considered that the development would harm the OUV of the World Heritage Site. The proposed landscaping and planting would enhance the visual appearance of the area. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

5. 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.

1 and 2 The Firs are located within the Waste Site; they sit to the east of the application site. Given the existing situation, whereby the site operates as a waste recycling centre and the fact that material currently being dumped unlawfully on the land adjacent to these properties, it is not considered that the proposal would result in significant harm to their existing amenity. The proposal would likely result in an improvement given that there would be less machinery movements to this area post-development.

The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

6. HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users.

The application site is directly adjacent to an existing industrial premises which is referred to by a number of names including Bath Recycling Skips, Old Fullers Waste Processing Site and Fosseway Environment Park.

This site has planning permission under application references 14/00839/EMINW and 15/00741/MRES for waste processing activity, including a material recovering facility, anaerobic digestion plant, reception building, weighbridge, outdoor storage areas and other ancillary development. Highways offered no objection to the consent of these applications, subject to a number of planning conditions which were subsequently applied.

The applicant confirms that vehicle access to the site for the export of soil will use the existing priority access via the A367. The A367 is a Class A adopted highway subject to national speed limits in the vicinity of the access. The A367 provides a strategic route within B&NES, connecting Bath with the Somer Valley. It experiences relatively high volumes of traffic. The carriageway is wide at the location of the access, comprising two lanes in the north-eastbound direction for the approach to Odd Down Roundabout, and one lane in the south-westbound direction. There are bus stops located directly adjacent to the access, for which buses stop in the carriageway. There is also an on-carriageway mandatory cycle lane in the north-eastbound direction.

The development is not considered to result in an adverse highway impact, nor cause highway safety concerns. The Highway Authority raise no objection to the proposals, though have requested planning conditions which secure an Operational Statement (pre-commencement) and restrict the number of Vehicle Movements to 14 in and 14 out per day. These conditions are considered to meet the six tests for applying conditions as outlined in the NPPF and as such, officers recommend that they are attached to any permission.

The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

7. 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.

The Council's Drainage Team has not been consulted on the current application, however, did provide comment on application 21/02813/FUL. Given the similarities in the proposals, consultation on the current application was not considered to be required. The Drainage Team raised no objection to the proposals, as the applicant had confirmed that the infiltration trenching would be installed with details previously agreed under the 2010 application. It is considered necessary to re-secure these details as part of this permission via pre-commencement condition to account for any amendments which may be required since 2010.

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 part 14 of the NPPF.

8. CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination.

The proposals will involve the movement of previously imported/placed soils/materials on site for reprofiling and agricultural improvement. Taking into account the volume of materials to be moved, its unknown origin and quality and the sensitivity of its end use, a contamination assessment a materials management plan/soil method statement and verification report will be required. This will need to include the source and chemical quality of the soils for movement/placement to ensure the suitability of the material for its use. These documents will be required in addition to any other environmental permits required by other regulators such as the Environment Agency. The Environment Agency have been consulted on this application but have not provided a response.

It is considered that, in respect of contaminated land, these matters can be secured by way of planning condition, and the proposal is considered to comply with policy PCS5 of the Local Plan Partial Update.

9. TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The proposals will contour the land towards the existing woodland which is comprised of Beech and Oak.

Precautionary measures will be necessary to prevent vehicle movements and soil movement into the root protection area around the perimeter of the wood and to protect other green infrastructure such as hedging which can be secured by way of planning condition.

The proposed woodland planting is supported from an arboricultural perspective and further details of species, numbers and proposed nursery stock can again be secured by way of condition.

The Council's Tree Officer has requested a Signed Certificate of Compliance following completion of works. The Planning Agent has not agreed to this condition and states it is unnecessary as the Arboricultural Method Statement (AMS) condition secures compliance. However, given the historic enforcement issues at the site and the fact the Signed Certificate of Compliance condition secures an Arborist to visit the site and confirm

compliance with the AMS that the condition does pass the six tests in the NPPF. It is not a pre-commencement condition and can be attached to the decision notice without the agreement of the applicant.

As such, subject to conditions, the development is considered to comply with policies NE6 of the Local Plan Partial Update.

10. ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

In the case of major developments, a BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent), by a suitably qualified and/or experienced ecologist. BNG will be secured in perpetuity (at least 30 years) and a management plan will be required detailing how the post-development biodiversity values of the site will be secured, managed and monitored in perpetuity. This application is also required to provide 10% net gain under mandatory legislation as set out in Schedule 7A to the Town and Country Planning 1990 Act and the Environment Act 2021.

The following documents and plans have been submitted in relation to ecology and biodiversity net gain:

- Construction Ecological Management Plan (Grassroots Ecology, December 2024)
- Ecological Impact Assessment (Grassroots Ecology, December 2024)
- BNG Assessment - metric spreadsheet and report
- Landscape Ecological Management Plan (LEMP) ref 118 300 Rev D (Steele Landscape Design, July 2024)

Construction Environmental Management Plan:

The submission of a Construction Environmental Management Plan (CEMP) is welcomed. The Council's Ecologist requested a number of changes to the document including additional site visits from the Ecological Clerk of Works and the reporting of the outcome of initial visits to the Local Planning Authority. The CEMP has been amended in line with comments and the Council's Ecologist has suggested a compliance condition to secure the CEMP.

Biodiversity Net Gain:

The Ecological Impact Assessment includes a biodiversity net gain assessment and is accompanied by a DEFRA metric. The BNG Assessment as originally submitted included land outside the redline boundary and was based on a site wide assessment inclusive of land within the blue land (land outside the application site but owned by the applicant). The Council's Ecologist requested that the baseline BNG plan and BNG assessment be

specific to the red line boundary and consequently revised metrics were submitted splitting out the red line land (the application site) and the blue line land).

The biodiversity net gain for the application site shows a biodiversity net gain in excess of 10% which is compliant with local policy and national legislation. It includes calcareous grassland planting and woodland planting. The standard BNG condition will need to be applied to any permission in line with national legislation.

Lighting:

There is no reference to any anticipated lighting, and it is assumed that no new lighting is proposed. The site is within an ecologically sensitive location which is known to be used by light-sensitive horseshoe bats associated with the Bath and Bradford on Avon Bats Special Area of Conservation. A condition to secure details of any future lighting is therefore recommended.

Ecological Conclusion:

Previous comments from the B&NES Ecologist have been addressed and it is considered that the additional information submitted as part of this application has overcome the reason for refusal in relation to the previous application at the site. Subject to conditions there is no ecological objection.

11. PUBLIC RIGHTS OF WAY

The Parish Council have commented that there is nothing in the application to demonstrate how the Public Right of Way (PROW) will be protected. They note it is not shown on the plans.

Public footpath BA7/1 runs through the proposed development site. The covering letter states that there "will be no disturbance to this route now that the proposed engineering works are restricted to the northern field". The line of the public footpath is not shown on the submitted plans, however having reviewed Council mapping and the site location plan, the case officer agrees with this conclusion. A number of informatives can be attached to the decision notice in regard to the protection of the PROW.

12. PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

CONCLUSION:

"Section 70(2) of the Town and Country Planning Act (1990) makes clear that a Local Planning Authority must have regard to "the provisions of the development plan, so far as material to the application" and "any other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

The existing material on the site is unauthorised and subject to an enforcement notice requiring its removal and that the land is returned to the levels as approved in 2010. The current application presents an alternative solution where some of the material is removed from the site, and the rest is screened and used to re-profile the land. The proposed profile differs from that approved in 2010 but is still considered to be acceptable and would result in a naturalistic landform which respects the rural location. The current scheme is considered to be beneficial in that ecological gains (BNG) can be secured as part of the permission, with ongoing management for a minimum of 30 years in line with national legislation. The permitting of this scheme is therefore considered by officers to be a preferable solution to the removal of all material on the site.

The proposals comply with the development plan as a whole and the application is therefore recommended for permission, subject to conditions.

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 Biodiversity Net Gain Plan (Pre-commencement)

Unless confirmed as exempt, no development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, and a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).
8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.
9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.
10. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

3 Materials Method Statement and Management Plan (Soils and Habitat) (Pre-commencement)

No development shall commence until a Materials Method Statement and Management Plan which demonstrates how the final levels hereby approved will be achieved and shown on plan reference 13046/502/C (received 17th February 2025) has been submitted to and approved in writing by the Local Planning Authority. The Materials Method Statement and Management Plan shall include the following:

1. Full details of methodology and specifications for soils (including granular nature/size, context and type) and habitat creation, with input from an suitably qualified ecologist, which are compatible with the Biodiversity Net Gain Plan;
2. Full details of the material on site and how it is fit for purpose in its current form or how it will be processed on site to ensure suitability;
3. Full details of any topsoil or base soil which may need to be imported to the site to achieve habitat creation or landform (including amount, type, and detailed transportation methodology); and
4. A programme for implementation for processing and the creation of the final levels as approved.

All works shall proceed in complete accordance with the approved Materials Method Statement and Management Plan.

Reason: To ensure that appropriate soils are provided to enable the successful establishment and delivery of suitable habitats that are compatible with the soils and conditions at the site, as well as an appropriate landform in accordance with policies NE2, NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. This condition is a precedence because the composition of the soils needs to be known prior to development in the event that additional material is required to be imported.

4 Landscape Design Proposals (Pre-commencement)

No development beyond slab level shall take place until full details of the soft landscape proposals and a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment, Biodiversity Gain Plan and Ecological Report and shall include:

1. Planting plans;
2. Written specifications (including cultivation and other operations associated with plant and grass establishment);
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities; and
4. A programme for implementation.

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update. This condition is a precedent as the planting specification is required to align with the biodiversity net gain proposals.

5 Operational Statement (Pre-Commencement)

Prior to the commencement of the development, an operational statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the hours of operation of the site, the programme of the export which will not exceed a three-month period from the commencement of the works, provision of wheel washing facilities, measures to prevent dust and debris from being tracked or spilled onto the highway, and the details of the method of monitoring for HGV movements. The development shall thereafter operate in accordance with the approved details.

Reason: To ensure that highway safety is not prejudiced, in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

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

No development shall commence 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. The arboricultural method statement shall include details of the following:

1. A programme of works to include details of supervision and monitoring by an Arboricultural Consultant and the provision of site visit records and certificates of completion to the local planning authority;
2. Measures to control potentially harmful operations such as site preparation (including demolition, clearance, earthworks and level changes), the storage, handling, mixing or burning of materials on the site and the movement of people and machinery throughout the site;
3. The location of any site office, temporary services and welfare facilities;
4. The location of any service runs or soakaway locations;
5. A scaled Tree Protection Plan showing the location of all retained trees and tree protection measures.

No development or other operations shall thereafter take place except in accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update. 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.

7 Flood Risk and Drainage - Surface Water Drainage (Pre-commencement)

No development shall commence, except ground investigations, until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a programme for implementation and clarify the intended future ownership and maintenance provision for all drainage works serving the site.

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

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. This is a condition precedent because it is necessary to understand whether the most appropriate method of drainage prior to any initial construction works which may prejudice the surface water drainage strategy.

8 Arboriculture - Signed Certificate of Compliance (Pre-occupation)

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 Arboriculturalist to the Local Planning Authority within 28 days of completion of all associated works and shall be approved in writing by the Local Planning Authority.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update and to ensure that the approved method statement is complied with for the duration of the development

9 Contaminated Land - Investigation and Risk Assessment (Pre-commencement)

No development shall commence, except for ground investigations and demolition, required to undertake such investigations, until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

10 Contaminated Land - Remediation Scheme (Pre-commencement)

No development shall commence, except for ground investigations and demolition required to undertake such investigations, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition because the initial works comprising the development have the potential to uncover harmful contamination.

11 Contaminated Land - Verification Report (Pre-occupation)

No occupation shall commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with policy PCS5 of the Bath and North East Somerset Local Plan Partial Update and chapter 15 of the National Planning Policy Framework.

12 Ecological Compliance Statement (Pre-occupation)

Within 2 months of commencement of works and again on completion of works, copies of the monitoring records from the approved Construction Ecological Management Plan (CEcMP), produced and based on on-site inspections by a suitably experienced professional ecologist (to include photographs), showing full adherence to and compliance with the approved CEcMP, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the approved Construction Ecological Management Plan, to prevent ecological harm and net loss of biodiversity in accordance with NPPF and policies NE3, NE3 and NE5 of the Bath and North East Somerset Local Plan Partial Update.

13 Implementation of Landscaping Scheme (Bespoke Trigger)

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

Any trees or plants indicated on the approved scheme which, within a period of 30 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 and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

14 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Light spill modelling, in accordance with the standards and best practice guidelines as described in ILP Guidance Note 08/23 "Bats and artificial lighting in the UK", including details of predicted light spill and lux levels within and beyond site boundaries, onto adjacent land and onto boundary vegetation and all ecological habitats and sensitive features within and adjacent to the site, on both vertical and horizontal planes, with details of predicted light levels to also be shown on a plan, and at heights using sections and drawings;
3. details of lighting controls; proposed hours, frequency and duration of use; and details of all measures and features to contain light spill, and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to limit use of lights when not required; and to avoid harm to bat activity and other wildlife.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

15 Construction Ecological Management Plan CEcMP (Compliance)

The development hereby approved shall be carried out only in accordance with the approved CEcMP (Grassroots Ecology, dated December 2024). All measures shall be adhered to, retained, and maintained thereafter for the purposes of Wildlife Conservation.

Reason: To avoid harm to ecology including protected species and to avoid a net loss of biodiversity, in accordance with policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

16 Landscape Ecological Management Plan (Compliance)

The development hereby approved shall be carried out, managed and maintained in accordance with the approved Landscape and Ecological Management Plan (118, 300 Rev D, dated July 2024).

Reason: To avoid a net loss of biodiversity and ensure an appropriate landform is maintained, in accordance with policies NE2, NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

17 Vehicle Movements (Compliance)

Vehicle movements into and out of the approved development application site shall be restricted to a maximum of 14 HGV movements (14 in and 14 out) per day. The applicant shall keep a log of all HGV movements which shall be made available to the Local Planning Authority within 10 working days of receiving such a request.

Reason: To ensure that highway safety is not prejudiced, safe and suitable access is achieved for heavy vehicles, and that no traffic of excessive volume, size or weight is introduced onto an unsuitable road system or into an environmentally sensitive area in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

18 Contaminated Land - Unexpected Contamination (Compliance)

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

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

19 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

13046/500 Rev C Boundary Plan - 17th February 2025

13046/502 Rev C Site Plan - 17th February 2025

13046/503 Rev C Site Sections - 17th February 2025

118 200 Rev D Landscape Plan - 25th February 2025

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Biodiversity Net Gain - Standard Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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.

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

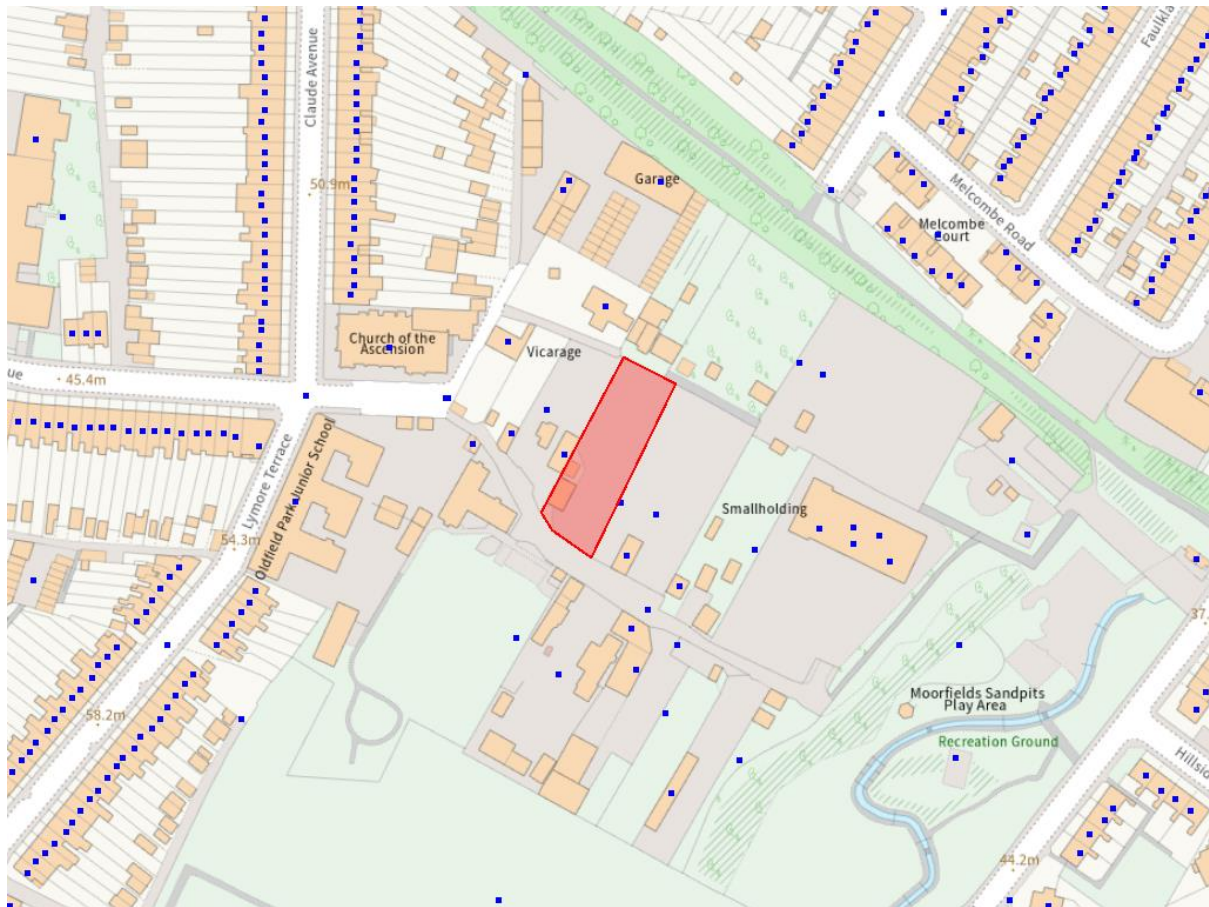
Responding to Climate Change (Informative):

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

Public Rights of Way

1. There must be no effect to the surface, line, width or gradient of the footpath during or after construction.
2. The public footpath must remain available and unobstructed at all times. If crops are planted, the definitive line of the footpath must be kept clear at all times. The definitive line of the footpath is shown on the plan attached and is a width of 3.5 metres between points A and B and a width of 2 metres between points B and C.
3. The PROW Team requests that the Applicant has a site meeting with Tim Haynes, PROW Inspector, prior to approval of this application. Please contact Tim on 01225 477649.

Item No: 02
Application No: 23/03975/FUL
Site Location: Plots 25 And 26 The Smallholdings Claude Avenue Twerton Bath



Ward: Southdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Paul Crossley Councillor Dine Romero
Application Type: Full Application
Proposal: Erection of new commercial buildings.
Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, SSSI - Impact Risk Zones,
Applicant: Ms Abigail Stokes
Expiry Date: 25th January 2025
Case Officer: Samantha Mason
To view the case click on the link [here](#).

REPORT

Reason for Committee:

The Local Ward Cllr has requested that the application be brought to planning committee if the officer is minded to permit. In this case the officer is minded to permit, as such, the application was recommended to the Chair and Vice Chair in accordance with the Scheme of Delegation. The Chair recommended the application be heard at committee, the Vice Chair concurred. In their decision the Chair stated 'In light of the intensification of the use of this site accessed via an unadopted road in close proximity to a primary school and the Brickfields playground and the concerns of the ward member, it is considered that this proposal should be scrutinised in more detail by the Committee to fully understand the impacts and review the scope for conditions'.

Site:

The application refers to a site is located in the Twerton, close to Oldfield Park Junior School and the Church of The Ascension. It appears the wider site is known as the Smallholdings. The site is within the World Heritage Site.

Planning permission is sought for the erection of new commercial buildings.

Relevant Planning History:

AP - 12/00110/RF - ALLOW - 9 May 2013 - Erection of saw building (Resubmission)

DC - 03/01016/REN - PERMIT - 19 August 2003 - Retention of existing builders yard and associated buildings (Plots 23 and 24)

DC - 03/02559/CLEU - RF - 8 February 2008 - Use of land for storage of masonry products (use class B8) certificate of lawful existing use on Plots 29, 30 and 31 rear of the Ascension Church

DC - 08/04184/CLEU - LAWFUL - 6 January 2009 - Use of land for storage of masonry products (use class B8) and use of part of the land for parking on Plots 29, 30 and 31 (Certificate of Lawful Existing Use) (Resubmission)

DC - 11/00898/FUL - PERMIT - 25 May 2011 - Erection of an extension to existing storage building to provide new office accommodation and additional storage and erection of a new storage building (Bath Scaffolding).

DC - 12/01350/FUL - RF - 21 May 2012 - Erection of saw building (Resubmission)

DC - 21/05057/FUL - PERMIT - 28 July 2022 - Change of use from scaffold offices and associated storage (Sui Generis) to gymnasium (Use Class E) for temporary 18 month period.

DC - 21/05354/FUL - PERMIT - 24 February 2022 - Erection of commercial building (Class E).

DC - 22/03365/COND - DISCHG - 19 October 2022 - Discharge of condition 3 of application 21/05057/FUL (Change of use from scaffold offices and associated storage (Sui Generis) to gymnasium (Use Class E) for temporary 18 month period.)

DC - 98/01066/TEL - RF - 7 January 1999 - Erection of 15m high monopole with integrated aerials and dish antenna together with equipment cabin

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

DRAINAGE AND FLOODING:

20th Nov 2023: Further information required.

3rd July 2024: The drainage and flooding team require more information on this proposal. The outline drainage strategy document indicates that soakaways will not work at this location and that attenuation drainage system has been designed to accommodate the surface water flows. However the outline drainage strategy drawing indicates the outfall is to a Wessex Water sewer, but it is unclear which public sewer this is. This will need to be shown on the drawing. It is also noted that there is correspondence from Wessex water indicating that no surface water will be allowed from this development in to the public foul sewer.

31st Jan 2025: No objection subject to conditions

ENVIRONMENTAL PROTECTION:

15 Nov 2023: No objection subject to conditions

HIGHWAYS:

20th Nov 2023: Scope for revision. Transport Development Management (TDM) requests that the applicant be afforded the opportunity to provide a revised and updated submission to inform the planning application, in relation to a number of areas including the proposed access arrangements, traffic impact, internal layout and interaction with the existing masonry business which will be located adjacent to the proposed development. The proposals will result in the new development taking access from and intensifying an existing Public Right of Way (PROW) - ref. BC33/4. As such TDM requests that the B&NES PROW team are consulted as part of this application.

22 Dec 23: Further information still required.

13th Feb 24: Some further information still required.

7th March 2024: No objection subject to conditions.

Representations Received :

CLLR DINE RAMEO: I would still like to object to this use since I suspect approval will increase traffic movements along the unadapted lane from Claude Avenue, which runs alongside Oldfield Park Junior School, which may lead to further use of the improved but not approved access which has been created behind the Sandpits. Both lanes are well used by children and families going to school, as well as OPJS, many use the lanes to get to St John's primary and Moorlands Infants and Junior schools. I would therefore ask that

this application is brought before the planning committee to make the decision if you are minded to approve it. If you are minded to approve would it be possible to put in conditions limiting hours of access via the Claude Avenue lane, plus remove all access from Monksdale Lane.

One objection comment has been received, the following is a summary of the points raised:

- Address point incorrect
- Context elevations not provided
- Pollution concerns
- Height and scale concerns
- Conditions to control use and operating hours required
- Impact to setting of listed buildings
- Increase in traffic movements
- Highways safety concerns
- Proposed trees incorrect species
- Impact to bats
- Intensification of site
- Incompatible with school and housing

POLICIES/LEGISLATION

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

B4: The World Heritage Site and its setting

CP5: Flood risk management

CP6: Environmental quality

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:

B1: Bath spatial strategy

BD1: Bath design policy

D1: General urban design principles

D2: Local character and distinctiveness

D3: Urban fabric
D4: Streets and spaces
D5: Building design
D6: Amenity
D7: Infill and backland development
HE1: Historic environment
PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air quality
SCR2: Roof-mounted/ building integrated scale solar PV

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

D8: Lighting
ED2A: Strategic and other primary industrial estates
ED2B: Non-strategic industrial premises
NE3: Sites, species, and habitats
NE3a: Biodiversity net gain
PC55: Contamination
SCR7: Sustainable construction policy for new build non-residential buildings
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant in the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)
Transport and Development Supplementary Planning Document (January 2023)
The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

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

PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

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 use
- Residential amenity
- Highways safety and parking
- Design, character and appearance
- Heritage
- Drainage and flooding
- Ecology
- Sustainable Construction
- Public Sector Equality Duty

PRINCIPLE OF USE:

The application site comprises land which forms part of a small industrial area known as The Smallholdings. The application site covers an area of approximately 0.14 hectares and forms part of a yard for an existing stone masonry business. The proposal is for the erection of one building creating 5 small workshops to be rented out for light industrial use (use class E(g)(iii)) to local businesses.

Policy ED2b of the Local Plan Partial Updates has regard to non-strategic industrial premises its states that 'Proposals for the uses listed in ED2a will be acceptable in-principle at sites already occupied by smaller clusters and stand-alone industrial premises provided that this would not cause unacceptable environmental, residential amenity or highways problems'. The uses listed as being acceptable at ED2a are light industrial, heavy industrial, warehousing (classes E(g)(iii), B2, B8), and builders merchants.

This part of the site is understood to been used mainly for storage of stone and equipment and is not an 'operational' part of the site, essentially the site is underused, and the storage can be condensed to the remaining stone yard leaving space for the proposal in the west of the site. Two small storage buildings will be removed to accommodate the proposed building. The proposed building will then form 5 new units to be used and accessed independently of the stone yard for light industrial purposes.

The addition of 5 small units in this location would result in the creation of jobs. It is noted that in the preamble to policy ED2a and ED2b it states that due to the chronic shortage of industrial space within the Bath City area, all existing industrial sites including small sites play an important role to Bath remaining a fully functioning economy.

Given the existing use at the site is a masonry business, additional light industrial is acceptable in principle here where this would not cause environmental, residential amenity

or highways problems. These matters are further discussed in turn below, along with the other relevant material considerations.

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.

The site is set within an established industrial area that is located within a residential ward of the district. There are industrial units either side of the site. To the south is a car park and scrub land, to the north are further industrial units followed by allotments. Further to the east is Sandpits playground and further to the west is Oldfield Junior School and the Church of Ascension.

The site is in close proximity to The Ascension Church Vicarage 35a which is a dwellinghouse and Ascension Bungalow 35C, another dwellinghouse, although it is understood from the site visit that one of these dwellings is currently vacant. Nevertheless, they are dwellinghouses and could be occupied again in such a use in the near future. The next nearest dwellings are those located along Claude Avenue and Lymore Terrace.

The Environmental Protection Team have been consulted. They have raised no objection to the scheme in principle, however given the location and nearby dwellings they suggested it appropriate to control operational hours and noise levels via condition.

Only one objection comments has been received from a third party and this does not directly raise residential amenity issues although they call for the use of conditions to control use and operating hours, which is considered appropriate.

The units themselves are proposed to face into the site and would be around 6.6m at their highest point. It is considered that given the location and scale the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, or loss of privacy.

The proposal accords with policy D6 of the Placemaking Plan and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users.

The planning application is seeking approval for the construction of a commercial / industrial building of circa 500sqm. The proposed development will be separate to the existing masonry business and rented out to other occupiers under this land use. The application site currently contains two buildings which are stated to be "little used" by the business and as such will be demolished to accommodate the new development.

Access Arrangements

Access to the application site is proposed via an unadopted road referred to as the "Old Track" which in turn connects to the adopted highway network at the junction between Lynmore Avenue, Lynmore Terrance and Claude Avenue to the west.

Transport Development Management (TDM) were consulted on the application. TDM offer no objection to the principle of access via an unadopted highway. However, concerns were raised regarding the possible intensification of vehicular traffic using The Old Track, in relation to highway and pedestrian safety. It was requested that a plan was provided to show the ability of vehicles turning within the red line boundary of the site. The revised submitted plan, LPC 5658 SWEPT PATH ANALYSIS REV B, provides details regarding the turning capabilities of a refuse vehicle within the red line boundary of the site. This alleviates the previous concerns and does not pose an issue to the proposed parking arrangements within the site. TDM are satisfied that although the red line boundary does not extend to the nearest highway, this aspect does not compromise the turning arrangements within the site.

Trip Generation & Highway Impact Considerations

TDM previously requested clarification regarding the likely type, number and frequency of vehicles expected to be associated with the proposed development. The agent's response in an email (dated 27/01/24) to TDM states, that the likely vehicle type would be cars and small vans, together with the occasional flat bed. The anticipated trip generation has been submitted within the Transport Report; stating the 5 units will receive 2 deliveries per day, with staff movements taken into consideration, the likely trips would equate to around 20 daily movements a day. This document also states that peak hour movements for similar employment sites are generally outside of peak school times and would likely avoid conflict with the nearby school. There has been no existing trip information provided for the site, but it is noted that the submitted email states that there would be no material change to the cumulative impacts on the access road. Given the turning arrangements have been shown to be able to take place within the site this would not affect movements along the road. Overall, based on the additional information provide, TDM have not raised objections to the highways impact of the additional 20 daily movements.

Local Ward Cllr Dine Romero has commented on the scheme questioning 'If you are minded to approve would it be possible to put in conditions limiting hours of access via the Claude Avenue lane, plus remove all access from Monksdale Lane'. Given the access arrangements and additional movements at the site have been found acceptable it is not considered necessary to add such a condition. The NPPF states that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. In this case the requested conditions are not considered to meet the test for applying such conditions and as such will not be included.

Public Right of Way:

Public footpath BC33/4 (the "Old Track") runs along the access track leading to the proposed development site.

The Public Rights of Way (PROW) team have been consulted on the application. The PROW Team had concerns about the potential increase in the number of vehicles using

the public footpath, however they note that Transport Development Management has addressed these issues in their response to the Application. This is addressed in the section above, to reiterate there is likely to be around 20 additional movements a day mostly outside of peak times, which is not considered to result in a significant material change to the existing situation.

The PROW team have raised no objection to the application subject to conditions. In this case the conditions recommended relate to the PROW process which is separate to planning permission. It is for the applicant to demonstrate they have a right of access along the unadopted road, this is a civil matter. The authority maintains the PROW to a standard suitable for pedestrians, any damage must be repaired by the persons responsible. In addition, the PROW team have stated that if the proposed works require a temporary closure permission will be required from the PROW team.

Vehicle Parking

Vehicle parking should be provided in accordance with adopted vehicle parking standards, as outlined in the B&NES Transport and Development Supplementary Planning Document (SPD). The proposed development is located in Zone B of the Parking Standards Zones, which requires a development commercial / industrial premises under Use Class E(g) to provide no more than one parking space per 100sqm of development. This equates to 5 spaces on the basis of the proposed development.

The submitted 'Block Plan' demonstrates that six parking spaces are to be provided. This equates to one space above the maximum permitted by the parking standards. However, in this instance TDM recognises that provision of one additional parking space is unlikely to promote unnecessary car usage, nor is it likely to present excessive car dominance within the built environment. Furthermore, in practice it is acknowledged that this will reduce the opportunity for parking on the Old Track which is not considered to be suitable as it would likely contribute to haphazard, informal or inconsiderate parking behaviours and their associated effects. As such, the provision of parking as shown is not considered to be contrary to Policy ST7 of the LPPU.

The T&D SPD also provides standards for Ultra-Low Emission Vehicle (ULEV) charging infrastructure, requiring non-residential development providing between 1 and 30 spaces to provide 10% of those spaces with active ULEV charging facilities, and 50% of the remaining spaces with passive ULEV charging facilities. On this basis, one of the proposed parking spaces should have active ULEV charging, and three of the remaining spaces should have passive ULEV charging. No ULEV charging has been shown on the submitted plans, nevertheless this can be conditioned in this instance.

Bicycle Parking

Bicycle parking should be provided in accordance with adopted parking standards, as outlined in the B&NES T&D SPD, which requires commercial / industrial premises under Use Class E(g) to provide at least two spaces per 100sqm for long-stay parking, and one space per 500sqm for short-stay parking. On this basis, the proposed development should provide 10 long-stay spaces and 1 short-stay space.

The submitted plan shows a suitable cycle storage facility to accommodate 12 bicycles, without compromise to the parking or access of the site, accepted by TDM.

Construction Management Plan

Owing to the sensitivity of the local highway network, TDM request that a Construction Management Plan be secured by way of planning condition as part of any future planning consent for this site. This will be included within the recommendation.

Highways conclusion:

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document, and part 9 of the NPPF.

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. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout.

The application site covers an area of approximately 0.14 hectares. The proposal is sited in an existing yard that forms part of a wider industrial estate. On the ground the context of the development is industrial. The area of hardstanding in front of the building would be used for parking and turning purposes with new planting to the north of the site. The proposed layout is considered acceptable.

The application redevelopment replaces two buildings within the yard which are currently little used. The two buildings are small scale and their condition is unkempt. Removal of these building is acceptable.

The development would involve the construction of a building with a gross footprint of circa 499m². The new building will create 5no. new small workshop premise with a roller shutter high door and separate pedestrian door and ground floor window to the front elevation. To the ridge the building will be 6.5m high, the building will have a dual pitched roof, the eaves are 5.5m high. A mono-pitched end lean-to will provide a communal store for waste storage. The proposed new building will be of an appropriate scale and layout and is not considered overdevelopment of the site.

The building would be constructed using profiled powder coated grey aluminium sheeting to the walls and roof of the steel framed new building. 10 % of the roof sheeting will include translucent panels to allow for daylight ingress and segmented metal roller doors. The proposed new building will be of an appropriate appearance given the proposed use and context of the site.

Overall, it is considered that the general design, siting, scale, massing, and layout of the proposal is acceptable. However, at application stage more detail should be submitted in terms of materials. Additionally details on plans such as scale bars and north arrows are also required.

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 proposed development is within two World Heritage Sites and therefore consideration must be given to the effect the proposal might have on the settings of these World Heritage Sites.

In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site.

The site is not within the Bath Conservation Area and is some distance from its setting.

The site is in close proximity to two Grade II listed buildings: the church of Ascension and Oldfield park junior School. The site is approximately 50m away. The general setting of these listed buildings is of developed urban area, including residential unit, roads, parking and playgrounds. The site is not in the immediate setting of the listed buildings but given the existing use as a stone yard and the proposed use as covered units, it is considered that the scheme would somewhat enhance the visual amenity of the site and therefore would not impact negatively on the setting of these heritage assets.

The proposal accords with policy B4 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

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.

Policy SU1 states that for both major development (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100 year+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff.

The Drainage and Flooding Team were consulted on this application. They advised that British Geological Survey Infiltration Mapping indicates that the ground at this location is likely to be poorly draining. Infiltration testing in accordance with BRE Digest 365 was

therefore required to confirm the viability of soakaways and to inform the design which is to accommodate the critical 1in100+45% storm event without flooding.

An initial submitted outline drainage strategy was received during the course of the application. The outline drainage strategy drawing indicated the outfall was to a Wessex Water sewer. The Drainage and Flooding team required further information.

Following several rounds of consultation and following investigation works completed on 15th January 2025 comprising in situ soakaway testing in a trial pit (designated TP01) in accordance with the methods described in BRE Digest 365 further infiltration testing results were submitted to the local planning authority.

The conclusions of the testing were that based on the ground conditions encountered at the site and results of in situ testing, infiltration drainage is considered suitable. The Drainage and flooding team were once again consulted and are satisfied with the results of the testing, removing their objection recommending conditions for a detailed drainage strategy to be submitted prior to commencement.

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 part 14 of the NPPF.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

Given the current use of the site as a masonry storage yard (with significant hardstanding) and from the site visit it was clear that there was limited if any levels of biodiversity on site and therefore will not result in a net loss of units. The proposal would be considered exempt under the BNG regulations. Nevertheless, in this instance the proposal includes Field Maples to be planted to the value of 0.2238 habitat units which in this case is a net gain.

A third party has raised concerns in regard to impacts as bats, the site is already in operation as a industrial unit and will continue to be in light industrial use nevertheless a condition will be imposed to control an new external lighting.

The proposal is considered to accord with the ecology policies of the development plan.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR7 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Non-Residential Development. This only applies to major development however and this scheme is not defined as major development.

PUBLIC SECTOR EQUALITIES DUTY:

The Public Sector Equalities Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposal does not raise any particular concern in respect of those people with protected characteristics.

CONCLUSION:

The proposal would result in additional, much needed industrial space within the city of Bath and would result in the creation of jobs, the proposal is acceptable in principle. The proposal is also found to accord with the other relevant planning policies as outlined above and the proposal is recommended for permission.

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 Use (Compliance)

The units hereby permitted shall be for use as light industrial, heavy industrial, warehousing (classes E(g)(iii), B2, B8), and/or builders merchants.

Reason: these are the uses acceptable in principle in accordance with Policy ED2B of the Local Plan Partial Update

3 Turning Space (Pre-occupation)

No occupation of the development shall commence until the turning space shown on drawing number LPC 5658 SWEPT PATH ANALYSIS REV B, has been completed in accordance with the approved details. The turning space shall be kept clear of obstruction and available for use as a turning space at all times.

Reason: To ensure that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

4 Parking (Pre-occupation)

No occupation of the development shall commence until 6 parking spaces have been provided on-site and should be retained permanently thereafter.

Reason: To ensure an appropriate level of on-site parking is provided in the interests of highway operation and / or safety in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document

5 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 12 bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: In the interest of enabling cycling as genuine choice of travel mode, in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

6 Drainage Strategy (Pre-Commencement)

No development shall commence, except ground investigations and remediation, until a detailed drainage design based on the outline drainage strategy has been submitted and approved. This design will need to demonstrate that that surface water will be managed within the site using sustainable drainage principles so as to prevent any increase in onsite or offsite flood risk. If the proposed soakaway is in a different location to the trial pit, then a repeat infiltration test will be required (at the location and depth of the proposed soakaway). The design is to include plans, structure details and calculations demonstrating performance of the system at the critical 1:100+45 %climate change event (no flooding). The submission also needs to demonstrate how the proposed drainage system will be maintained to perform to the design standard for the life of the development. The soakaways or other approved method of surface water drainage shall 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.

7 Hours of use and hours of delivery (Compliance)

The hereby approved use shall only be used for the approved use (including deliveries) between the hours of 07.30 and 18.00hrs on Mondays to Fridays and 07.30hrs and 13.00hrs on Saturdays and at no times on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of local residents in accordance with policy D6 of the Bath and North East Somerset Local Plan Partial Update.

8 Noise impact assessment (Pre-Commencement)

Prior to commencement of development, a detailed noise assessment must be submitted to and approved by the Local Planning Authority. This would require a noise survey in accordance with British Standard 4142: Methods for rating and assessing industrial and commercial sound. The assessment is to review existing background noise and to model the proposed noise from the development, to set a noise limit criteria that is achievable.

Reason: In order to protect the amenity of local residents in accordance with policy D6 of the Bath and North East Somerset Local Plan Partial Update.

9 Lighting scheme (Pre-Commencement)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

Reason: In order to protect the amenity of local residents in accordance with policy D6 of the Bath and North East Somerset Local Plan Partial Update and to avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

10 Construction Management Plan (Pre-Commencement)

Prior to commencement of development, a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.

Reason: In order to protect the amenity of local residents in accordance with policy D6 of the Bath and North East Somerset Local Plan Partial Update.

11 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

| | |
|-------------|---|
| 20 Oct 2023 | LOCATION PLAN |
| 19 Dec 2023 | LPC 5658 BUILDINGS TO BE DEMOLISHED AS EXISTING |
| 19 Dec 2023 | LPC 5658 EXISTING BLOCK PLAN |
| 25 Oct 2023 | LPC 5658 PROPOSED PLANS & ELEVATIONS |
| 27 Feb 2024 | LPC 5658 REV B SWEPH PATH ANALYSIS |
| 27 Feb 2024 | LPC 5658 REV A EXISTING AND PROPOSED BLOCK PLAN |

Condition Categories

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

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

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

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

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

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

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

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

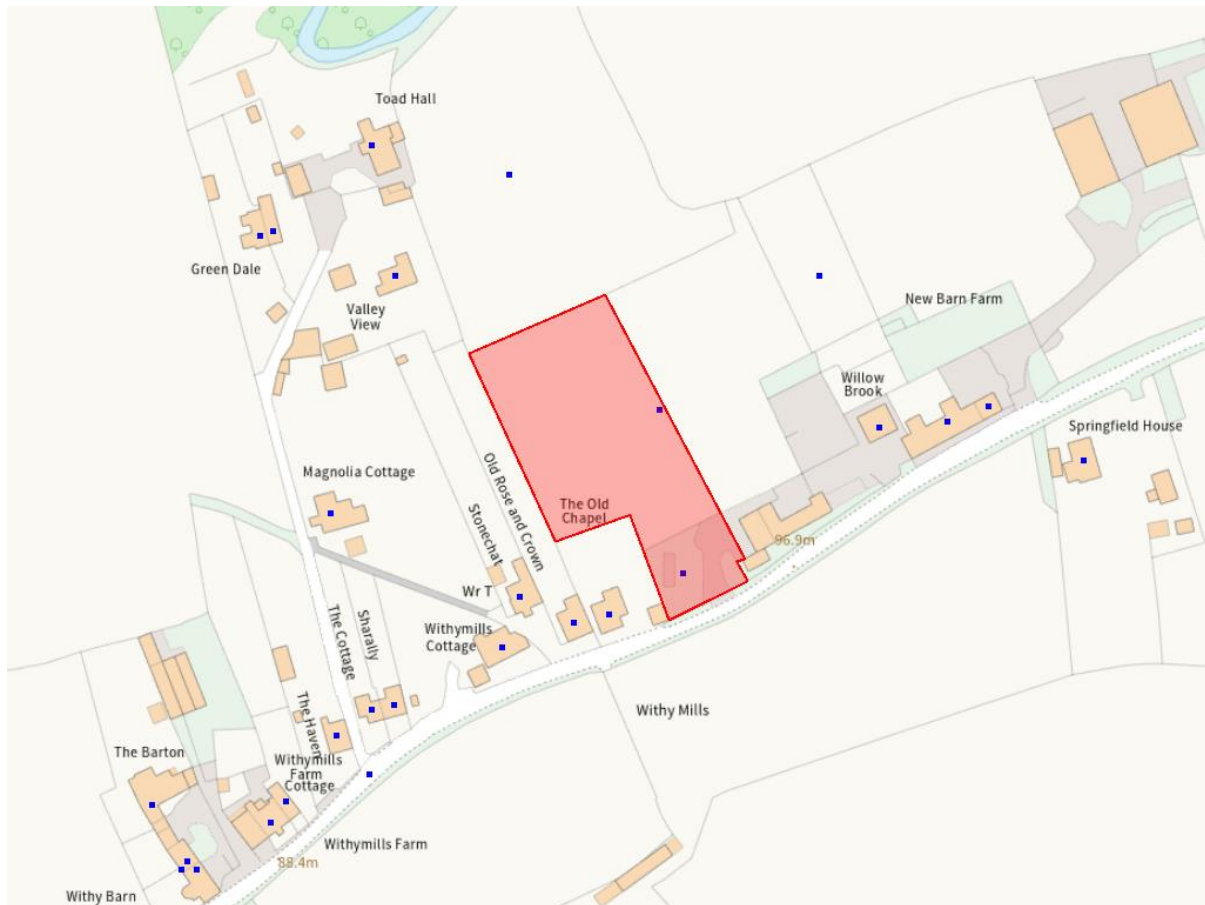
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

Responding to Climate Change (Informative):

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

Item No: 03
Application No: 24/01294/FUL
Site Location: Barnlea Withy Mills Paulton Bristol Bath And North East Somerset



Ward: Paulton **Parish:** Paulton **LB Grade:** N/A
Ward Members: Councillor Liz Hardman Councillor Grant Johnson
Application Type: Full Application
Proposal: Erection of 4x agricultural buildings (Retrospective).
Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Policy NE3 SNCI 200m Buffer, NRN Grassland Strategic Netwo Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant: Mr Jose Macedo
Expiry Date: 12th June 2024
Case Officer: Sam Grant
To view the case click on the link [here](#).

REPORT

The application refers to a parcel of land known as Barnlea, Withy Mills, Paulton, Bristol, Bath And North East Somerset, BS39 7PT

Planning permission is sought for the erection of 4 agricultural buildings. (Retrospective)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Paulton Parish Council would like to submit their objection to the above planning application for the following reasons:

- There are concerns that elements were missing or inaccurate in the application. Not enough evidence for business plan to warrant these buildings
- Concerns that the access from the highway has been altered and is making it unsafe. It is also outside the development boundary.
- There is no evidence the buildings were originally on the site.
- Enforcement action should be taken.

3 Objection comments have been received. These are summarised below;

- Applicant wishes to keep the wood cabin in its current status
- The structures are clearly not temporary
- One of the structures is being lived in by the applicant
- No details for septic system
- Field shelter height makes it very visible from the Old Chapel
- Not in keeping with the agricultural buildings in the area
- Applicant has employed aggressive planting of fast growing shrubs and trees, without consulting neighbours
- The size of the building is disproportionate to the size of the holding and proposed activity
- Application could cause an impact in highway safety
- Building erected are not in compliance with building regulations
- Application not in accordance with policies regarding rural development
- Access changes
- Lack of parking
- No business plan has been submitted with the application
- Land has been in equestrian use
- Site area has increased
- Site does not benefit from permitted development rights
- No details for the provision of animal waste
- Site was developed without planning permission
- Site could attract vermin
- Proposal is not policy compliant

Cllr Liz Hardman:

I would like the following planning application 24/02394/FUL to be brought before the B&NES Planning Committee.

Paulton Parish Council has objected to this and to previous applications made by the applicant.

The applicant has put forward a plan for 4 agricultural buildings. Currently, there is little agricultural activity on the site, so there is no argument for these buildings being necessary.

One of the buildings is a wooden cabin, complete with all utilities, electricity and water.

No argument has been put forward as to why this building is needed. It is clearly for residential use. Despite this cabin being objected to, the application bears no mention as to its demise in this latest planning application.

This is introducing a residential building under circumstances which are not acceptable.

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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

CP8: Green Belt

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:

B1: Bath Spatial Strategy

BD1: Bath Design Policy

D1: General urban design principles

D2: Local character and distinctiveness

D5: Building design

D6: Amenity

RE2: Agricultural development

RE5: Agricultural land

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy

CP1: Retrofitting Existing Buildings

NE2: Conserving and enhancing the landscape and landscape character

NE3: Sites, species, and habitats

NE3a: Biodiversity Net Gain

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) 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 ENFORCEMENT STATUS

On the 25th August 2024, the Council served a planning enforcement notice for the change of use of land from agricultural to a mixed use consisting of agriculture and residential use. This notice required the cessation of the residential use of the land and the removal of the day to day living facilities (specifically the cooker/hob, bath and bed) within 6 months of the it came into effect (03.10.2024). As this notice was not appealed, it is now in effect.

As at the time the service of the enforcement notice there was an active planning application for the retention of the buildings on site, it was determined that the notice should only require the cessation of the residential use and not the removal of the buildings on site, as they are subject to this planning application.

PRINCIPLE OF DEVELOPMENT

Third party comments on this application have stated prior to the applicant buying the land, it was in equestrian use. The case officer has visited the site on a number of

occasions and it is clear from the activity taking place on the land, it is now within an agricultural use. The change of use from any use to agricultural is not considered development and therefore does not require planning permission from the local planning authority.

Policy RE2 of the Placemaking Plan Agricultural development (including; the erection of new agricultural buildings) will be permitted providing the following criteria is met:

- a) There are no unacceptable environmental and/or health impacts which cannot be adequately mitigated;
- b) Adequate provision for the storage and disposal of animal waste is provided; and
- c) The proposed development is commensurate with the agricultural activities on the site.

Each of the above will be address in turn below;

- a) There are no unacceptable environmental and/or health impacts which cannot be adequately mitigated;

It is considered, given the small-scale development, the retention of the four buildings on site would not result in an unacceptable environmental and/or health impacts to the surrounding environment or neighbouring properties. While at present, none of the buildings are used to house animals, they could be used for this purpose in the future, but given their small scale, it is considered any future impact, would also be negligible. Third party comments have raised the issue of the potential increase in pests (such as rodents) this development could cause, however this would be a matter for the Council's Environmental Protection team should the issue arise. It should also be noted that the land could be used for the grazing or raising of animals without the buildings proposed by this application ot requiring planning permission.

- b) Adequate provision for the storage and disposal of animal waste is provided;

Given the small scale of the buildings subject to this application, it is considered that any animal waste produced by livestock inside of the buildings would of a minimum level and could be stored and potentially disposed of within the site.

- c) The proposed development is commensurate with the agricultural activities on the site.

At the time of the officers last site visit (July 2024) the applicant had at least 2 Sheep and 2 Turkeys and a number of Geese and Chickens. Given this and the vegetable growing taking place on the land, the 4 small scale agricultural buildings (one of which is a lean to) are considered commensurate to the agricultural activities taking place on the land.

Third party comments on the application have raised that no formal agricultural assessment has been submitted and that the business is not viable. It should be noted that the above policy does not require any such assessment to be submitted and also does not require a business to be "financially viable", it requires the buildings to be in line with and of a scale that matches the agricultural activities that are taking/or will be taking place on the land. In this instance, it is considered that the scale of the buildings are commensurate with the level of agricultural activities taking place.

Some concerns have been raised that the agricultural activity on the site is not a viable business and will only continue for a relatively short time period, therefore leading to the buildings subject to this application redundant. In order to address this, a condition will be attached to this permission that if the agricultural use within the unit permanently ceases within 10 years from the date of the determination of this application; and planning permission has not been granted on an application for an alternative use, then, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place.

For the reasons set out above, it is considered that the development is acceptable in principle and compliant with Policy RE2 of the BANES Placemaking Plan.

DESIGN, CHARACTER, APPEARANCE AND LANDSCAPE

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.

The four buildings proposed to be retained by this planning application are; A timber sided storage building, a large timber framed plastic covered greenhouse a timber lean to and chicken coup.

The existing character of the site is distinctly agricultural being a rural field located in a small hamlet that mainly consists of ribbon development along the northern site of Bath Road.

The materials and design of the proposed buildings, although they all consist of differing materials and designs (something not uncommon on agricultural land given the different uses for buildings), are considered to be agricultural in nature and would not out of character with the surrounding area and the site itself.

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape.

The application site slopes from Bath Road to the south and down to Cam Brook to the North. It is not readily visible to users of Bath Road and in winter months, it might be distantly visible from the Public Right of Way that runs along the route of the old Somerset Coal Canal.

Given the lack of public view points and the with the buildings subject to this application being of single storey, small scale, agricultural in design and located towards the boundaries of the site, it is considered 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 Core Strategy, policies D1, D2, D3, and D5 of the Placemaking Plan, Policy NE2 of the Local Plan Partial Update 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.

Of the four buildings proposed by this application, one is located within 2.8 metres of the boundary of the residential garden of the dwelling known as The Old Rose & Crown. The Boundary between the application site and this property is a well-established hedge line containing several mature trees, that screen the building to some extent. It is recognised that during the winter months, due to the leaf loss of the trees, the building will be somewhat visible from the neighbouring property. However, given the design of the proposed building (a four post, open sided shelter), it is not considered to have an overbearing impact on the neighbouring property.

With regards to noise and smell, it is considered that these buildings could facilitate an increase in the agricultural activity on the site, and this could result in an increase in the noise and smell emitted by the site. However, given the scale of the buildings proposed to be retained it is considered that any increase would only be marginal and would not result in an unacceptable impact on the amenity of the neighbouring properties. If an increase of noise and smell does cause a nuisance, this can be investigated by the Councils Environmental Protection Team.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

A number of third party comments and objections to this application were regarding the safety of the access to the site and past alterations to it. From a search of street photography, an access from Bath Road onto the site since at least 2009.

This application is proposing the retention 4 small agricultural buildings on the site and does not include the access or any alterations to it, in addition, it is not considered that the building on site will result in a material difference to the traffic movements to and from the site. As such, the safety concerns raised by the 3rd party comments cannot be considered as part of this application. As the safety of the access has been raised, the case officer has referred the objectors concerns to the Councils highways department for further investigation.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

In the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

The applicant has submitted a completed version of the DEFRA Small Sites Metric that shows a percentage increase of 12.5% in habitat units and 485% in hedgerow units. This is well in excess of the figure stipulated by Policy NE3a and is considered acceptable.

The BNG enhancements are shown on submitted landscape plan and consist of new tree planting and the planting of new hedgerows. The implementation and retention of the BNG enhancements will be secured by condition.

As discussed above, given BNG increase, it is considered that this proposal is compliant with Policy NE3a of the Local Plan Partial Update 2023

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the submitted Landscape plan dated 16th November 2024. The works shall be carried out by the end of the next planting season after the date of this decision.

Any trees or plants indicated on the approved scheme which, within a period of 30 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 and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

2 Cease of Agricultural use (Compliance)

If the use of the building for the purposes of Agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed then, within six months from the date on which the agricultural use ceased the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing with the local planning authority.

Reason: To ensure the proposal complies Policy RA2 of the Placemaking Plan for Bath and North East Somerset (2017).

3 Plans List (Compliance)

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

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

PLANS LIST:

This Decision relates to the following plans:

Drawing 08 Apr 2024 FIELD SHELTER ELEVATIONS - ISOMETRIC VIEW
Drawing 08 Apr 2024 FIELD SHELTER FLOOR PLAN
Drawing 08 Apr 2024 GREENHOUSE ELEVATIONS AND ISOMETRIC VIEW
Drawing 08 Apr 2024 GREENHOUSE FLOOR PLAN
Drawing 08 Apr 2024 SITE PLAN
Drawing 08 Apr 2024 WOOD CABIN ELEVATIONS AND ISOMETRIC VIEW
Drawing 01 Nov 2024 CHICKEN COOP MOBILE CONTAINER
Drawing 16 Nov 2024 LANDSCAPING PLAN
Revised Drawing 06 Jun 2024 WOOD CABIN FLOOR PLAN
OS Extract 08 Apr 2024 LOCATION PLAN

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.

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

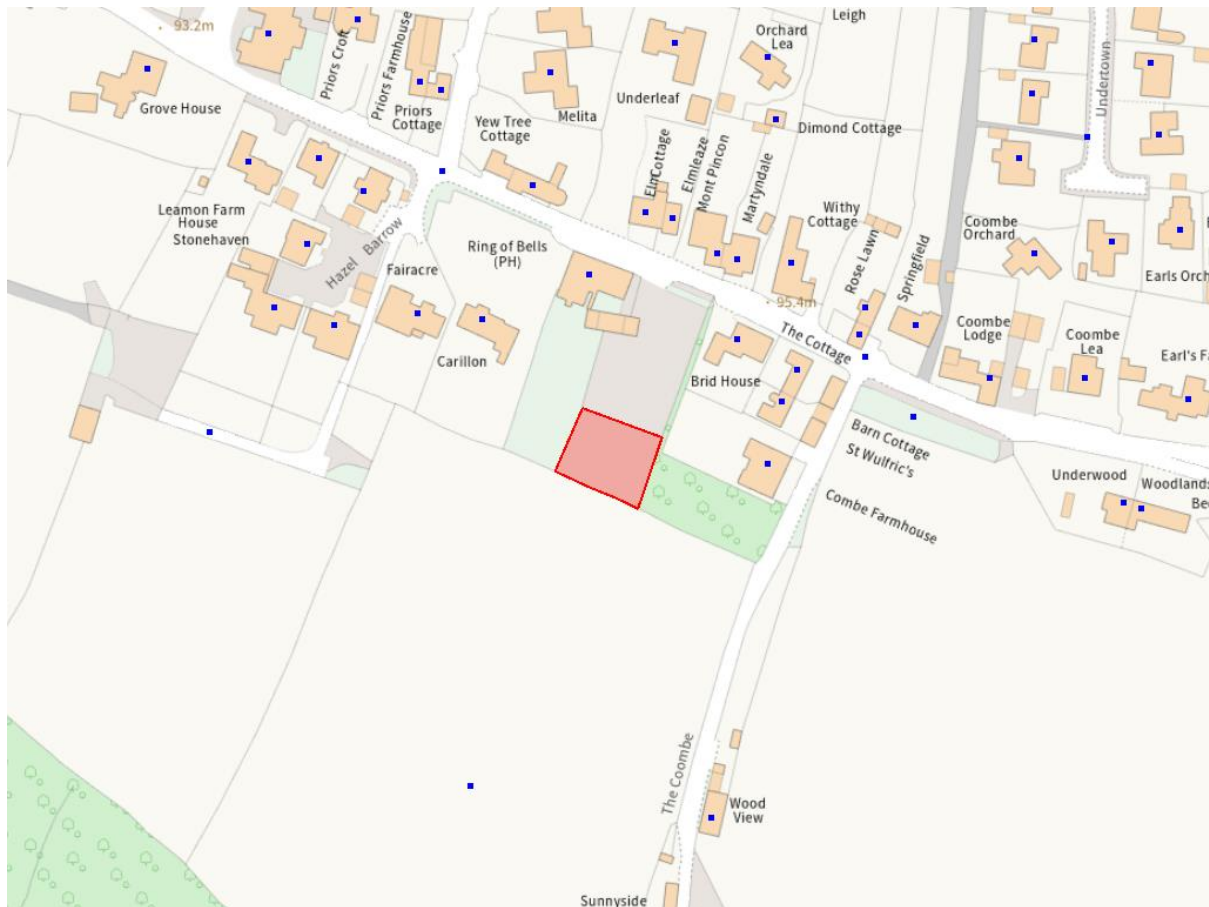
Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

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.

Item No: 04
Application No: 24/02599/FUL
Site Location: Ring Of Bells The Street Compton Martin Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Compton Martin **LB Grade:** N/A
Ward Members: Councillor Anna Box Councillor Dave Harding
Application Type: Full Application
Proposal: Installation of 6no. shepherd's huts for guest accommodation.
Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, NRN Woodland Strategic Networ Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Butcombe Brewery Ltd
Expiry Date: 10th December 2024
Case Officer: Angus Harris
To view the case click on the link [here](#).

REPORT

The application refers to a parcel of land at the rear of the pub currently known as Ring of Bells, The Street, Compton Martin, BS40 6JE.

The site is within the conservation area and the Mendip Hills National Landscape (formerly AONB).

Planning permission is sought for the installation of 6no. shepherd's huts for guest accommodation.

Relevant Planning History:

DC - 08/04477/FUL - RF - 10 February 2009 - Conversion and extension of existing store and family room to provide 6 units of tourist accommodation

DC - 10/00595/FUL - WD - 23 April 2010 - Conversion and extension of existing store and family room to provide 6 units of tourist accommodation

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

COMPTON MARTIN PARISH COUNCIL:

Compton Martin Parish Council considered the above Planning Application at their Extraordinary Parish Council Meeting held on 13th August 2024 and resolved to OBJECT to the application and make the following comments:

Firstly, Compton Martin Parish Council would like to praise Ring O' Bells Public House in its efforts to diversify and support the Community of Compton Martin, however there are a few areas in their application, which raises our concerns listed below as material considerations.

As a Parish Council we would like to express our apprehension over the handling of this application by both - the Local Planning Authority and the Applicant. The pre-application process started back in February 2024 with the actual application being submitted in July. The Parish Council is obliged by law to agree a consultation response at a full council meeting. We sought an extension of time for consultation due to the importance and complexity of the application and the fact that the Parish Council doesn't meet in August. The extension was flatly denied. This meant an extraordinary Parish Council Meeting has had to be called. It should also be noted that there is currently no external notice placed by the Local Planning Authority or the Applicant on the curtilage of the premises.

With regards to the application, we would like to note that within the submitted documents there are references to the Ring O' Bells being at the centre of Compton Martin Community. The Parish Council would like to express its disappointment that at no time during this submission process has the Applicant tried to engage with the local Community, either through the Parish Council or directly with plans being available in the Public House. The Parish Council would welcome an opportunity to work with Butcombe to find a solution that works for all.

As far as the actual submission is concerned, we commend the detail to which the applicant has gone to in these documents, however there are certain areas that the Parish Council has concerns or observations.

Material Consideration 1 - Presumption in Favour of Sustainable Development

Policy SD1 of the Local Authority Development Plan is directed towards sustainable development and Policy RE7 is supportive of new build visitor accommodation and the Parish Council fully supports this approach, however, Compton Martin is isolated from local facilities and not served by regular bus service and any development would be totally reliant on cars. We consider the application not fully compliant with RE7 - especially a) it is in a sustainable location or, accessible by a choice of transport modes.

Within the Design and Access Statement the applicant addresses policy RE7 section 11.2.9 with the following response: Sustainable location.

Applicant's Response: "The site lies within an existing settlement, which is located on a main road with a bus service. The site is also accessible by cycle."

As previously stated, there is no regular bus services and due to the nature of the Mendip Hills only the very keen cyclist would cycle. In fact, throughout the Design and Access statement a regular bus route is referenced several times. In response to paragraph e) the applicant has suggested that clients would be encouraged to use local bus services - they clearly have no understanding of the level of bus services in the Chew Valley and that the existing services are not directed at the tourist trade.

The applicant in response to NPPF 88: Planning policies and decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings. The question is: are Shepherd's Huts visually attractive and suitable for use in an historic rural setting, part of AONB? We consider Shepherd's Hats not appropriate.

Material Consideration 2 - Design/Lack of Detailed Information/Not in Keeping of the Area
In the Design and Access Statement section 11.1.4 titled "Achieving well-designed and beautiful places" c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The Applicant has responded that the proposal involves a low density of Shepherd's Huts, which are low lying and complement the surrounding environment. We would suggest that neither the huts are low lying as they are on wheels, and they do not compliment the surround environment.

The Parish Council would challenge that assumption firstly on the basis that within the submission we do not know what the final design is likely to be, as all the designs are labelled as indicative. In addition, policies HDE1 and HDE2 of the Chew Valley Neighborhood Plan are clear about the characteristics of the village regarding development and we would contend that these caravans do not meet these criteria. This view is also supported by Policy RE7 c) the scale of the proposal will not harm the character or appearance of the countryside.

Applicant's Response: "The proposal involves a small number of Shepherd's Huts, which are low lying, rural in character and complement the surrounding environment."

We dispute this view as covered above.

Material Consideration 3 - Access and Parking

According to the Local Plan RE7 e) there is safe and convenient access to the highway network and there are no significant adverse impacts on the local highway network.

Applicant's Response: "The site is located on an A-road and the access has suitable visibility; the site also contains a large parking area."

We note that no visibility study has been completed and would suggest that this needs to be undertaken as far as the large car park and this is referenced elsewhere in the document. It is our understanding that any planning proposal should clearly identify where the parking is for these units. We would also suggest that whilst the car park may number some 45 spaces, not all of these are available for the pub's guests as some are used by the landlord and his family and staff. In fact, in the height of summer when clearly these units would be at maximum occupancy the car park is already full, so any more vehicles could result in parking on the highway. In addition, there is no traffic impact assessment in the documents provided.

Material Consideration 4 - Designated Status/Environment Impact/Ecology

Please note the site for the proposed development is within the designated Areas of Outstanding Natural Beauty Mendip Hills (recently renamed National Landscape); within 1km from SSSI - a geological site and a hibernaculum for bats; within a Conservation Area and close to the boundary of the Green Belt.

B&NES Local Plan Policy RE7 f) the proposal would not adversely affect protected species or habitats.

Applicant's Response: "The site has not been subject to an ecology survey, but it is currently used as an overflow beer garden, and the grass is cut regularly."

In section 9.5 of the Design and Access Statement the applicant readily admits that no ecology study has been undertaken. This is rather surprising in that the site is less than 1km from a SSSI relating to bats and is very much in the flight zone for the bats. In addition, the hedgerows to the east and south of the proposed development may house other wildlife species. The Parish Council would therefore request that an Ecology Survey is completed.

We also note that whilst the Chew Valley Neighborhood Plan is referenced in the Design and Access Statement, there is no mention of Policy HDE6 Renewable Energy. These units will all be heated and lit by electric, however there is nothing within these proposals to offset any of this power use by renewables. We are somewhat surprised that as it is stated in the Design and Access Statement the Applicant is looking to the future in the type of offer available, there is no mention of installing any vehicle charging.

Material Consideration 4 - Drainage

Policy HDE9a Sustainable Drainage: Whilst there is a reference to water run off within the documents, there is an assumption that there would be no change from the current position. This assumption is flawed in that the site is at the bottom of a hill, the grass currently soaks up some of running water with the remainder going across the car park and entering the drainage system on the A368. But putting hard standings down along with other hard landscaping - this reduces the drainage effect of the grass significantly.

Material Consideration 5 - Lighting

Policy HDE15 Dark Skies Policy of Chew Valley Neighborhood Plan.

There is no mention in the documents submitted how the development would minimise the amount of light pollution that an additional 6 units would clearly create, given the pub garden is already emitting excessive light.

Material Consideration 6 - Density

It is our understanding that this application is being made under the Caravan Act. Our research suggests that a maximum of 30 units per acre is permissible. If this is calculated back down to the area shown, then this would equate to 5 units not the 6 shown. The caravan code standards are also clear that there should be a minimum of 6m between units and 3m to the perimeter. Taking these measurements into account, the suggested number should only be 4 units.

Material Consideration 7 - Noise/Residential Amenity/Community Issues

If the Local Planning Authority are minded to permitting this application, then we request that within the planning consent there are constraints as to noise and activity extended beyond the normal pub operating hours.

There must be an undertaking that NO FIRES OR BBQ are lit within the development area.

Any consent must ensure that hedging referred to in this application must be retained on a permanent basis and any that die must be replaced.

The Planning Authority needs to ensure that at no time does a consent for temporary structures translate into permanent structures.

B&NES Planning must make sure that this new development respects the unique character of the area and its residents.

Finally, in light of the response that the officers gave to the pre-planning application, we request that this application is subject to further level of scrutiny and is submitted to the planning committee, rather than left as officers decision.

- Updated comments received 4th December 2024:

We note that the new consultation on this application makes a minor amendment to the distance between the caravans, this only addresses one of the Caravan Code Standards and the proposal of 6 units still contravenes the overall numbers allowed for the area indicated. We note that the amended submission does not address any of our previous concerns and objections, therefore, all our previous comments apply (a copy of our previous response is attached).

LANDSCAPE AND HISTORIC ENVIRONMENT:

The proposals are for the installation of 6 shepherds huts for guest accommodation in part of the beer garden of the Ring O'Bells. The site is within the Mendip Hills National Landscape, within the Compton Martin Conservation Area and close to the boundary of the Green Belt.

The application is supported by a clear and professionally produced Landscape and Visual Appraisal (LVA), which provides a reliable basis for predicting the likely effects on landscape character and on views.

Although plans are provided showing the dimensions of the proposed shepherds huts (2467-012 Rev B), they are identified as being indicative only, and do not specify external materials or colour. A number of different examples of shepherds huts available from

Blackdown Shepherd's Huts are included in the Design and Access Statement (DAS), some with metal cladding and some with timber cladding, but it is not clear which of the types of hut available from Blackdown are proposed to be used. Some (e.g. the 'Turnkey') appear to be available in oak cladding which would be a suitable choice. Cedar cladding which weathers to a silvery colour would also be suitable if available. Metal cladding would not be considered suitable.

The proposed site plan (2467-010 Rev B) indicates that the proposed development area would be separated from the car park by an acoustic fence and a new hedge, and from the play area and beer garden by another new hedge, with the six huts partially enclosed by further internal hedging.

Dwg No 2467-003 Rev A shows the proposed timber acoustic fencing to be 1800mm high with 25mm thick pales, assumed butt jointed, but without any indication of type of timber, colour or whether it is proposed to be treated or untreated.

A more detailed indication of hard and soft landscape proposals is shown on the Landscape Mitigation Plan (Dwg No WHL 1826-05) within the LVA, but its status appears to be that of recommendations from the landscape consultant and it is unclear whether it is intended to be taken to indicate specific proposals forming part of the application.

The internal hedging proposals as shown on Dwg No. WHL 1826-05 are not the same as those shown on Dwg No. 2467-010 and the latter also shows areas of proposed wildflower meadows which do not appear on the WHL plan.

The mitigation proposals as shown on Dwg No WHL 1826-05 and described in section 6.3 of the LVA appear suitable. They include management of the existing hedgerow on the southern boundary to increase its height to 2.5m to provide enhanced screening, and a new hornbeam hedge on the car park side of the proposed acoustic fence. The internal hedging is proposed as 'single species evergreen hedge' and a range of options for species are presented, but without indicating the precise locations for each. In addition to the species offered, holly would also be considered suitable, and has the advantage of being non-poisonous as well as native.

The LVA assesses the overall landscape sensitivity for the development proposed to be high/medium, and the overall visual sensitivity to be medium. I concur. Although the external materials and colours for the proposed huts are not specified, it is reasonable to assume that the judgements in the LVA are based on the use of materials and colours that would be most appropriate to the character of the area. The conclusion of the LVA is that in the absence of mitigation, the overall level of adverse landscape and visual effects would be moderate/minor, but that if the recommended mitigation measures were to be implemented (proposed works in combination with management of existing vegetation) the development could be satisfactorily assimilated into the receiving landscape without resulting in any unacceptable level of adverse landscape or visual effects. I agree with this assessment.

The proposed huts should be precisely specified, including cladding and roof materials and colour. The type of timber and treatment if any for the acoustic fence should be specified. Oak or cedar cladding for the huts with matching material used for the acoustic fence would be considered suitable.

The status of the Landscape Mitigation Plan should be confirmed, and the minor discrepancies between this plan and the Proposed Site Plan in relation to hedging and other landscape elements should be clarified.

- Updated comments on 8th November 2024:

An amended proposed site layout plan (Dwg No. 2467-010 Rev D) has been received showing amended areas for proposed wildflower meadow. The principle of creating new wildflower meadow areas is supported but the logic of which areas are proposed as mown grass and which are proposed as meadow grass is not clear. It would be more practical for maintenance and better design to avoid small slivers of mown grass and consolidate the two types of grass into larger more coherent areas.

The points raised in my earlier response of 5 August 2024 remain outstanding. Additional information and clarification is still required in relation to design details/ materials/ colour of shepherds huts, mitigation proposals and acoustic fencing.

MENDIP HILLS NATIONAL LANDSCAPE TEAM:

The proposed development site is within the National Landscape, a landscape given the greatest protection in planning law. The special qualities that make up the landscape and scenic beauty of the landscape designation for this environs include dark night skies, tranquillity, which includes visual tranquillity, and views towards the hills.

The landscape character for the area extending between Blagdon and Compton Martin is described as 'These are steep slopes between the Plateau and Blagdon Lake / the Chew Valley Lowlands, which include the footslope, spring line villages of Blagdon, Ubley, and Compton Martin. There is a strong visual separation between these settlements, in contrast to the settlements along the South Western Slopes. Between Blagdon and Ubley there is open downland (calcareous grassland and lowland meadows, along with more improved pasture land) extending down to the the River Yeo and Blagdon Lake, with small woodland blocks and fields enclosed with hedgerows'. With nature recovery recommendations for the Blagdon - Compton Martin area can be found on page 78 of the National landscape's nature recovery plan MHAONB-Nature-Recovery-Plan_finalv03082023.pdf (mendiphillsnl.org.uk)

From a site visit conducted on 1 August, the proposed site can be seen from CL7/37 and CL7/22. We consider that the orientation of the shepherds' huts is key to reducing the visual impact of the proposal when viewed from PROWs CL7/37 and CL7/22. Either the proposed angle or perpendicular to the car park i.e. north-south would be acceptable. The latter would allow more open views up to the Mendip ridgeline for those in the car park or walking along the A368.

The proposed colour of the roofs is to be black, however we request that this should be mid-dark green to sit better in the landscape. Should the side elevations of the shepherd's huts be metal then they would also should be mid-dark green, or if cedar wood clad then the natural finish would be acceptable.

We will also request the planting of small native trees along the southern hedge line to soften the proposal in the landscape, mitigating for any visual impact. These could be planted as specimens or small clusters.

The proposal includes a single outside light to be positioned close to each access door. We request that any external lighting should be PIR operated, at a low height level (no more than hedge height given as 1.5m, but ideally less i.e. 1metre), hooded/shrouded, of warm white or red colouration in the interests of nocturnal nature conservation.

ARBORICULTURE:

The site is within Compton Martin Conservation Area which provides protection for all trees with a stem diameter of 75 mm or above when measured at 1.5m above ground level.

An initial arboricultural report has been submitted in support of the application which demonstrates that the proposal is achievable whilst retaining existing trees and hedging. I note that service routes except drainage runs have not yet been provided and a detailed arboricultural method statement will be expected to include that information.

The final design specification for the huts does not appear to have been determined and this may impact on the level of construction activity eg footings/ foundations and transport into the site. Those examples shown within the Design and Access Statement appear to require minimal footings but levelling of the ground may be necessary so the management of any spoil will need to be addressed. This information would be necessary to inform the detailed arboricultural method statement.

One example shown also includes a deck surround which would increase the footprints of the huts which may have implications on available green space.

I have no objection to the proposed coppicing of the hazel, identified as T5 within the tree survey, which is annotated on the Tree Constraints Plan (Design Overlaid).

COUNCILLOR ANNA BOX:

I would like to call-in the application at the Ring O'Bells pub in Compton Martin, please.

In the pre-app it seems it was "likely to be agreed" - and in its format (6 huts under the caravan legislation) that seems too much. My view is three with no lighting between them/no ability to be converted to houses in the future, but that is strictly my view.

Under planning policy it would be:

- o There isn't details to how to shepherds hut would look, a few examples but not exact so this would be against the conservation area possibly (HE1). In 7.0 of their document (HPA Architects) they give examples. In the actual application form they state the materials - these are different. I guess this is also NPPF 135

- o In 9.1 of the architects form they mention a bus route - we do not have a bus route here (RE7). This would be relevant under the neighbourhood plan (NPPF 88) around

sustainable growth. Actual in the form they say "frequent bus route" 11.3.1 - again, we have no bus route, so that is rather silly!

o It's in a National Landscape (NE2) so we have to consider lighting. Under the Caravan Act quote: "24. Where an amenity provision is provided this and the immediate surroundings shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians during the hours of darkness." Does this simply mean toilets? I do not understand if they are to having lighting to access the refuge, for example. Also in the application form they said it had no discernible biodiversity impact (and with an improved score, my guess is from the mitigation hedgerows/wildflower zones?) - but has no evidence that I can see to the no answer on biodiversity - query a). I can see no ecology survey. In the architects it notes small zones of wildflower planting to increase net gain - would be nice to have an amount specifically, though you may have that, I just couldn't see it

o Finally, under the caravan legislation - this quote - "7. No caravan or combustible structure shall be sited nearer than 3 metres to the site boundary or within 2 metres of a road or more than 45 metres from such a road within the site. (Unless an alternative is deemed acceptable by the fire brigade)" - which in my understanding the southern three are not. Again, I am just learning my way in this but from the diagrams, the southern three look less than 3 m from the boundaries. Interestingly in this quote: "Made of aluminium or other materials with similar fire performance properties should be not less than 5 metres between units, 3.5 metres at the corners" - they are certainly not 5 m apart! Wood is 6 m it seems, 2 but I do not know if they are clauses in difference as the act is very old and materials in regards to fire have improved somewhat?

HIGHWAYS:

Transport Development Management refers to the above consultation received 19th July 2024 to which it does not meet the DMPO requirements and therefore no recommendation is made.

Representations Received :

10no objections have been received which are summarised into the following points:

- The nature of the proposal will adversely affect the outlook of the area within the Conservation Area and National Landscape,
- The scale and form of development, that of providing tourist accommodation to the rear of the public house, fails to reflect the prevailing character of the village where development predominantly fronts and engages with the street,
- The units are in very close proximity to residential homes in a quiet area,
- The huts would provide clear opportunities for overlooking and a loss of privacy to immediate neighbours,
- The proposal will significantly increase levels of activity on this part of the site with outdoor seating, introducing noise and disturbance throughout the year,
- The proposal will adversely affect the amenity and heritage aspects of the neighbouring properties on the East side, particularly Combe View. With six units so close by there will be additional noise and light compared to the land's current use as an overflow beer garden. Given the current rooms are already used for airport parking, as mentioned in the Design and Access statement, the increase of a further 6 units will mean

extra comings and goings at all times, compared to the limited current use of the overflow beer garden.

the possibility of adding extra hedging gives no guarantee the issues of light, noise, disturbance will be alleviated.

- The shepherds huts have an effect on the setting of the neighbouring listed building and will erode its setting.
- The huts intrude into and result in harm to the setting of the Conservation Area,
- The level of harm judged to arise to the listed building and conservation area is considered to be less than substantial which is not outweighed by the public benefits.
- The proposal is unsustainable by location and the village is not served by regular bus service,
- Development in this village is solely reliant on the private car,
- The car park is full at times and the proposal would increase the risk of vehicles parking on the main road, which would not only affect the visibility of the entrance and exit to the car park, but also create an unsafe situation given how narrow the main road already is.
- Bats are known to roost and fly in the vicinity so it is possible that they are using trees on the boundary to roost/feed and already fly over the site.
- Light and noise may impact bats and light may adversely affect the species they feed on. In addition slow worms and oil beetles have been seen nearby - all protected species, but no survey has taken place.
- This appears to be a caravan park being permitted in a Green Belt area which is totally inappropriate,
- Could the planning officer confirm whether this type of building is specifically excluded from being SCR6 compliant under B&NES policies?

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

B4: The World Heritage Site and its Setting
SV3: Radstock Town Centre Strategic Policy
RA5: Land at Whitchurch Strategic Site Allocation
CP5: Flood Risk Management
CP6: Environmental Quality
CP8: Green Belt

CP8a: Minerals
CP9: Affordable Housing
CP10: Housing Mix
CP11: Gypsies, Travellers and Travelling Show People
CP13: Infrastructure provision
RA3: Community Facilities
RA4: Rural exception sites

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
D4: Streets and spaces
D5: Building design
D6: Amenity
D7: Infill and backland development
HE1: Historic environment
LCR1: Safeguarding local community facilities
LCR1A: Public houses
LCR2: New or replacement community facilities
NE2A: Landscape setting of settlements
RA1: Development in the villages meeting the listed criteria
RA2: Development in villages outside of the Green Belt not meeting Policy RA1 criteria
RE7: Visitor accommodation

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
D8: Lighting
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
NE6: Trees and woodland conservation
RE1: Employment uses in the countryside
SCR6: Sustainable Construction Policy for New Build Residential Development
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)
Transport and Development Supplementary Planning Document (January 2023)
Planning Obligations Supplementary Planning Document (January 2023)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:

Chew Valley Area

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 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.

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

This application proposes the installation of 6no. shepherd's huts for guest accommodation. The pub known as the 'Ring of Bells' is situated on the main road running through the centre of the village of Compton Martin. It has a larger car park to the side and rear with pub garden space at the rear of the building. The pub 2no upstairs bedrooms to provide overnight guest accommodation.

6no shepherds huts are proposed in the rear 'beer garden' to provide additional units of guest accommodation in connection with the existing pub use.

Revisions received by the agent on the 28th October 2024, adjusting the spacing between the units, claiming that the scheme is in accordance with the Caravan Act. This report will start by assessing the caravans themselves against the Caravan Act to determine whether

they are building operations, and to assess the use class of the units regarding the change of use.

CARAVAN ACT, 1968:

The 1968 Caravan Act sets out provisions for the development of caravans, where planning permission is not required for the structures.

The definition of a twin unit caravan is found within section 13 of the Caravan Sites Act 1968, and as amended in October 2006 (CSA). In order for something to be considered a caravan/mobile home it has to meet three key tests as set out in the CSA, these are: (1) Size; (2) Mobility; and (3) Construction.

- (1) A structure designed or adapted for human habitation which—
(a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
(b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

The caravan is constructed onto a chassis with wheels. It is the LPA's understanding that this is operational, allowing the caravans to move. These caravans are typically positioned on a formal base when in situ, however they are able to be transported for the purpose of these criteria.

- (2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—
(a) length (exclusive of any drawbar): 65.616 feet (20 metres);
(b) width: 22.309 feet (6.8 metres);
(c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres)

The caravan measures approximately 5.5 meters in length and 2.3 meters in width. The height of the caravan measures 3.35m in height from the ground level, however the above criteria stipulates that the height of the accommodation should be measured internally from floor level, which has been measured at 2.5 meters in height, complying with this criterion.

As such, the shepherd huts themselves are compliant with the above criteria which would render them caravans within the definition of the act. They are therefore considered not to be 'building operations' and therefore do not constitute operational development under s55 of the Town and Country Planning Act. Planning permission is therefore not required for the shepherd huts themselves, but rather for the change of use of the land, as discussed below.

PROPOSED USE

With regards to the use of the shepherd huts, they are proposed to be used as a short-term holiday lets in conjunction with the pub. The lawful existing use of the site is Sui

Generis. Any change of use to, or from, a Sui Generis use would require a change of use planning consent.

The holiday lets form residential accommodation, providing living accommodation with limited, but sufficient internal services for each unit to function independently from the main pub. The units contain kitchenettes and wash facilities so visitors would not necessarily need to use the pub for any services. As such, whilst the accommodation is ancillary in nature, the units are self-contained and fall into a residential use.

A change of use of this parcel of land is occurring, from pub (Sui Generis) to a mixed use with pub (Sui Generis) and visitor accommodation.

PRINCIPLE OF DEVELOPMENT:

The huts will be situated within the pub's rear garden. The pub has a beer garden situated to the rear (south) of the main building with hedgerow planting to the sides, formal pathways with pub garden apparatus scattered throughout the garden. A parcel of this garden has been identified as the 'overflow beer garden', situated south of the car park and against the southern boundary of the site. This area consists of open, amenity grassland.

The shepherd huts will provide each unit with a double bed with bathroom and kitchenette facilities. Footpaths within the site will connect the 6no buildings to the pubs rear garden.

Policy RE7: Visitor Accommodation

"New visitor accommodation:

- 1) Permission will be granted for new build visitor accommodation provided:
 - a) it is in a sustainable location or, accessible by a choice of transport modes
 - b) there are no other buildings available and suitable for conversion
 - c) the scale of the proposal will not harm the character or appearance of the countryside
 - d) the materials, form, bulk and general design of buildings are in keeping with their rural surroundings
 - e) there is safe and convenient access to the highway network and there are no significant adverse impacts on the local highway network
 - f) the proposal would not adversely affect protected species or habitats
- 2) Where a proposal for visitor accommodation is approved appropriate planning conditions will be used to prevent permanent residential use of the accommodation."

Each of these requirements will be addressed in turn.

- a) it is in a sustainable location or, accessible by a choice of transport modes

The site is within the centre of Compton Martin. Objections and representations raise that the village does not benefit from public transport connections and that the settlement itself is an unsustainable location. The village benefits from a limited range of local services which are understood to include the pub itself, a post office, church and village hall. This settlement is categorised as a Village within the development plan, set out in Policy DW1 and for the purposes of Policies RA1 and RA2. The works are situated inside the housing development boundary, situated centrally within the linear settlement.

b) there are no other buildings available and suitable for conversion

The proposal seeks the erection of 6no outbuildings for the purposes of providing the additional visitor accommodation. There are no other outbuildings within the garden of the pub which would be suitable for conversion, and any internal works within the pub to provide overnight visitor accommodation may be detrimental to the provision of the community facility.

c) the scale of the proposal will not harm the character or appearance of the countryside

This subparagraph will be addressed separately within the LANDSCAPE section of this report.

d) the materials, form, bulk and general design of buildings are in keeping with their rural surroundings

Similarly, this subparagraph will be addressed separately within the LANDSCAPE section of this report.

e) there is safe and convenient access to the highway network and there are no significant adverse impacts on the local highway network

This subparagraph will be addressed separately within the HIGHWAYS section of this report.

f) the proposal would not adversely affect protected species or habitats

This subparagraph will be addressed separately within the ECOLOGY section of this report.

Policy RA2: Development in villages outside the green belt not meeting policy RA1 criteria.

"In villages outside the Green Belt with a housing development boundary defined on the Policies Map and not meeting the criteria of Policy RA1 proposals for some limited residential development and employment development will be acceptable where:

A: they are of a scale, character and appearance appropriate to the village

B: in the case of residential development they lie within the housing development boundary

C: in the case of employment development they lie within or adjoining the housing development boundary."

The matter of the developments scale, character and appearance will be addressed separately within the Design, Character and Appearance section of this report.

Policy RE1: Employment Uses In The Countryside

"Proposals for employment uses in the countryside outside the scope of Core Strategy Policies RA1 and RA2 will be permitted providing they are consistent with all other relevant policies, and involves:

...

ii) the limited expansion, intensification or redevelopment of existing premises or redevelopment of previously developed land where it is not habitat functionally linked to a European site; and.."

As above, Policy RE1 provides support for the limited extension and intensification of existing premises such as this. This is consistent with Policy RA2.

Policy RA3: Community Facilities

"Proposals for the development of community facilities will be acceptable within and adjoining all villages, provided that they are of a scale and character appropriate to the village and meet the needs of the parish and adjoining parishes."

This policy is less relevant to apply for this proposal as the works seek overnight visitor accommodation. Whilst the accommodation is recognised to provide some limited benefits to the pub itself, the accommodation is not considered a community facility for the purposes of RA3.

Policy LCR1A: Public Houses:

"The change of use of a public house which would result in the loss of a valued community facility (through demolition, redevelopment or change of use) will not be permitted unless:

1. it can be proven that the operation of a public house serving the local community is not economically viable and the premises have been effectively marketed for a consistent minimum period of six months as a public house for a price commensurate with the current market price for this use in the locality without success; or
2. the development or change of use would result in the provision of alternative facilities of equivalent or greater benefit to the local community."

The requirements of Policy LCR1A seeks to resist the loss of pubs but does not provide guidance for the provision of new or enlarged facilities. This proposal does not seek the development or expansion of the community facility.

PRINCIPLE OF DEVELOPMENT CONCLUSION:

The development is found to provide economic benefit to the existing pub through the provision of additional visitor accommodation and to provide additional jobs during the operation of these holiday let units. It is also anticipated that additional visitors to the local area will provide some additional, albeit limited, economical benefits to other local businesses.

The development is found to be compliant with policies RE7, RA2, RE1, RA3 and LCR1A of the Local Plan Partial Update.

DESIGN, CHARACTER, APPEARANCE and CONSERVATION AREA:

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. Similarly, policies HDE1 of the Chew Valley Neighbourhood Plan seeks to support proposals that preserve and do not harm the characteristic rural features of the area and policy HDE2 provides support for proposals that reflect, conserve and enhance the locally distinctive design attributes (including scale, materials and density) and characteristics of the relevant settlement.

The site is within the Conservation Area. The pub is highly visible from the main road and the site on which the shepherds huts will be placed are awarded views from the public domain. 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. 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.

The 6 no shepherd huts will be situated on the southern, rear parcel of the pub's land. They will be at the rear of the car park on a separate area of amenity grassland which has previously been in use as part of the wider pub garden.

The huts will each be set on wheels, with a rectilinear form and a curved roof. They are proposed to be constructed primarily from timber, with black corrugated metal sheets for the curved roof. They are single storey in height measuring 3.4 meters at the ridge of the curved roof, and their footprint measures 5.5 meters by 2.3 meters. The buildings are limited in scale but have a distinct design, akin to caravans in appearance.

The shepherds huts have a distinct form and rural character which is not found to be unsuitable to this rural location. The proposal is not found to be contrary to NDP Policy HDE2.

The huts will be situated within the rear garden of the pub and will be seen from the public domain from the south, at the pub's access onto the road. The buildings will be seen within the pub gardens context, near to the benches, umbrellas and other outdoor paraphernalia that is present in association with the existing beer garden, to the side and rear of the pub's main building and across the pub car park. The outbuildings are set back approximately 50 meters from the highway. Hedgerow planting is shown within the site between each of the caravans to provide some buffer space and small areas of private outdoor space for each unit. Hedgerow planting is also shown on the northern boundary which will provide partial screening of the caravans when viewed from the main road.

Sectional details have been provided with the application which highlight how the low lying huts, sited away from the main road with boundary hedgerow planting, will be limited in their visibility from the street.

As such, the buildings design are not considered to result in harm to the setting of the conservation area, or harm to local character.

The proposal is found to accord with policy CP6 of the Core Strategy and policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan and Parts 12 and 16 of the NPPF.

LISTED BUILDING:

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is also noted that the neighbouring dwelling 'Combe Farm', situated to the east of the application site is a Grade II Listed Building. This is listed as Combe Farmhouse, a 17th century farmhouse. Objection comments have stated that the proposal will harm the setting of this listed building.

The listed building is sited approximately 35m to the east of the application site. The proposal is low lying in nature and the shephard huts design are historically rural in character. In addition, mature vegetation is present on this boundary which is inherently protected by the Conservation Area. The vegetation provides a strong screen between the sites and even moderate screening during winter months.

As a result of the above, the proposal is not found to harm the setting of the Listed Building. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with policy HE1 of the Placemaking Plan and part 16 of the NPPF.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character and conserving. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape.

The LPA has a duty under Section 85 of the Countyside and Rights of Way Act 2000 to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

The site is situated within the Mendip Hills AONB and adjacent to the housing development boundary. The terrain slopes uphill steeply to the south and the application has been accompanied by a Landscape and Visual Impact Assessment.

The buildings are single storey in height and when viewed from the public highway, the buildings are not found to restrict any landscape views when seen against the site's

boundary treatment. As shown in the submitted LVIA, glimpsed views of the huts can be gained from a select few viewpoints on public footpaths near the village to the south.

The conclusion of the LVA is that in the absence of mitigation, the overall level of adverse landscape and visual effects would be moderate/minor, but that if the recommended mitigation measures were to be implemented (proposed works in combination with management of existing vegetation) the development could be satisfactorily assimilated into the receiving landscape without resulting in any unacceptable level of adverse landscape or visual effects

Consultation has been undertaken with the Landscape Historic Environment team who have raised no objection in principle, but have sought some further information and clarification. The consultation response queries the use of materials, highlighting several different examples provided within the design and access statement. Oak cladding is recommended as a suitable choice, as would be cedar cladding.

The application form and a newly submitted materials schedule confirm that the proposed finish of the huts will be oak, with natural finish. The roofs have been revised to propose metal cladding, with an Olive green finish as requested by the Mendip Hills National Landscape service, in order for the huts to sit better within the landscape a detailed within the External Materials Schedule submitted on 24th December 2024.

The LVA highlights that the buildings will be seen from a raised position within the landscape to the south of the site. Views towards the site will be from above, looking north towards the rest of the settlement. From these views, the buildings would be seen within the context of the settlement, with development to the sides and behind the site (north).

The outbuildings will utilise limited glazing, providing 3no smaller casement windows. An external light is proposed for each hut. The external light is shown to be a replica of a downward hanging gas lamp. Due to the limited glazing, but also the limited function of the buildings where only sleeping and bathroom spaces are provided, they are not considered to result in an excessive level of light spill.

Additional information of the proposed hedging and the wildflower meadows were also requested. Revised information was received on 5th November 2024.

The shepherd huts are set within a square parcel of amenity grassland and new landscaping is proposed. Each hut will connected to a pathway formed from permeable paving slabs in a buff colour and a small area of grassland will be provided for each hut. Hedgerows will be planted to surround each hut to section each one off and provide some privacy for each plot, as well as hedgerow planting on the sites boundaries. To the sides and rear of each hut, wildflower planting is proposed.

Suitable information is currently provided for officers to be satisfied that the proposal will comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 of the NPPF, subject to the inclusion of 2no conditions. These conditions seek to secure that the hard and soft landscaping as shown on the submitted plans is implemented and retained, and to secure the use of the external materials set out in the External Materials Schedule.

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.

The outbuildings are situated within the existing pub's garden on the south and eastern side of the site. Neighbouring dwellings share the eastern boundary of the pub's land. These neighbours include 'Bird House' which is a detached dwelling fronting the main road, and 'Combe Farm' which is a detached dwelling which fronts a side road, The Coombe. Both of these dwellings are approximately 30 meters from the nearest corner of the overflow pub garden and mature vegetation is present on these boundaries.

As part of the proposal, acoustic fencing is to be positioned on the northern boundary of the site, at a height of 1.8m. Whilst limited to only this northern boundary, the fencing will only have a limited impact in screening any noises towards Combe Farm which is sited directly to the east of the site.

The proposed huts will introduce new, short term residential activity into this field parcel which is anticipated to generate noise associated with visitor accommodation. Objections raise that increased noise and activity will cause disturbance for the nearby residential properties. However the shepherds huts will replace the outdoor pub activity in this space, which has previously had garden benches showing outdoor activity associated with the pub within this part of the site which will have similarly resulted in noise and smell impacts.

As such, the erection of the outbuildings is not considered to result in an unacceptable increase in noise or activity within close proximity of the neighbouring properties over and above the existing pub garden use.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

Some objections raise that the development will be car dependant and that the existing pub car park is unsuitable to accommodate its existing parking demand as well as the new demand from this proposal. The shepherds huts are situated on the pub garden amenity grassland which is located to the rear of the existing car park. The existing car park is large, serving the pub and granting access directly onto The Street. Approximately 30-40 marked parking spaces are shown, with hardstanding for turning and additional parking.

There is no minimum requirement for the new development to provide off-street parking spaces.

The access is to be unchanged as part of this proposal, and the future occupiers of the huts would utilise the existing access and car park. Consultation was undertaken with the Banes Highways Team regarding the increased use of the access point, however no comment was made.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland consecration. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The site is within the conservation area and mature trees are present on the east and west boundaries of the site. The proposed buildings are on wheels and the digging of foundations for these is not necessary. However, the huts are shown to provide bathroom and kitchenette facilities, so some connection with the pub's utilities will be required. In addition, landscaping work for the creation of the pathway, may require digging within the root protection zones of these trees. The services routes are not currently shown.

Arboricultural surveys have been submitted and consultation has been undertaken with the Banes Arboricultural team. No objection is raised to the works, subject to a condition securing the submission and implementation of a Detailed Arboricultural Method Statement with Tree Protection Plan.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG).

In the case of minor developments, a BNG of a minimum of 10% must be demonstrated using the latest DEFRA metric (or agreed equivalent). The submitted information shows new hedgerow planting and wildflower planting around each unit, within the site which is amenity grassland as existing. The BNG metric data demonstrates a 12% gain in habitat units and 39.5% gain in hedgerow units.

The scheme is found compliant with policy NE3a.

SUSTAINABLE CONSTRUCTION:

Policy SCR6 requires that new build residential development is accompanied with a sustainable construction checklist which demonstrates that the development can comply with the minimum energy efficiency, space heating demands and on site renewable energy generation as set out in the Policy text. Comments have been received seeking clarification as to whether this proposal meets the requirements of Policy SCR6.

The proposal is not for new build residential development, but for shepherd huts providing visitor accommodation in connection with the existing pub. As such, the provisions of Policy SCR6 do not apply to this development.

Comments received by the Parish highlight that there is no mention of Policy HDE6 renewable energy in the proposal, where the units will be running on electricity. Policy HDE6 requires that the scale and proportions of development proposals for renewable energy installations must not be detrimental to landscape setting, but the policy does not require other development proposals to provide renewable energy generation.

FLOODING AND DRAINAGE:

Comments received by the Parish highlights that the site is at the bottom of a hill where the grassy site currently soaks up running water, with some flowing across the car park and entering the drains on the A368, and that putting hardstanding down with other hard landscaping will reduce the drainage effectiveness.

The application site is within Flood Zone 1 for both river and surface water flood risk. The application site is grass with additional planting proposed. No hardstanding is proposed. It has not been considered necessary for the proposal to introduce additional drainage systems and the scheme is found compliant with policy CP7 of the LPPU and HDE9 of the Neighbourhood Plan.

SUSTAINABLE CONSTRUCTION:

Policy SCR6 requires that new build residential development is accompanied with a sustainable construction checklist which demonstrates that the development can comply with the minimum energy efficiency, space heating demands and on site renewable energy generation as set out in the Policy text. Comments have been received seeking clarification as to whether this proposal meets the requirements of Policy SCR6.

The proposal is not for new build residential development, but for ancillary outbuildings providing visitor accommodation in connection with the existing pub. As such, the provisions of Policy SCR6 do not apply to this development.

PUBLIC SECTOR EQUALITY DUTY

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

SCHEME OF DELEGATION:

Objecting comments have been received by the Local Parish and Ward Councillor which are contrary with the Officer recommendation to permit the works. The application has been referred to the Chair and Vice Chair of the planning committee.

The Vice Chair decided that the application should be determined by the planning committee, commenting as follows:

"I have noted the significant concerns of Compton Martin Parish Council, the ward councillor and third party comments and am also mindful of the sensitivity of the setting in the Mendip Hills AONB and Conservation Area. The changes secured to the materials, including the Olive green roofs are welcomed. On balance, my recommendation is that there should be an opportunity for the Planning Committee to debate in public the policy concerns raised by the local community."

The Chair decided that the application should be determined by planning committee, commenting as follows:

"I am mindful of the substantial list of concerns that were raised by Compton Dando Parish Council at their Extraordinary Meeting and those of the local Ward Member and third parties and have reviewed the Officer's justification and studied the plans

I am satisfied that this leisure diversification connected to the ownership and management of an established public house and community hub would be compliance with policy.

However the site is located in a highly sensitive setting and the layout and design has generated some amenity concerns relating to noise and light spill which would warrant further consideration."

As such, the application will be brought to the planning committee.

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 Arb Method Statement and Tree Protect 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; monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority on completion of the development. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should"). The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, burning, service run locations including soakaway 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 Bath and North East Somerset Local Plan Partial Update. 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.

3 Implementation of Landscaping Scheme (Bespoke Trigger)

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

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

4 Shepherds Huts (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the approved plans. Only 6no shepherds huts hereby approved shall be installed and no other caravans/chattels or living accommodation shall be placed on the land. The shepherds huts will be installed in accordance with the permitted plans and the 'External Materials Schedule' submitted 24th Dec 2024.

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

5 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

| | | | |
|-----------------|-------------|------------|---|
| Drawing | 10 Jul 2024 | 2467-003 A | PROPOSED SECTION BB OF SITE AND ACOUSTIC FENCE DETAIL |
| Drawing | 10 Jul 2024 | 2467-003 B | EXISTING SECTION AA OF SITE |
| Drawing | 10 Jul 2024 | 2467-012 B | INDICATIVE PLAN AND ELEVATIONS FOR SHEPHERD HUTS |
| Revised Drawing | 30 Oct 2024 | 2467-010-C | PROPOSED SITE PLAN |
| Revised Drawing | 05 Nov 2024 | 2467-010-D | PROPOSED SITE PLAN |
| Revised Drawing | 24 Dec 2024 | 2467-001 D | LOCATION AND SITE PLANS |
| Revised Drawing | 24 Dec 2024 | 2467-011 C | PROPOSED SITE PLAN |
| Revised Drawing | 24 Dec 2024 | 2467-012 C | PLAN AND ELEVATIONS FOR SHEPHERD HUTS |
| OS Extract | 10 Jul 2024 | 2467-001 C | SITE LOCATION PLAN |

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

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.

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

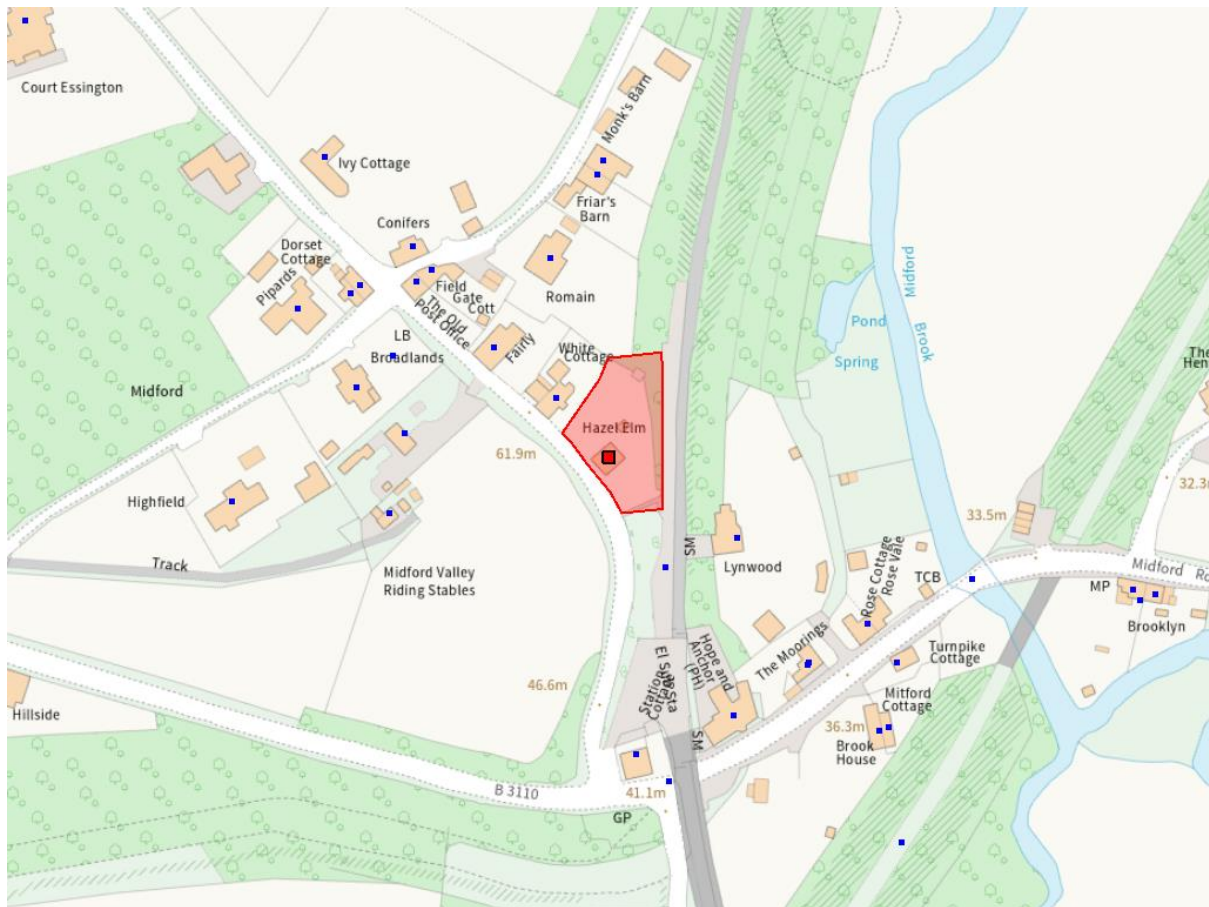
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

Responding to Climate Change (Informative):

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

Item No: 05
Application No: 23/02444/FUL
Site Location: Hazel Elm Old Midford Road Midford Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** South Stoke **LB Grade:** N/A
Ward Members: Councillor Matt McCabe Councillor Fiona Gourley
Application Type: Full Application
Proposal: Erection of a replacement dwelling, to follow removal of existing house and outbuildings.
Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Contaminated Land, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 Regionally Important Geologic, Policy NE3 SNCl, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,
Applicant: R + S MacGrain (Executors for K L Cooper)
Expiry Date: 13th March 2025
Case Officer: Ed Allsop
To view the case click on the link [here](#).

REPORT

This application was referred to the Chair and Vice Chair following support from South Stoke Parish Council.

Cllr Lucy Hodge: 'I note it has been determined that this replacement building, in a prominent location, is materially larger than the one it is replacing, with an impact both visually and spatially due to an around 79% increase in two storey built form and no very special circumstances identified to outweigh harm to the Green belt, leading to a refusal decision.

For the reason that the Parish Council has offered comment in support of this application, an opportunity exists for the matter to be discussed by the Planning Committee.'

Cllr Ian Halsall: 'It is noted that the increase in scale will be some 79% overall from the original dwelling that already occupies the site. I believe that is it important to consider the reasons for why somewhere has been designated as Greenbelt and compare this on the scale and design merits of a proposed individual property, particularly if it can be argued that there would be a visual enhancement albeit resulting from an increase in scale.

In light of the Parish Council's support and an albeit late response from the ward member who will not be able to take part in any discussion of this application, it is considered that the matter should be debated by the Planning Committee to determine whether by virtue of the fact the development as proposed is in the greenbelt specifically constitutes harm or whether the proposed replacement dwelling would actually enhance the setting of the surrounding area and it's position within the National Landscape in spite of an overall significant spatial increase on the plot and changes to the proportionality of built form.'

Planning permission is sought for the erection of a replacement dwelling, to follow removal of existing house and outbuildings.

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

South Stoke Parish Council: No objection in principle to this proposal, and it appears to be a suitable replacement dwelling for this highly prominent and visible location.

However, for such substantial works, we do find the application to be rather minimal in content, lacking sufficient detailed plans to properly assess and comment upon such matters as materials, ecology, environment, lighting and light spillage, and importantly the necessary building and engineering plans to ensure safe and sustainable construction, including a construction management plan to take account of the busy commuter route on which it is situated.

Highways: No objection, subject to conditions.

Ecology: No objection, subject to conditions.

Drainage and flooding: No objection.

Trees: No objection, subject to conditions.

Landscape (AONB): No objection.

Sustainable Construction: No objection, subject to conditions.

Representations:

4no. general comments have been received which note the considerations that should be taken into account such as green belt, AONB and design.

POLICIES/LEGISLATION

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

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

Core Strategy:

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

B1: Bath Spatial Strategy
CP5: Flood Risk Management
CP6: Environmental Quality
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development
CP8: Green Belt
CP5: Flood Risk Management

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.4: Streets and spaces
D.5: Building design
D.6: Amenity
D.8: Lighting
ST7: Transport requirements for managing development
GB1: Visual amenities of the Green Belt
NE3A: Biodiversity Net Gain
NE1: Development and green infrastructure
NE3: Sites, habitats and species
NE5: Ecological networks and nature recovery
NE6: Trees and woodland conservation
SU1: Sustainable drainage policy
GB1: Visual amenities of the Green Belt
SCR6: Sustainable construction policy for new build residential development

Local Plan Partial Update (LPPU):

On the 19th January 2023, Bath and North East Somerset Council updated a number of local planning policies through the introduction of the Local Plan Partial Update (LPPU).

National Policy:

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the Planning Practice Guidance (PPG).

Public Sector Equality Duty:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Due to the nature of the proposals, the development would not have any negative effects upon those with protected characteristics.

Countryside and Rights of Way Act:

There is a duty under s86 of the Countryside and Rights of Way (CRoW) Act 2000 which states that, "Any relevant authority exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

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

Green Belt:

The site is located in the Green Belt. National and local planning policy places substantial weight on the protection of the Green Belt. The NPPF lists what type of development is acceptable in principle. Paragraph 154 of the NPPF notes that the replacement of a building is acceptable, as long as the new building is in the same use and not materially larger than the one it replaces (Paragraph 154 d)).

Officers consider that the proposals represent inappropriate development in the Green Belt, because the replacement building is materially larger than the one it is replacing. The NPPF states that inappropriate development in the Green Belt, is by definition harmful. The NPPF also states that this harm should be given substantial weight, and should not be approved except in very special circumstances. Officers consider that there are no very special circumstances in this case.

The applicant states that the existing/original dwelling (including outbuildings) is 450m³ and the proposed is 478m³ (increase of 5%). Officers consider the original/existing volume to be 420m³, but agree the proposed is 478m³ (increase of 14%).

The applicant notes that a single storey rear extension of up to 160m³ could be achieved to the existing dwelling through permitted development (PD) rights and that this volume allowance should be taken into account, ie the replacement building could be smaller in volume terms than the potential PD fall back position.

Officers consider that the potential PD position is not comparable, this is because the PD option would be a single storey rear extension, which is very different in visual and spatial terms to the extent of new two storey built form being proposed (which can't be achieved under PD).

Although a useful tool, volume increase is not determinative when assessing whether something is materially larger. Other considerations should be taken into account such as visual and spatial impacts. The extent of additional first floor floorspace is increasing from 48m² to 86m², this is an increase of 79% in two storey built form. Visually, this will present something that is materially larger.

The new two storey hipped roof addition, as seen on the proposed site/block plan demonstrates the increased scale and bulk, with the north east and south west elevations being the most pronounced. The replacement dwelling is also sited in a prominent location (as also confirmed by the Parish), elevated and open to view from multiple points outside of the site. This pronounces the materially larger dwelling and therefore also its impact on openness both visually, spatially and physically compared to the existing situation.

The NPPF states that one of the essential characteristics of the Green Belts are their openness. The PPG also states that 'openness is capable of having both spatial and visual aspects'. Officers consider that the replacement dwelling would be materially larger, in a pronounced elevated location which would result in a reduction of openness in both spatial and visual terms, compared to what exists and therefore, a loss of openness which is a harm to one of the essential characteristics of the Green Belt.

The replacement building is materially larger than the one it is replacing, which is an inappropriate form of development in the Green Belt. Inappropriate development is by definition harmful and this harm should be given substantial weight. Therefore, there is conflict with policy CP8 of the Placemaking Plan and part 13 of the NPPF.

Character and appearance:

The proposed works by reason of their 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 and LPPU for Bath and North East Somerset (2017) and part 12 the NPPF.

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 part 12 of the NPPF.

Landscape:

The site is located within the Cotswolds National Landscape, where policy NE2 requires development to conserve or enhance local landscape character, landscape features and local distinctiveness. Officers consider that there would be no unacceptable landscape or visual effects in landscape terms. It is considered that the proposals seek to further the purposes of the National Landscape through an appropriate design and use of materials. It should be noted that this is purely based on an impact on the landscape, not the green belt policy tests which are described above.

Ecology:

A bat survey has been submitted and assesses the use of the building by a single serotine bat for roosting, with use of both the porch roof and the main roof. The report confirms that the scheme will require a European Protected Species (EPS) licence. A low impact class licence and appropriate bat mitigation and compensation measures are proposed, and are considered appropriate, and these have been incorporated into the scheme.

The conclusions of the bat survey and proposed mitigation scheme are supported and must be adhered to, and secured by condition. As the scheme requires an European Protected Species (EPS) licence, the LPA must consider the "three tests" of the Habitats Regulations and be confident, prior to approval, that they can be met by the scheme and an EPS licence obtained. Based on the submitted details and provided the measures are adhered to as described in the report, ecology officers would consider that test "the conservation status of the affected species will be harmed" will be met and that they have no reason to believe the remaining two tests (no satisfactory alternative solution, and "imperative reasons of over-riding public interest") will not also be met.

Test 1 - Does the development meet a purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment?

The public interest should be commensurate with the level of impact. The proposed works would be compliant with the council's sustainable construction policy which seeks to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. This is considered to sufficient reason in this instance satisfy this test.

Test 2 - There is no satisfactory alternative.

As a private individual replacement house scheme, there are no other sites that could be sought, this is the land that the applicant owns and controls. It would not be possible to retain the roosts in situ whilst undertaking the development. Therefore, there are not known to be any other satisfactory alternatives.

Test 3 - The action authorised will not be detrimental to the maintenance of the population of the species.

The Ecological information submitted provides a comprehensive mitigation, compensation and enhancement scheme, the Council's ecologist has also found these acceptable.

An outline sensitive lighting strategy has been submitted. It is brief but is considered to be sufficient in this case; full details of any proposed lighting can be secured by condition.

Sustainable construction:

The sustainable construction checklist and SAP data confirm compliance with policy SCR6. This is because the space heating demand is less than 30kWh/m2/annum, the total energy use is less than 40kWh/m2/annum and the on site renewable energy generation matches the total energy use. MVHR has been included into the proposals, following comments from Transition Bath.

Conclusion:

The replacement building is materially larger than the one it is replacing, which is an inappropriate form of development in the Green Belt. Inappropriate development is by definition harmful and this harm should be given substantial weight. There is also harm to the openness of the Green Belt. There are no very special circumstances that outweigh this harm. Therefore, there is conflict with policy CP8 of the Placemaking Plan and part 13 of the NPPF.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 Green Belt

The replacement building is materially larger than the one it is replacing, which is an inappropriate form of development in the Green Belt. The proposals would also result in harm to the openness of the Green belt. Inappropriate development is by definition harmful and this harm should be given substantial weight. There are no very special circumstances that outweigh this harm. Therefore, there is conflict with policy CP8 of the Placemaking Plan and part 13 of the NPPF.

PLANS LIST:

This decision relates to the following plans:

Proposed Block/Roof plan- 6C

Proposed Plans- 7A

Proposed North Elevations- 8B

Proposed South Elevations- 9B

Existing Block/Roof plan

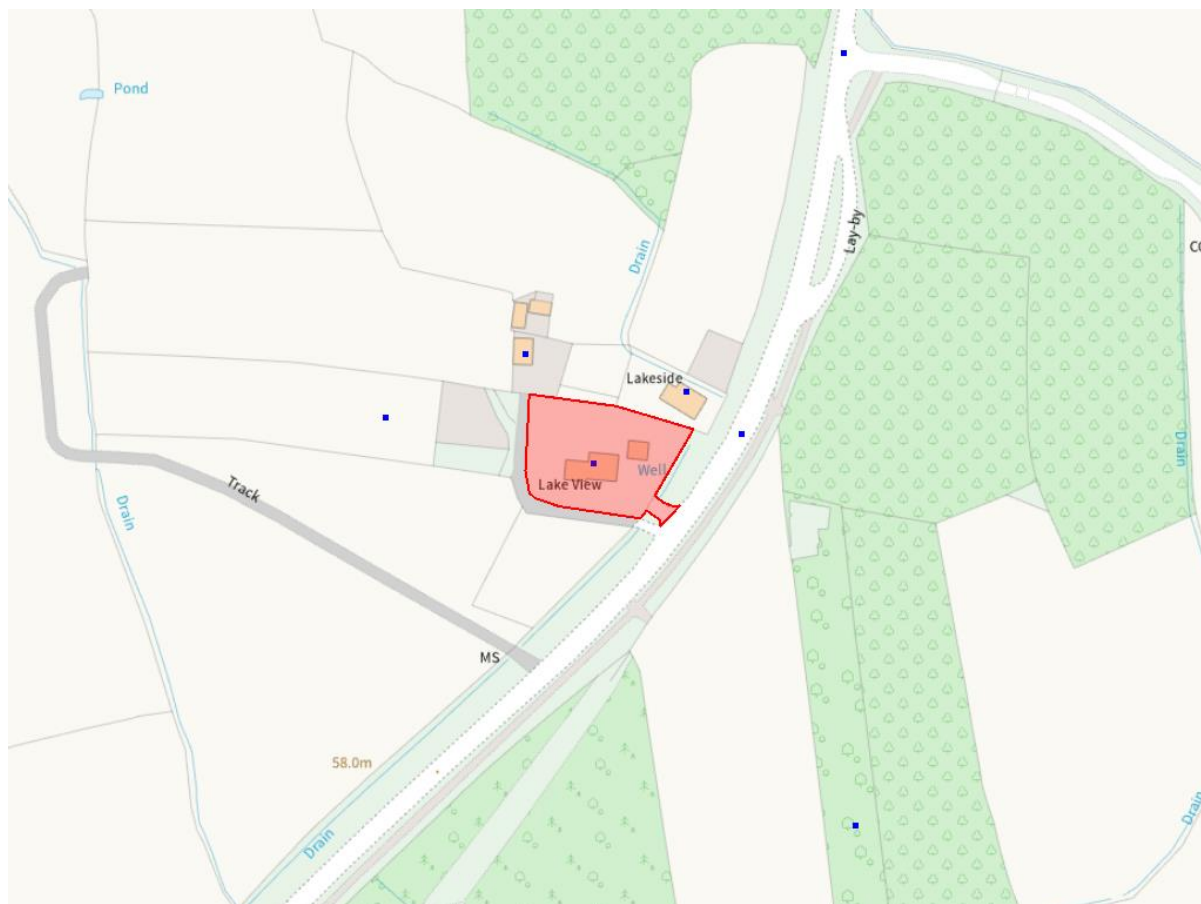
Existing Plans
Existing Plans
Existing North Elevations
Existing South Elevations
Location Plan

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Item No: 06
Application No: 24/03981/FUL
Site Location: Lake View Stoke Hill Chew Stoke Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Chew Stoke **LB Grade:** N/A

Ward Members: Councillor Anna Box Councillor Dave Harding

Application Type: Full Application

Proposal: Erection of rear extensions.

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, Strategic Nature Areas Policy NE5, NRN Wetland Strategic Network Policy NE5, Neighbourhood Plan, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr and Mrs Cooke

Expiry Date: 17th December 2024

Case Officer: Angus Harris

To view the case click on the link [here](#).

REPORT

The application refers to the detached property Lake View, Stoke Hill, Chew Stoke, BS40 8XJ.

Planning permission is sought for the erection of single storey rear extensions.

Relevant Planning History:

DC - 04/03685/FUL - RF - 21 January 2005 - First floor rear extension and single storey rear extension to provide covered swimming pool

DC - 05/03635/FUL - PERMIT - 23 December 2005 - First-floor rear extension (as amended by plan date stamped 21 December 2005)

DC - 07/01730/FUL - RF - 13 July 2007 - Erection of a swimming pool enclosure

DC - 07/02335/FUL - PERMIT - 11 September 2007 - Erection of a swimming pool enclosure (Resubmission)

DC - 12/03005/FUL - PERMIT - 12 September 2012 - Erection of new garage adjacent to the house with work from home office above the unit following demolition of existing garage

DC - 18/03674/FUL - PERMIT - 4 June 2019 - Change of use from existing garage with office above into holiday let accommodation.

DC - 24/01544/CLPU - LAWFUL - 8 August 2024 - Erection of rear extension, including new and replacement windows and doors and paving (Certificate of Lawfulness for a Proposed Development).

DC - 24/04347/CLEU - PCO - - Use of land for residential purposes in association with the dwellinghouse (Certificate of Lawfulness for an Existing Use)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Chew Stoke Parish Council :

Chew Stoke Parish Council discussed this planning application on 7th November. CSPC noted historical planning applications for this property, including a request for a Certificate of Lawfulness for a Proposed Development (CLPU) in April 2024 to create a rear extension, this has not been enacted to date. Whilst there is much detail about this application, there are no volume increase calculations.

It is very difficult to understand what the volume increase of the new application would be just from the drawings. This property sits within the AONB in addition to the greenbelt, without the volume calculations it is not possible to assess the impact this would have on the openness of the greenbelt or the AONB. Due to the lack of volume increase calculations, CSPC objects to this application.

Representations Received :

3no objections have been received which have been summarised into the following points:

- The property has had extensive development before and with the garage permission,
- The original property was a small cottage which has been incrementally extended by previous applications, including first floor extensions, a double garage, swimming pool.
- The new extensions are significant overdevelopment in the Green Belt and AONB,
- Volume calculations should be provided to confirm that the extension and cumulative development is within the 33% additional volume allowance of the original property,
- A new plant room is shown to the rear of the extension which could be noisy,
- Confirmation of the plant equipment and an acoustic report should be provided,
- Drains to it which have had problems smell all around our property.
- No details have been provided to confirm bats will not be affected by the proposals and therefore a lighting condition should be added to ensure any lighting does not cause an issue for bats or neighbours
- Please can a condition be added that states no new openings/windows shall be added/installed without permission.
- The garage has been occupied for long periods of time,

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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

CP8: Green Belt

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
D4: Streets and spaces
D5: Building design
D6: Amenity
GB1: Visual amenities of the Green Belt
NE2A: Landscape setting of settlements

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
GB3: Extensions and alterations to buildings in the Green Belt
NE2: Conserving and enhancing the landscape and landscape character
NE3: Sites, species, and habitats
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The Existing Dwellings in the Green Belt Supplementary Planning Document (October 2008)

NEIGHBOURHOOD PLANS:

The following Neighbourhood Plan is relevant to the determination of this application:

Chew Valley Area

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) was published in December 2023 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

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

Paragraph 152 of the National Planning Policy Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 of the National Planning Policy Framework set out the forms of development that are not considered inappropriate in the Green Belt.

Extensions to buildings within the Green Belt are considered acceptable provided they do not represent a disproportionate addition to the existing dwelling. Additions will be found proportionate where there is a volume increase of about a third of the original dwelling, as highlighted in the 'Existing Dwellings in the Green Belt SPD' and Policy GB3 of the Local Plan Partial Update. Therefore, the primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

The original dwelling:

The design and access statement has put forward some historic mapping of the site which shows the dwelling during various years. Maps dated during the late 19th Century show the main footprint of the dwelling, which includes the 2-storey, dual-pitched roof with gable ends to the side, with a square footprint on the west side of the dwelling off-set against the main footprint, projecting to the front.

A map is shown for 1947 which shows a slightly enlarged footprint, which includes the single storey lean-to addition on the side elevation (west). This particular map is an OS National Grid map layer which has a date range between 1947 - 1965 which could mean that the addition of the single storey side extension was completed post 1947, but before 1965. In that instance, the lean-to would not be considered original. Without further evidence to determine exactly which year the extension was built, this element of the dwelling cannot be confirmed or denied as to whether it is original at this time.

Non-Original Additions:

In 2012, a new garage was erected following granting of permission 12/03005/FUL. The garage is a detached building, situated in close proximity to the main dwelling. Given the siting of the detached building, the garage was considered as an extension to the main dwelling. This permission included a 2-storey glazed 'link' extension which had not been constructed.

In 2007, a detached building to provide a swimming pool was granted permission (07/02335/FUL). This is situated toward the side and rear corner of garden, detached away from the main dwelling.

In 2005, a first-floor rear extension was granted permission (05/03635/FUL) which sought to erect a rear facing gable end. This development was never built and subsequently the permission is considered to be expired.

The proposed drawings from the 2005 permission do however contain elevation drawings which show the 'Existing' dwelling which highlights some additional elements of the dwelling that are not original.

The front facing gable which is now present on the dwelling, was not present as of 2005. The front facing gable end replaced what is shown to be a 2-storey front projection, of the same footprint, which forms a shallow pitched roof which adjoins the eaves of the main dwellings roof.

Additionally, the rear of the dwelling is shown to form a single storey lean-to extension. This element of the dwelling has since been extended upwards to construct an additional storey with a dual pitched roof and gable ends forming a valley with the original roof.

Aerial imagery dated 2005 and 2006 confirms that both of these first floor extensions took place after 2006, but before 2017 which is the next available image with the BANES records. As such, these elements of the existing dwelling are considered to be non-original additions.

The 2012 permission quoted that the detached garage constituted a 44% volume increase. It is unclear whether this was assessed against the volume of the 'original' dwelling, or the building which was existing at the time which included the non-original first floor additions.

The Proposal:

The proposal seeks to erect extensions, which include:

- 1) a single storey rear extension
- 2) a 2-storey rear extension which links the existing garage to the main dwelling
- 3) alterations to some of the windows and doors,

The single storey rear extension and the 2-storey link extension connect, forming a continuous connection between the host dwelling and the existing garage. The single storey extension will project directly to the rear (north) of the rear projection by 4.0 meters and will measure 8.7 meters in width. This will also form a flat roof at 3.0 meters in height

The 2-storey rear extension will connect the single storey rear extension with the existing 2-storey detached garage. This link extension appears to be situated on the same footprint, and would be built to the same ridge and eaves height as the glazed link proposed and approved as part of the 2012 permission. While the glazed element of the 2012 was never constructed, the detached garage has been built and the glazed element may lawfully still be constructed.

Disproportionate Additions:

No volume calculations have been provided as part of the pre-application enquiry, which has been raised in objecting comments.

The 2012 permission quoted that the detached garage constituted a 44% volume increase. It is unclear whether this was assessed against the volume of the 'original' dwelling, or the building which was existing at the time which included the non-original first floor additions.

However, it is clear that the cumulative volume of the new proposals will be substantially above a one third volume increase over the 'original' dwelling. As such, the works would be considered disproportionate additions. The development is therefore not considered to meet the exceptions to inappropriate development within the green belt and is considered to be contrary to policy GB3 of the Local Plan Partial Update for Bath and North East Somerset (2017) and part 13 of the NPPF.

Very Special Circumstances would be required to outweigh this harm.

VERY SPECIAL CIRCUMSTANCES:

The site benefits from 2no existing applications of particular relevance.

12/03005/FUL:

Application reference 12/03005/FUL granted permission for the erection of the detached garage. This included a glazed canopy roof with fencing to the sides and rear which infilled the remaining space between the garage and the dwelling.

The garage was constructed so the 2012 permission was implemented. Whilst the roof canopy and fencing to the sides were not constructed at the time, the permission remains extant, and this part of the development could still lawfully be built.

The proposal seeks to modify this element, to use materials matching those of the main dwelling and garage, to utilise natural stone, double roman clay roof tiles with timber and powder-coated aluminium windows and doors. An element of timber cladding is also proposed at the ground floor. It is considered that the proposal to construct this link from stone/roof tiles to match the materials of the main dwelling is not more harmful to the openness of the green belt than the extant scheme.

Due to the fact that this element of the proposal has an extant planning permission, and can still be lawfully constructed, it is considered that the 2-storey 'link' extension has a Very Special Circumstance to overcome harm to the Green Belt for this element in isolation.

24/01544/CLPU:

Application reference 24/01544/CLPU found a proposal lawful for the erection of a single storey rear extension. The lawful extension is 2.8m in height and projects 4.0m to the rear of the dwelling and constituted permitted development in accordance with the terms of the The Town and Country Planning (General Permitted Development) Order.

The single storey element of the new proposal is consistent with the dimensions of the lawful extension.

VERY SPECIAL CIRCUMSTANCES CONCLUSION:

This current application connects both the lawful, single storey extension and the extant, 2-storey extension for the garage, creating a continuous link between the garage and dwelling. Additional modifications are sought to the 2-storey extension to enclose the roof cover and change the materials,

Both the single storey extension and the extant 2-storey garage extension can be lawfully constructed without further permission and the new modifications do not add new volume or massing to the development. This is considered to be a fall-back position that holds significant weight.

As such, Very Special Circumstances are found to exist to justify the proposed development.

GREEN BELT CONCLUSION:

The works represent disproportionate addition to the main dwelling which has already been extended beyond what can be considered 'about a third' of the original building. The proposed extensions each benefit from extant permission and a lawful development certificate for a very similar development, and can both lawfully be constructed.

As such, Very Special Circumstances are found to exist to outweigh the harm to the Green Belt.

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. 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.

The extensions propose the use of natural stone and render, to match the existing dwelling. 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 Core Strategy, policies D1, D2, D3, D4 and D5 of the Placemaking Plan and part 12 of the NPPF.

LANDSCAPE:

Local Plan Partial Update policy NE2 has regard to conserving and enhancing the landscape and landscape character. The policy notes a number of criteria which should be met in order for the development to be considered acceptable in landscape, including conserving the local landscape character. The policy also states that development should seek to avoid or should adequately mitigate any adverse impacts on the landscape.

The LPA has a duty under Section 85 of the Countyside and Rights of Way Act 2000 to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.

Overall, the proposal is considered to comply with policy NE2 of the Local Plan Partial Update, policy NE2A of the Placemaking Plan and part 15 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.

Objection has been raised to the provision of a plant room on the north side of the property, raising concerns for noise impacts on the nearest neighbours. The application site is a detached property which sits within a small cluster of 3 no dwellings on the west side of Bristol Road. The application site has a large garden and the plant room will be approximately 20m from the nearest neighbouring property. The plant equipment is stated to be air conditioning for the property, enclosed behind timber shutters and is not found to result in an unacceptable impact on neighbouring amenity.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be

permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

Concerns have been raised that the development could impact on nearby bats. The works include a 2-storey extension adjoining the existing garage, and a single storey rear extension connecting the garage with the dwelling. The works are limited to the built form of the host dwelling. A lantern rooflight is provided for the kitchen and casement windows will be inset into the side and rear of the extensions. The new windows are not considered excessive in scale or to result in harm to protected species. No external lighting is proposed as part of this application.

PUBLIC SECTOR EQUALITY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

SCHEME OF DELEGATION:

This application has been referred to the Chair and Vice Chair of the planning committee as objection comments have been received by the Parish Council which are contrary to the Officer's recommendation.

The Vice Chair commented as follows:

Noting the concerns raised by the Parish Council, and the helpful explanation within this report of the complex planning history for this site, whilst Very Special Circumstances have been concluded because the single storey extension and extant 2 storey garage extension can be lawfully constructed, it has also been noted that the cumulative volume increase over the original is substantially more than a third. In these circumstances, it seems that the Planning Committee may come to a different on balance conclusion given an opportunity to discuss all policy areas in the round and for this reason I recommend referral to the Planning Committee

The Chair commented as follows:

Although no volume calculations have been submitted, previous permissions imply that there has previously been a 44% increase although this is unclear as to whether this

relates to the original building or the building at the time the application was considered. It is noted that the partial implementation of the 2012 planning permission remains extant, the proposal whilst advised will not see any additional volume or massing to that previously permitted but does differ in appearance. Although the lawful single storey rear extension is yet unbuilt, this does raise some points for discussion about how special circumstances are defined given that the cumulative volume will still be in excess of one third which would conflict with the underlying principles of Policies GB1 and GB3.

As such, this application will be brought to the Planning Committee.

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 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

| | | | |
|-----------------|-------------|-------------|------------------------------------|
| Drawing | 22 Oct 2024 | H6687 002 | PLANS AND ELEVATIONS AS EXISTING |
| Revised Drawing | 07 Jan 2025 | H6687 100 E | GROUND FLOOR PLAN AS PROPOSED |
| Revised Drawing | 07 Jan 2025 | H6687 101 E | PROPOSED PLANS |
| Revised Drawing | 07 Jan 2025 | H6687 102 G | ELEVATIONS AS PROPOSED |
| OS Extract | 22 Oct 2024 | H6687 003 | LOCATION AND SITE PLAN AS EXISTING |

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

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.

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the

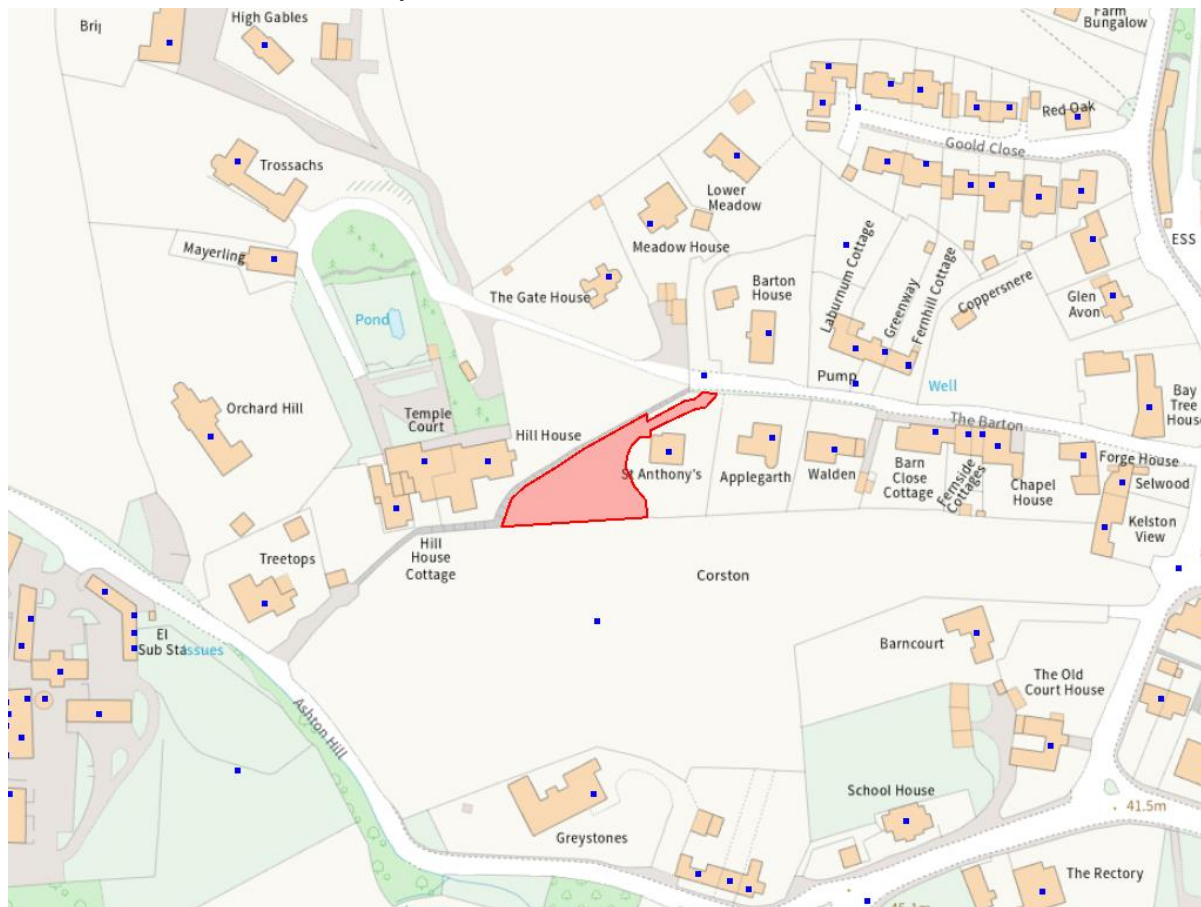
Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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

Responding to Climate Change (Informative):

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

Item No: 07
Application No: 23/02711/FUL
Site Location: St Anthony's The Barton Corston Bath Bath And North East Somerset



Ward: Saltford **Parish:** Corston **LB Grade:** N/A
Ward Members: Councillor Duncan Hounsell Councillor Alison Streatfeild-James

Application Type: Full Application

Proposal: Erection of 3-bed, two storey house in garden of existing house.

Constraints: Colerne Airfield Buffer, Saltford Airfield 3km buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Conservation Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy GB2 Infill Boundary, Housing Development Boundary, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr and Mrs Mark Charwood

Expiry Date: 14th March 2025

Case Officer: Christopher Masters

To view the case click on the link [here](#).

REPORT

Planning permission is sought for the erection of 3-bed, two storey house in the garden of an existing dwelling.

The site is located within the housing development boundary of Corston as well as the Bristol - Bath Green Belt and Corston Conservation Area. The site also occupies a prominent hillside location which contributes to the landscape setting of the village.

Reasons For Reporting To Committee

The application has been reported to Committee as the Officer's recommendation is contrary to comments provided by Corston Parish Council. In line with the Council's Scheme of Delegation the application was referred to the Chair of the Planning Committee, who stated:

"There is some disagreement from the Parish Council as to whether this proposal constitutes limited infill development within the Greenbelt or is backland and whether the dwelling is appropriate to the landscape character of Corston and preserves and enhances the character and setting of the Conservation Area. Whilst the proposal has been amended a number of times thereby emphasising the complexities of securing an appropriate design albeit within the housing boundary, it is considered that the application should be debated by the Planning Committee."

In addition, the Vice Chair commented:

"Noting the concerns raised by Corston Parish Council, and the objection maintained by the BANES Historic Landscape consultee on the grounds of non-compliance with policy NE2, including in terms of requirement to preserve or enhance the landscape character, local distinctiveness and Conservation Area, I recommend that the relevant planning policies are debated in public by the Planning Committee."

Relevant Planning History:

18/00652/FUL - PERMIT - 21 May 2018 - Demolition of the rear part of the existing house and a detached garage in the garden, construction of a new rear extension, drive and associated retaining walls

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Arboriculture - The tree losses are insufficient to object as the quality of the affected trees appears low (historic pruning and poor structures). The proposed planting volume is more or less equal to what has been lost. A compliance condition shall be required to ensure working to the most current AMS and TPP. Notably this includes, physical fence protection and root protection, it also includes No-dig Cellweb type roadway over root-system of T5.

Corston Parish Council - Previous comments made by Corston Parish Council dated 24/08/2023 on 23/02711/FUL remain applicable despite recognising the volume and massing of the proposed new build have slightly reduced. The intended location is in a village swept over by the Green Belt and situated in the Corston Conservation Area, and

as the Parish Council's earlier comments, member's current views are that it remains an inappropriate development in the Conservation Area and is OPPOSED. As previously stated, the proposed dwelling is considered "Back Land Development" and not "In-Fill". Additionally, due to the signification elevation of the location the adverse visual impact this development would have on occupants of dwellings in the conservation area on Corston Lane, Aston Hill and the Barton, as well as on pedestrians using the footpaths and the public rights of way, known locally as Barton Steps, reinforce the PC's view that at the proposed location this application is considered inappropriate development.

Drainage and Flooding - Further information is required regarding the proposed drainage channel, what is this connected too, and wheter is shall serve a soakaway. The application form states the use of soakaways and the use of permeable block paving. British Geological Survey Infiltration Mapping indicates that the ground at this location is likely to be poorly draining. Infiltration testing in accordance with BRE Digest 365 will be required to confirm the viability of soakaways and to inform the design which is to accommodate the critical 1in100+45% storm event without flooding.

Ecology - BNG baseline assessment not yet complete / accurate and cannot yet be accepted as it stands. If details of that can be corrected sufficiently to provide confidence in the accuracy of the baseline assessment, details for BNG provision can then be secured by condition and this could potentially overcome the ecology objection.

Highways - The information provided addresses the concerns raised, therefore the highway authority recommended no objection to the proposal, subject to a parking compliance condition.

Landscape - The proposed development does not meet the requirements of Policy NE2 because:

- o It would not conserve or enhance landscape character, landscape features and local distinctiveness;
- o It has not been demonstrated that the whole scheme would contribute positively to the local area;
- o There would be an adverse impact on local views in the immediate vicinity of the site;
- o The design of the proposals is at odds with the character of the Conservation Area;
- o The submitted landscape and visual impact assessments suggesting minimal adverse effects does not take sufficient account of the effects on the immediate locality and the Conservation Area.

Representations Received :

One letter of support has been received from Transition Bath who indicate that the proposed development would exceed the energy performance of policy SCR6.

POLICIES/LEGISLATION

Planning policies, legislation & other information relevant to your proposal

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

CP5: Flood risk management
 CP6: Environmental quality
 CP8: Green Belt
 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
 D4: Streets and spaces
 D6: Amenity
 D7: Infill and backland development
 GB1: Visual amenities of the Green Belt
 HE1: Historic environment
 NE2A: Landscape setting of settlements
 SCR5: Water efficiency

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced several new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District wide spatial strategy
 D5: Building design
 GB2: Development in Green Belt villages
 NE1: Development and green infrastructure
 NE2: Conserving and enhancing the landscape and landscape character
 NE3: Sites, species, and habitats
 NE3a: Biodiversity net gain
 NE5: Ecological networks
 NE6: Trees and woodland conservation
 SCR6: Sustainable construction policy for new build residential development

ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant in the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

Transport and Development Supplementary Planning Document (January 2023) is also relevant in the determination of this application.

NATIONAL POLICY:

The National Planning Policy Framework (NPPF) 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.

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

Character, appearance, landscape impacts and impacts on the Corston Conservation Area

Residential Amenity

Highways

Trees

Ecology

Sustainable construction

Public sector equality duty

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

The site is located within the Housing Development (Infill) Boundary of Corston which is over washed by the Bristol - Bath Green Belt. Accordingly, Policy CP8 of the Core Strategy and Policy GB2 of the Local Plan Partial Update is of relevance.

Policy CP8 sets out that the openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy

Policy GB2 sets out that new buildings in villages in the Green Belt will not be permitted unless it is limited to infilling or it falls under the exceptions to inappropriate development listed within the NPPF. The policy continues stating proposed limited infill development should be located within the defined Infill boundary shown on the Policies Map and will have to meet the definition of limited infill as set out below to be considered acceptable.

The definition of limited infilling is the filling of small gaps in existing development comprising:

- a) The building of one or two houses on a small vacant plot in an otherwise extensively built-up frontage; and
- b) The plot is generally surrounded on at least three sides by developed sites or roads.

In this instance, the plot is triangular in shape and sited at the end of a built up frontage along the Barton. Despite its irregular shape and position, the development does comprise the building of one house on a small vacant plot within the settlement boundary and it feels on the ground to be both within the village and generally surrounded by other development. This is reflected when viewing the site on a map, which shows the site to be surrounded by developed sites or roads on all but its southern boundary. Specifically, the northern boundary is bounded by a public footpath, beyond which is the curtilage of Hill House which is itself located due west of the site, outside of the Housing Development Boundary. To the east lies St Anthonys, which is currently the end dwelling along a row of eight which form the southern side of The Barton.

Land to the south belongs to the Duchy of Cornwall. It has an open character, is outside of the Housing Development Boundary and is understood to be in Agricultural use.

With regards to Policy CP8, it is considered that the proposal meets the criteria of being 'limited infilling in villages' as the scheme comprises small scale development within the village.

The Parish Council highlight that the scheme could be considered backland development and officers do not disagree with this position. However, for the purposes of Green Belt policy it is considered that such a form of development would fall within the wider ambit of being infilling within a village.

Turning to policy GB2, whilst the criteria of the policy are more specific than the provisions of the NPPF, it does not set out that backland development cannot also be considered as limited infilling. Given the layout and pattern of surrounding development, in this instance it is considered that the development meets the definition of limited infill development and would therefore accord with Policy GB2 of the Local Plan Partial Update. As such, the

proposal accords with Policy CP8 of the Core Strategy, Policy GB2 of the Local Plan Partial Update and Part 13 of the NPPF, which sets out that limited infilling in villages is an appropriate form of development within the Green Belt.

DESIGN, CHARACTER AND APPEARANCE (Including impacts on the Corston Conservation Area and wider landscape)

Policies NE2A, D1, D2, D3 and D7 of the Placemaking Plan and Policies NE2 and D5 of the Local Plan Partial Update have regard to the character and appearance of a development and its impact on the character and appearance of the host dwelling and wider landscape. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout. Additionally, 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.

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.

During the course of the application concern was raised by both the Case Officer and the Council's Landscape Officer regarding the form of the proposed dwelling which was at odds with the prevailing character of the conservation area and surrounding context, principally by virtue of its flat roof form which would not have positively reflected the character of the immediate context and the surrounding settlement. This was of particular concern given the prominence of the dwelling within public views. Following extensive discussion, the form of the dwelling has been amended such that the proposed dwelling now benefits from a more traditional pitched roof form which reflects the character of the surrounding dwellings and wider conservation area. It is therefore considered that the Landscape Officer's concerns regarding the impact the form of the dwelling would have on the Conservation Area have been overcome.

It is noted that in this instance the siting and design of the building is such that it follows the linear pattern of development along The Barton. In addition, the proposed dwelling shall visually assimilate with the adjoining property in terms of its materials, form and character such that they read as a detached pair.

The elevations of the dwelling are well articulated in terms of their materials, proportions and arrangement including fenestration. Furthermore, the proposed dwelling is read against a wooded backdrop and shall benefit from tree and hedgerow planting which shall filter views of the dwelling and ensure it is integrated within its landscape setting.

With respect to the replacement planting, concern was initially raised by the Landscape Officer regarding the loss of on site trees which currently make a positive contribution to the landscape setting of Corston. Following the amendments to the proposal, Officers are satisfied that adequate soft landscaping shall be provided which once established, shall enhance the wooded landscape setting of this part of the settlement and that therefore the Landscape Officer's concerns regarding the erosion of this landscape feature have been overcome. .

Accordingly, following the amendments to the scheme it is considered the proposal shall conserve the local landscape character, landscape features (trees) and local distinctiveness. It shall have a positive impact on the character of the local area through visually complimenting the adjacent dwelling and whilst visible from various vantage points, by virtue of its design and form, shall not have an adverse impact on local views in the immediate vicinity of the site. The design as amended is subsequently considered to make a positive contribution to the character of this part of the Conservation Area.

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 this part of the Conservation Area, its setting and the wider landscape. The proposal accords with policy CP6 of the Core Strategy, policies D1, D2, D3, D4 and HE1 of the Placemaking Plan, Policies D5 and NE2 of the Local Plan Partial Update and parts 12 and 16 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.

The proposed dwelling has been sited, orientated and designed such that it shall not unacceptable harm the residential amenity of occupiers at adjoining properties.

The submitted plans indicate that the proposed dwelling would have adequate internal space and be served by a sizeable private outdoor amenity space. Whilst it is noted the dwelling would be sited in close proximity to a number of trees, on balance it is considered that these shall be able to co-exist with the dwelling and that given its orientation and design, the dwelling and its garden shall not be significantly overshadowed.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

Location and Accessibility

The site is located in Corston which has a small range of community facilities. It is also noted that the site can be accessed by a variety of sustainable modes of transport and

has public transport and cycle connectivity to key locations including Bath City Centre, Bristol City Centre, Keynsham and Saltford.

Access

No material alterations are proposed to the existing access junction to the adopted highway. Access to the application site will be via an internal connecting to the existing private driveway for the dwelling at St Antony's. A drainage channel shall be installed at the bottom of the drive to accommodate any additional surface water runoff.

Concern remains that the shared access is only approximately 2.5m wide, which in accordance with Manual for Streets (MfS) guidance is not suitable for two-way working between any vehicles. However, ultimately, the Highway Authority accepts that there would be suitable forward visibility for the speeds of vehicles approaching and using the access to enable any vehicles which are meeting to negotiate the access in a safe and suitable manner. The Highway Authority therefore accepts that as there is likely to be a minor intensification in the use of the access to / from the adopted highway as a result of the proposed development, the access arrangements are acceptable.

Parking and Internal Layout

No objection is raised regarding the proposed parking and turning arrangements which shall be secured by condition. It is considered the garage affords adequate space for the storage of bicycles.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

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.

Concern was raised during the course of the application that soakaways would not be suitable due to potential for the ground to be poorly draining. The applicant subsequently commissioned a percolation test which was carried out in accordance with the Building Regulations approved document H2 paragraphs 1.34 to 1.37. The tests found that soakaways constructed at least 5 metres from any building will be capable of disposing of the surface water from the roof of the new dwelling and the drainage channel proposed across the access point from the highway into the overall site. The results also show that the ground below the proposed permeable paving on the site and the additional section of drive from St Anthony's up to the dwelling will also be capable of accepting the infiltration necessary to dispose of the surface runoff.

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 part 14 of the NPPF.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. Development should seek to avoid adverse impacts on trees and woodlands of wildlife, landscape, historic, amenity and productive or cultural value, as well as appropriately retaining trees and providing new tree planting. Development will only be permitted where it can be demonstrated that adverse impacts on trees are unavoidable to allow for development and that compensatory provision will be made in accordance with guidance within the Planning Obligations Supplementary Planning Document (2023). Development proposals which directly or indirectly affect ancient woodland and ancient or veteran trees will not be permitted.

The site is within the Conservation Area of Corston and as such trees on and adjacent to the site benefit from statutory protection. It is noted that offsite trees to the north are also protected by TPO. Given their siting the trees are considered to make a positive contribution to the landscape setting of Corston.

Whilst amendments have been made to ensure the most significant trees on the site are safeguarded, in order for the proposal to be accommodated a number of tree works shall need to be undertaken. These are understood to include the removal of T2 - Birch (located at entrance to existing house); G4 - Pear and Laurel; T6 - Pear; and T8 Apple. In addition, works are proposed to - G10 - Hazel and Sycamore; and G7 - Field Maple.

In this instance it is considered that the above tree losses are acceptable given the quality and condition of these trees.

Compensatory planting is proposed in the form of 26 Hazel, a 7m length and 6m length of native hedge, 2 groups of 3 fastigate Yew and a Silver Birch. The Council's Arboricultural Officer has advised that they consider the proposed compensatory planting volume to be appropriate. A condition shall be attached requiring the works to be undertaken in accordance with the submitted Arboricultural method Statement and Tree Protection Plan.

Overall, the proposal is considered to comply with policy NE6 of the Local Plan Partial Update.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

The submitted ecological report does not identify any substantial ecological constraints or use of the site by protected species requiring additional mitigation measures beyond the measures required to avoid harm during construction phase. The findings of the report are

largely accepted but the report does under-play the value contributed to ecology and green infrastructure by some key features that are present at (and could be said to dominate) the site, ie that it is very well vegetated and partially wooded, and includes presence of a mixed native species hedgerow along the northern boundary, mature trees, and mixed native and non-native shrub species. Several trees / shrub groups will be removed to enable the development and it appears some of these are fruit trees or native trees and shrubs with more habitat value than has been acknowledged in the ecological report and in the initially submitted BNG Metric. These habitats make a substantial contribution to local green infrastructure and habitat connectivity, and offer habitat value, cover and foraging resources for a range of wildlife.

Policy NE3a of the Local Plan Partial Update specifically relates to Biodiversity Net Gain (BNG).

In this instance, whilst the application was submitted prior to statutory BNG taking effect Policies NE3 and NE3A remain of relevance. Policy NE3A sets out that in the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

Guidance published by the Council following the introduction of Statutory BNG sets out that developments shall be exempt from needing to provide BNG where an exemption to statutory BNG applies.

One such exemption where the development is for a self build dwelling. In this instance it is understood the dwelling is being applied for on the basis that it is a self build dwelling and as such the development is not statutorily required to provide biodiversity net gain. However, the proposal for a residential unit on this site will involve unavoidable removal of an area of existing vegetation including some loss of trees and shrubs including a native component.

Following submission of the revised BNG metric received 17th February 2024 it is accepted that by virtue of the on-site compensatory tree and hedgerow planting, the proposed development would result in no net loss of biodiversity on the site. A condition shall be attached to ensure the compensatory measures proposed are managed and maintained so as to avoid a net loss of biodiversity.

On this basis the proposal is considered to accord with Policies NE3 and NE3A of the Local Plan Partial Update.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy SCR6 of the Local Plan Partial Update has regard to Sustainable Construction for New Build Residential Development. The policy requires new residential development to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through on-site renewables.

In this case the submitted SCC shows that an air source heat pump and solar panels are to be utilised within this development to achieve policy requirements of SCR6. Space

heating demand is required by policy SCR6 to be less than 30kWh/m2/annum, the proposal shows a figure of 17.8kWh/m2 /annum. Total energy use is shown as 25.6kWh/m2 /annum and this is beneath the policy requirement. The total energy use is required to be matched by on-site renewable energy. This is shown to be the case with on-site renewables generating 25.7kWh/m2 /annum. The provided energy summary tool therefore shows compliance with policy SCR6. Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6.

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.). In this instance the dwelling would benefit from a private garden which could be used for the growing of food if desired by future occupiers.

PUBLIC SECTOR EQUALITY DUTY

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to-

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

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 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.

3 Drainage Strategy (Bespoke Trigger)

The development hereby permitted is to manage surface water onsite using soakaways and permeable paving as indicated on the application form and/or approved drawings. Soakaways are to be designed and constructed in accordance with Building Regulations Approved Document Part H section 3.

If it transpires that soakaways are inadequate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority.

The soakaways or other approved method of surface water drainage shall 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.

4 Biodiversity Gain and Habitat Management Plans (Pre-commencement)

No development shall commence until full details of a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain and a Habitat Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with the approved Biodiversity Gain Metric produced by Wessex Ecological Consultancy dated 17th February 2024 as well as with current best practice guidelines and shall include the following:

1. An up-to-date BNG habitat map for on-site baseline and proposed habitats;
2. Habitat Management Plan - protection measures for all retained habitats and species, including fencing and boundary details;
3. Evidence of the purchase of offsite units;
4. Long-term aims and objectives for habitats (extents, quality) and species;
5. Detailed management prescriptions and operations for newly created habitats including new planting and individual trees; locations, timing, frequency, durations; methods; specialist expertise (if required), specialist tools/machinery or equipment and personnel as required to meet the stated aims and objectives;
6. A detailed prescription for the management of boundary habitats;
7. Details of any management requirements for species-specific habitat enhancements including the bat and bird boxes;
8. Annual work schedule for at least 30 years;

9. A list of activities and operations that shall not take place and shall not be permitted within the HMP Plan area (for example use of herbicides; disposing of grass cuttings/arising in "compost" heaps on-site or in hedgerows (or other on-site waste disposal); routinely cutting ivy where there is no specific arboricultural justification; inappropriate maintenance methods; storage of materials; machine or vehicle access);
10. Detailed monitoring strategy for habitats and species, particularly the individual trees, and methods of measuring progress towards and achievement of stated objectives;
11. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism; and
12. Proposed costs, resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To ensure no net loss of biodiversity in accordance with Policies NE3 and NE3a of the Bath and North East Somerset Local Plan Partial Update.

5 SCR6 Residential Properties (Pre-occupation)

Prior to occupation of the dwellings hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated)
4. Building Regulations Part L post-completion documents for renewables;
5. Building Regulations Part L post-completion documents for energy efficiency;
6. Final as-built full data report from Passive House Planning Package or SAP
7. Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR6 of the Local Plan Partial Update.

6 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.

7 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 policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

8 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place (including demolition, groundworks, and vegetation clearance) 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 proposed measures described within the submitted Preliminary Ecological Appraisal dated May 2023.

These details shall include a method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures for reptiles, nesting birds and small mammals (including hedgehog), and reporting of findings to the LPA prior to commencement of works;

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, and retained and maintained thereafter for the purposes of wildlife conservation.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update. 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.

9 Ecological and Biodiversity Net Gain Compliance 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 site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological measures as detailed in the approved Wildlife Protection and Enhancement Scheme and Biodiversity Net Gain Plan has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Findings of any necessary pre-commencement or update survey for protected species and mitigation measures implemented;
2. Confirmation of compliance with the method statements referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
3. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

Reason: To prevent ecological harm and to ensure that biodiversity net gain is successfully provided in accordance with policy D5e of the Bath and North East Somerset Placemaking Plan and policies NE3, NE3a and NE5 of the Bath and North East Somerset Local Plan Partial Update.

10 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan(s) reference 888/23/02 Rev Q shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and Policy ST7 of the Bath and North East Somerset Local Plan Partial Update and the Transport and Development Supplementary Planning Document.

11 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.

12 Air Source Heat Pump (Compliance)

The proposed air source heat pump shall comply with the MCS Planning Standards or equivalent standards.

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

13 Arboricultural method Statement and Tree Protection Plan (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (25:10:23) and Tree Protection Plan (Oct

23) Ref AJE/EF29470R1). A signed compliance statement shall be provided by the appointed arboriculturalist to the local planning authority within 28 days of completion and prior to the first occupation of the dwelling.

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 Bath and North East Somerset Local Plan Partial Update.

14 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Retaining walls
4. Hard surfacing materials
6. Minor artefacts and structures (eg, refuse or other storage units)

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment and proposed site plan ref 888/23/02 Rev Q and shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

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

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

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality and to ensure appropriate biodiversity net gain is secured in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and NE2, NE3, and NE3a of the Bath and North East Somerset Local Plan Partial Update.

15 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Predicted lux levels and light spill on both the horizontal and vertical planes;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

PLANS LIST:

This decision relates to the following plans:

Received 17th February 2025

888/23/02 Q PROPOSED SITE AND ROOF PLAN

Received 13th December 2024

03F FLOOR PLANS
04F NORTH & SOUTH ELEVATIONS
05F EAST & WEST ELEVATIONS
06E SECTION A-A

Received 19th September 2023

08B HIGHWAY ACCESS PLAN AND DRIVE SECTION

Received 26th July 2023

01D LOCATION PLAN
07A EXISTING BLOCK PLAN

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.

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Responding to Climate Change (Informative):

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

Biodiversity Net Gain - Exempt/Not required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

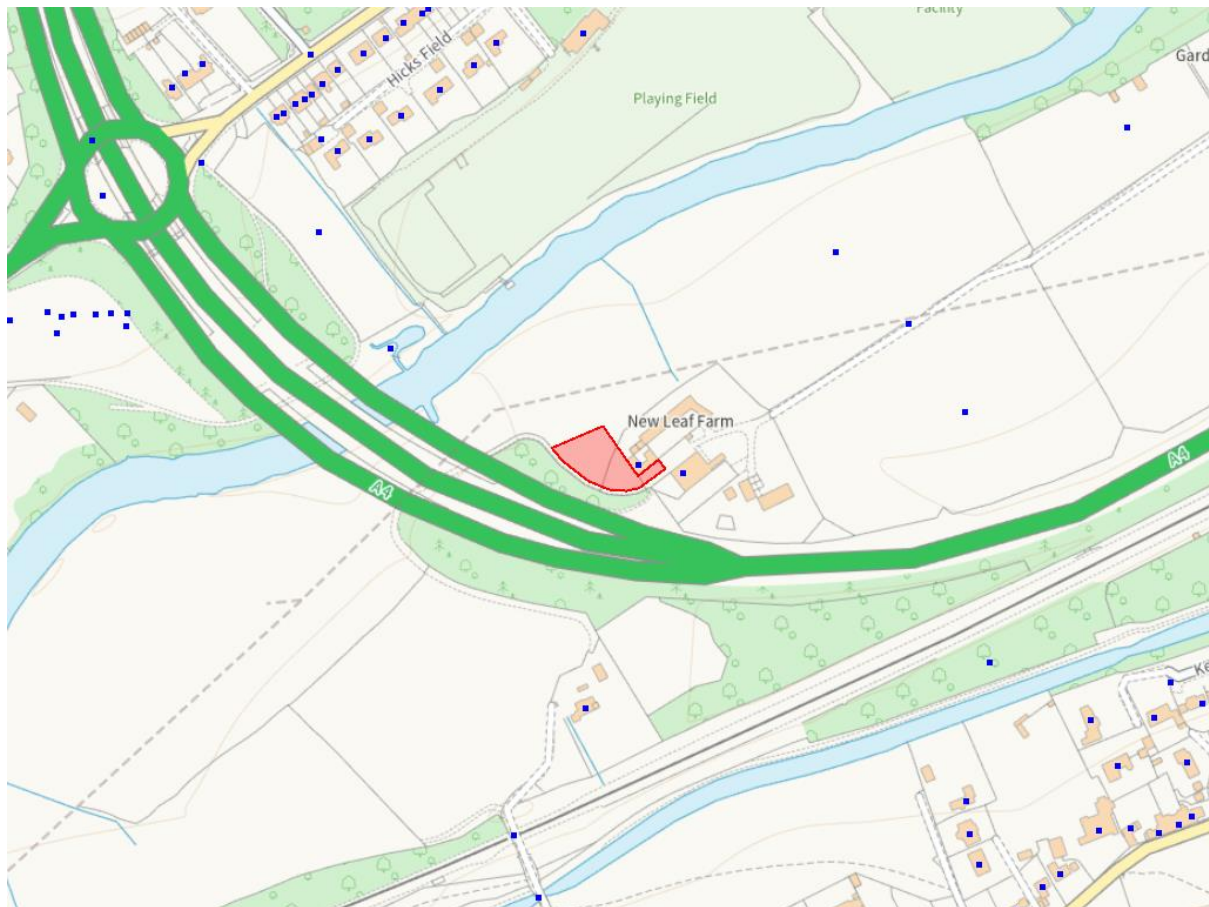
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Item No: 08
Application No: 24/04018/FUL
Site Location: New Leaf Farm Mill Lane Bathampton Bath Bath And North East Somerset



Ward: Bathavon North **Parish:** Bathampton **LB Grade:** N/A
Ward Members: Councillor Kevin Guy Councillor Sarah Warren
Application Type: Full Application
Proposal: Erection of 2no. Agricultural storage buildings.
Constraints: Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, Neighbourhood Plan, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant: Mr Steven Horler
Expiry Date: 20th January 2025
Case Officer: Christopher Masters
To view the case click on the link [here](#).

REPORT

Details of location and proposal and Relevant History:

The application refers to New Leaf Farm, an agricultural unit located within the Bristol - Bath Green Belt and the indicative setting of the City of Bath World Heritage Site.

The proposed development itself also falls within Flood Zone 2.

Planning permission is sought for the erection of 2no. Agricultural storage buildings.

Reasons For Reporting To Committee

The application is reported to the Planning Committee as it has been submitted by an individual related to an elected member of the Council who has direct links with the Planning Service. The determination of the application therefore cannot be delegated to officers, and it must be determined by the Planning Committee as set out within the Planning Scheme of Delegation.

Relevant Planning History:

07/03372/FUL - WITHDRAWN - 21 November 2008 - Conversion of former agricultural buildings to holiday accommodation and erection of barn and detached farm cottage

08/04343/FUL - PERMIT - 16 January 2009 - Conversion of former agricultural buildings to holiday accommodation, erection of barn, temporary dwelling and floating pontoon.

10/02944/AGRN - AGRICULTURAL PRIOR APPROVAL NOT REQUIRED - 4 August 2010 - Erection of an agricultural feed store.

11/03693/FUL - PERMIT - 24 October 2011 - Position floating pontoon on River Avon

11/05456/FUL - REFUSED - 23 February 2012 - Erection of a permanent agricultural workers dwelling.

12/04766/AGRN - WITHDRAWN - 20 November 2012 - Provision of a covered yard.

12/05349/FUL - PERMIT - 29 January 2013 - Erection of agricultural building (covered yard)

12/05631/FUL - REFUSED - 18 October 2013 - Erection of a permanent agricultural workers dwelling (Resubmission)

14/00316/FUL - PERMIT - 19 March 2014 - Erection of agricultural building (covered yard)

14/00847/FUL - REFUSED - 14 May 2014 - Erection of a permanent agricultural workers dwelling (Resubmission)

14/04947/ADCOU - REFUSED - 19 December 2014 - Prior approval request for change of use from Agricultural Barn to Dwelling (C3)

(Appeal) 14/00089/RF - DISMISSED - 5 February 2015 - Erection of a permanent agricultural workers dwelling (Resubmission)

15/01855/ADCOU - APPROVE - 15 June 2015 - Prior approval request for change of use from Agricultural Barns to 3 no. Dwellings (C3) and associated operational development.

15/02881/NACOU - PERMITTED DEVELOPMENT - 7 July 2015 - Prior approval request for change of use from Agricultural Building to Hotel (C1).

16/03298/FUL - REFUSED - 4 August 2016 - Erection of 2no Shepherd's huts for holiday rental with 2 car parking spaces

16/04763/FUL - REFUSED - 11 January 2017 - Erection of 2no Shepherd's huts for holiday rental with 2 car parking spaces

17/00829/VAR - PERMIT - 4 May 2017 - Variation of condition 4 (times of occupation) of application 08/04343/FUL (Conversion of former agricultural buildings to holiday accommodation, erection of barn, temporary dwelling and floating pontoon) granted on 16/01/2009.

18/01973/ADCOU - WITHDRAWN - 3 July 2018 - Prior approval request for change of use from Agricultural Barns to 3 no. Dwellings (C3) and associated operational development.

18/03608/ADCOU - APPROVE - 3 October 2018 - Prior approval request for change of use from Agricultural Building to three dwellings (C3) and associated operational development.

20/01325/AGRN - WITHDRAWN - 15 April 2020 - Erection of agricultural storage building

20/01399/FUL - PERMIT - 2 July 2020 - Erection of agricultural storage building.

22/02604/FUL - PERMIT - 10 March 2023 - Change of use of agricultural barn into a single dwelling with associated facilities for the existing holiday lets (Revision of proposal approved on 18/03608/ADCOU).

24/01313/PACOU - WITHDRAWN - 20 May 2024 - Prior approval request for change of use from Agricultural Building to Hotel (Use Class C1)

24/03673/ADCOU - APPROVE - 23rd December 2024 - Prior approval request for change of use from agricultural building to 2no. dwellings (C3) and associated operational development.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Bathampton Parish Council - Bathampton Parish Council responded with 'No Objection' to the application 24/03673/ADCOU for the barn conversion on the basis that there was no longer as much demand for storage, and that any storage could be managed in existing buildings. We did not expect an application for new buildings on the site, and would have

objected to that application if this had been known. We do not feel that it would be appropriate to add yet more buildings to this site. Therefore we OBJECT to application 24/04018/FUL

Environment Agency - We recommend that you view our standing advice in full before making a decision on this application.

Lead Local Flood Authority - The Drainage and flooding team have no objections on surface water flood risk grounds. However, recommend that EA standing advice is followed. Floor levels within the proposed development will be set no higher than existing ground levels AND, the building shall have a floodable design (e.g. open sided) that is resilient but also allows flood water to enter/flow through. Any excavated material from construction must be removed to a location outside of the flood zones 2 and 3.

Representations Received :

11 objections and one other letter of prepresentation have been received: the comments can be summarised as follows:

- o Given the planning history a condition should be attached restricting future applications to convert the proposed buildings for commercial use.
- o The application is to replace agricultural building which have been converted into housing.
- o There is already sufficient agricultural buildings on the site and any increase to the number of agricultural buildings on the site will be disproportional to the needs of the little agricultural activity that makes place at New Leaf Farm.
- o The site is within a floodplain.
- o The proposal will be harmful to ecology.
- o The site is not served by public transport, will cause excessive traffic and includes excessive amounts of parking.
- o The proposal is harmful to the green belt.
- o The agricultural use of the site is disputed.
- o The buildings are likely to be converted into dwellings in the future.

POLICIES/LEGISLATION

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 Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- 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:

B4: The World Heritage Site and its Setting

CP5: Flood Risk Management
CP6: Environmental Quality
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
D4: Streets and spaces
D6: Amenity
GB1: Visual amenities of the Green Belt
HE1: Historic environment
NE2A: Landscape setting of settlements
RE2: Agricultural development

LOCAL PLAN PARTIAL UPDATE:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

DW1: District Wide Spatial Strategy
CP7: Green infrastructure
D5: Building design
D8: Lighting
NE1: Development and green infrastructure
NE3: Sites, species, and habitats
NE3a: Biodiversity Net Gain
NE5: Ecological networks
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

The following Supplementary Planning Documents (SPDs) are relevant to the determination of this application:

Transport and Development Supplementary Planning Document (January 2023)

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021)

NATIONAL POLICY:

The updated National Planning Policy Framework (NPPF) was published in December 2024 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

Green Belt

Character and appearance (including landscape impacts)

Residential amenity

Flood Risk

Ecology

PRINCIPLE OF DEVELOPMENT:

Policy RE2 of the Placemaking Plan (2017) states that agricultural developments (including the erection of new agricultural buildings and extensions to existing agricultural buildings) will be permitted providing that there are no unacceptable environmental health impacts, adequate provision for the storage of animal waste is provided and the development is commensurate with agricultural activities on the site.

The proposal is not considered to have unacceptable environmental or health impacts. The proposed development is proposed to facilitate the continued storage of agricultural equipment. The submitted information has set out that an existing agricultural building on the site with a footprint measuring 225m² is being converted into housing (see 24/03673/ADCOU). This application seeks to replace it with two smaller agricultural buildings with an identical combined footprint of 225m² so there is no change in agricultural storage space.

The sentiments of the Parish Council and numerous objections regarding the strategy adopted by the applicant are acknowledged. However, the Government's intent in drafting the prior approval legislation was to bolster rural housing supply and support agricultural businesses through facilitating diversification where existing buildings are suitable for conversion.

There is no requirement under the prior approval process for the agricultural building to be surplus to use. The assessment scope of prior approval applications is restricted by legislation and it is not illegitimate under the present legislation for an applicant to seek additional agricultural buildings where others have been converted.

It is therefore accepted that the proposed building would be commensurate with the agricultural activity on the site given the agricultural equipment stored in the barn approved for conversion under 24/03673/ADCOU would need to be stored elsewhere when that building is converted.

The proposal is therefore considered to apply with policy RE2.

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

Paragraph 154 of the National Planning Policy Framework set out the forms of development that are not considered inappropriate in the Green Belt.

Part (a) of paragraph 154 of the NPPF states that buildings for agriculture and forestry are not considered to be forms of inappropriate development in the Green Belt. The buildings shall be located on agricultural land which forms part of an established agricultural holding. The proposed buildings will be used for agricultural purposes including the storage of agricultural equipment and machinery.

On this basis the proposed development does not represent inappropriate development in the green belt and it would not be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the Core Strategy, policy GB1 of the Local Plan Partial Update and part 13 of the NPPF.

DESIGN, CHARACTER AND APPEARANCE (Including Landscape Impacts):

Policies D1, D2 and D3 of the Placemaking Plan and Policy D5 of the Local Plan Partial Update 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. Furthermore, Policy NE2A sets out that development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

The proposed building would be situated within an agrarian landscape and be read in the context of the existing farm complex. The northmost building would have a rectangular footprint measuring 5.5m by 20m and be formed beneath a single pitch roof with a maximum height of 5m.

The southernmost of the two buildings would form a 'L' shape and have a footprint measuring 116m². The roof form would be similar to the northern building being single pitched but with a maximum height of 4m. The external elevations of both buildings would be formed of vertical timber 'Yorkshire' boarding and benefit from grey box profile steel sheeting.

The buildings would be typically agricultural in appearance and would visually assimilate with the surrounding farm complex. By virtue of their scale, form, siting, design and materials the proposed buildings would not have an adverse impact on the landscape setting of the surrounding settlements or the local landscape character, views and features.

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 Core Strategy (2014), policies D1, D2, D3, D4 of the Placemaking Plan (2017), Policies D5 and NE2A of the Local Plan Partial Update (2023) and parts 12 and 15 of the NPPF.

WORLD HERITAGE SITE:

The proposed development is within the Bath World Heritage Site setting; therefore, consideration must be given to the effect the proposal might have on the outstanding universal value of the World Heritage Site and its setting. In this instance, due to the size, location, and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal value or the setting of the World Heritage Site. The proposal accords with policy B4 of the Core Strategy, policy HE1 of the Placemaking Plan, and part 16 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.

The buildings would be located approximately 150m from the closest dwelling not associated with the agricultural holding and are not proposed to be used for the accommodation of livestock or for the storage of slurry or sewage sludge.

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 and part 12 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

Policy ST7 of the Local Plan Partial Update has regard to transport requirements for managing development. It sets out the policy framework for considering the requirements and the implications of development for the highway, transport systems and their users. The Transport and Development Supplementary Planning Document expands upon policy ST7 and includes the parking standards for development.

The proposed agricultural buildings are sited within the existing farm complex and would be used in conjunction with the ongoing agricultural use of the land. No change to the access from the public highway is proposed. The development is not considered to result

in a material increase in the volume or a material change in the character of traffic entering or leaving the site.

The means of access and parking arrangements are therefore acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Local Plan Partial Update, the Transport and Development Supplementary Planning Document (2023), and part 9 of the NPPF.

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.

In this instance the site falls within flood zones 2 and 3 which is land defined in the planning practice guidance as being at increased risk of flooding. The development itself would be located within flood zone 2. Policy SU1 states that for minor development in an area at risk of flooding (from any source up to and including the 1 in 100 year+ climate change event) Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of water runoff. If SuDS are demonstrated to be inappropriate, an alternative means of effectively managing the surface water without increasing flood risk (either onsite or offsite) is to be agreed with the Local Planning Authority.

The NPPF sets out that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

In this instance the Local Planning Authority considers it reasonable for the extent of the search to be confined to the land forming the agricultural unit given the buildings are proposed in association with that enterprise.

The applicant has explained that there is no other suitable location for proposed buildings of the size proposed. Any alternative siting would lack the turning area and access required for machinery and would intrude significantly on the amenity of the existing holiday lets.

Officers acknowledge that to diminish the amenity of the existing holiday lets could result in demand for their use decreasing, which could have adverse economic impacts for the farming enterprise which generates income through this method of farm diversification.

It is also noted by officers that a considerable amount of the northern part of the site also falls within the flood zone and is therefore no more preferable than the proposed siting.

Taking account of the need to minimise harm to openness given the site's location within the green belt and the increased landscape impacts which would arise with siting the

buildings in positions away from the existing cluster of buildings, it is considered most appropriate to locate the buildings near to the existing farm complex. Accordingly, for the reasons outlined above, it is considered that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential test is therefore passed.

Having applied the sequential test, and concluded it is not possible for development to be located in an area with a lower risk of flooding it is necessary to consider whether the exception test needs to be applied. The need for the exception test is dependent on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF.

Annex 3 of the NPPF sets out that land and buildings used for agriculture and forestry are classified as being less vulnerable.

National Planning Practice Guidance sets out that the exception test does not need to be applied where less vulnerable development is proposed within flood zone 2. Accordingly, the next matter to consider is whether the proposal would be flood resilient or increase flood risk elsewhere.

Standing advice from the Environment Agency sets out that new agricultural buildings within flood zone 2 should be constructed such that floor levels within the proposed development are set no higher than existing ground levels and, that the buildings must have a floodable design (e.g. such as being open sided) that is resilient but also allows flood water to enter/flow through. Their advice also sets out that any excavated material from construction must be removed to a location outside of the flood zones 2 and 3.

In this instance the buildings are proposed to be utilised for the storage of agricultural equipment and machinery. As indicated on the submitted drawings and confirmed by the applicant, the buildings would be of a floodable design which is resistant and resilient to flooding such that they do not increase flood risk elsewhere, and in the event of a flood, could be quickly brought back into use without significant refurbishment. Full details of the measures to be implemented shall be secured by condition.

Turning to the drainage arrangements for the proposal. Whilst no drainage strategy has been submitted with the proposal, the submitted application form sets out that surface water is to be disposed of via soakaway. The Council's Flooding and Drainage Team have confirmed they have no objection to this arrangement or to the proposal more broadly on surface water flood risk grounds.

Given the purpose and design of the buildings, and that much of the existing farm complex is also within the flood zone, officers are satisfied that any residual risk could be safely managed by users of the site. It is noted that safe access and escape routes exist as set out within the submitted flood risk assessment.

Accordingly, the proposed buildings, whilst located within Flood Zone 2 would be of a floodable design and largely resilient to the impacts of flooding particularly given they fall within the 'less vulnerable' use classification. There is not considered to be a more appropriate siting for the buildings and their use would not increase the risk of flooding elsewhere.

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 part 14 of the NPPF.

ECOLOGY:

Policy NE3 of the Local Plan Partial Update has regard to Sites, Species and Habitats and states that development which results in significant harm to biodiversity will not be permitted. For all developments, any harm to the nature conservation value of the site should be avoided where possible before mitigation and/or compensation is considered.

The site is not within any designated sites for their nature conservation. However, it is situated approximately 100m south of the River Avon Site of Nature Conservation Interest (SNCI) and records exist for bat roosts nearby. The site is also located approximately 1.2 km north-west of a component of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). The SAC is designated for internationally important populations of horseshoe and Bechstein's bats. It is not considered there is any credible risk of significant impacts to the SAC given the siting of the buildings within an established farm complex and that no external lighting or removal of mature vegetation is proposed.

A condition shall be attached to ensure external lighting details are submitted prior to the installation of any external lighting to ensure Light spill onto wildlife habitats remains below 0.5 lux.

In addition, Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG) and sets out that in the case of minor developments, development will only be permitted where no net loss and an appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites Metric or agreed equivalent.

A Statutory Biodiversity Net Gain Metric has been submitted indicating that the scheme shall provide a 12.56% increase in habitat units off-site and no net loss of hedgerow or river units. A full and final Biodiversity Gain and Habitat Management Plan shall be secured by condition.

OTHER MATTERS:

A number of comments expressing scepticism that the proposed buildings would remain in agricultural use given the planning history of the site have been received.

At this time the application submitted seeks permission for the erection of two Agricultural storage buildings. It is not appropriate to hypothesise about what may or may not be applied for in the future and the decision for this application must be made based on what is presently being applied for. Any future application relating to the buildings would need to be assessed on its own merits against the relevant policies to that proposal.

The application in this instance is considered to be compliant with all relevant planning policies and therefore there is no justification for removing permitted development rights or restricting future applications on the site. This should only be done to make the proposal acceptable in planning terms. The NPPF sets out that planning conditions should not be

used to restrict national permitted development rights unless there is clear justification to do so.

It has also been raised why this current application must be determined by the Planning Committee, whilst other recent applications on the site such as 24/03673/ADCOU have not. As set out above, the current submission is a full planning permission submitted by an individual related to an elected member of the Council who has direct links with the Planning Service. The determination of the application therefore cannot be delegated to officers, and it must be determined by the Planning Committee.

Conversely, application 24/03673/ADCOU was an application for prior approval and not for full planning permission. The Council's Planning Scheme of Delegation sets out that 'Applications for Prior Approval in accordance with the provisions of the General Permitted Development Order 2015 as amended or other Regulations that impose a strict deadline for the issuing of a decisions, or where the application cannot be reported to Committee in time for a decision notice to be supplied to the applicant prior to the expiry of the statutory period, shall be determined under delegated powers, and not be reported to Committee, even if one of the exceptions numbered A1 - 5 above applies.' Accordingly, such Prior Approval applications are always determined by Officers and cannot be determined by the Planning Committee.

PUBLIC SECTOR EQUALITY DUTY

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to-

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the granting nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application.

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 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.

3 Biodiversity Gain Plan (Pre-commencement)

Unless confirmed as exempt, no development shall commence until full details of a Biodiversity Gain Plan achieving a minimum of 10% measurable biodiversity net gain, including a Habitat Management Plan for any on-site habitats and biodiversity measures, have been submitted to and approved in writing by the Local Planning Authority. The Plans shall be in accordance with current best practice guidelines and standards and shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation and shall include the following:

In all cases:

1. Pre and post development biodiversity values including a completed metric calculation tool using the DEFRA Statutory Biodiversity Metric or any successor, and accompanying evidence for baseline condition assessments;
2. A BNG habitat map for on-site proposed habitats
3. Information about the steps taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat and, in the case of any irreplaceable habitat, information on arrangements for compensation for any impact of the development has on the biodiversity of the irreplaceable habitat (which does not include the use of biodiversity credits).
4. Details and evidence of any registered off-site biodiversity gain units allocated to the development and any biodiversity credits purchased for the development;

Where on-site habitat is proposed/retained:

5. Long term aims and objectives and targets for habitats; proposed management prescriptions and operations; timing, frequency, durations and methods of operations; specialist expertise, specialist tools/machinery or equipment and personnel where required to meet the stated aims and objectives;
6. Annual work schedule for at least a 30 year period
7. A list of activities and operations that shall not take place and shall not be permitted within the Habitat Management Plan (HMP) area (for example use of herbicides; on-site

disposal of grass cuttings or other vegetation waste; routine cutting of ivy where there is no specific arboricultural justification; inappropriate maintenance methods, storage of materials; inappropriate machine or vehicle access).

8. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.

9. Details of proposed reporting to the Local Planning Authority, and proposed review and remediation mechanism.

10. Proposed costs and resourcing, and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to ensure delivery of Biodiversity Net Gain in accordance with Bath and North East Somerset Local Plan Partial Update policies NE3, NE3a NE5 and D5e and paragraph 13 of Schedule 7A to the Town and Country Planning 1990 Act (Biodiversity Gain Condition).

4 External Lighting (Bespoke Trigger)

No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Lamp models and manufacturer's specifications, positions, numbers, and heights;
2. Predicted lux levels and light spill on both the horizontal and vertical planes;
3. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

The lighting shall be installed and operated thereafter in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

5 Flood Resilience (Bespoke Trigger)

No development above slab level shall commence until a strategy setting out how each of the proposed buildings has been designed to be resistant and resilient to flooding such that they do not increase flood risk elsewhere, and in the event of a flood, could be quickly brought back into use without significant refurbishment, has been submitted to and approved in writing by the Local Planning Authority. The measures proposed shall include but not be limited to: ensuring the floor levels within the proposed development are set no higher than existing ground levels and, for the buildings having a floodable design that allows flood water to enter/flow through.

The strategy must also demonstrate that any excavated material from construction of the buildings shall be removed to a location outside of the flood zones 2 and 3.

The measures proposed within the strategy shall thereafter be implemented and maintained for the life of the development.

Reason: To limit the risk of flooding and to ensure the proposed development does not increase flood risk elsewhere in accordance with policy CP5 of the Bath and North East Somerset Core Strategy and Part 14 of the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following plans:

All received 4th November 2024

SITE PLAN PROPOSED

SITE PLAN EXISTING

01 AGRICULTURAL BUILDING B - PROPOSED PLANS AND ELEVATIONS

02 AGRICULTURAL BUILDING A - PROPOSED ELEVATIONS

03 AGRICULTURAL BUILDING A - PROPOSED PLANS AND ELEVATIONS

LOCATION PLAN

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.

Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Responding to Climate Change (Informative):

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

Biodiversity Net Gain - Standard Informative

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity

Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

The effect of section 73D of the Town and Country Planning Act 1990:-

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

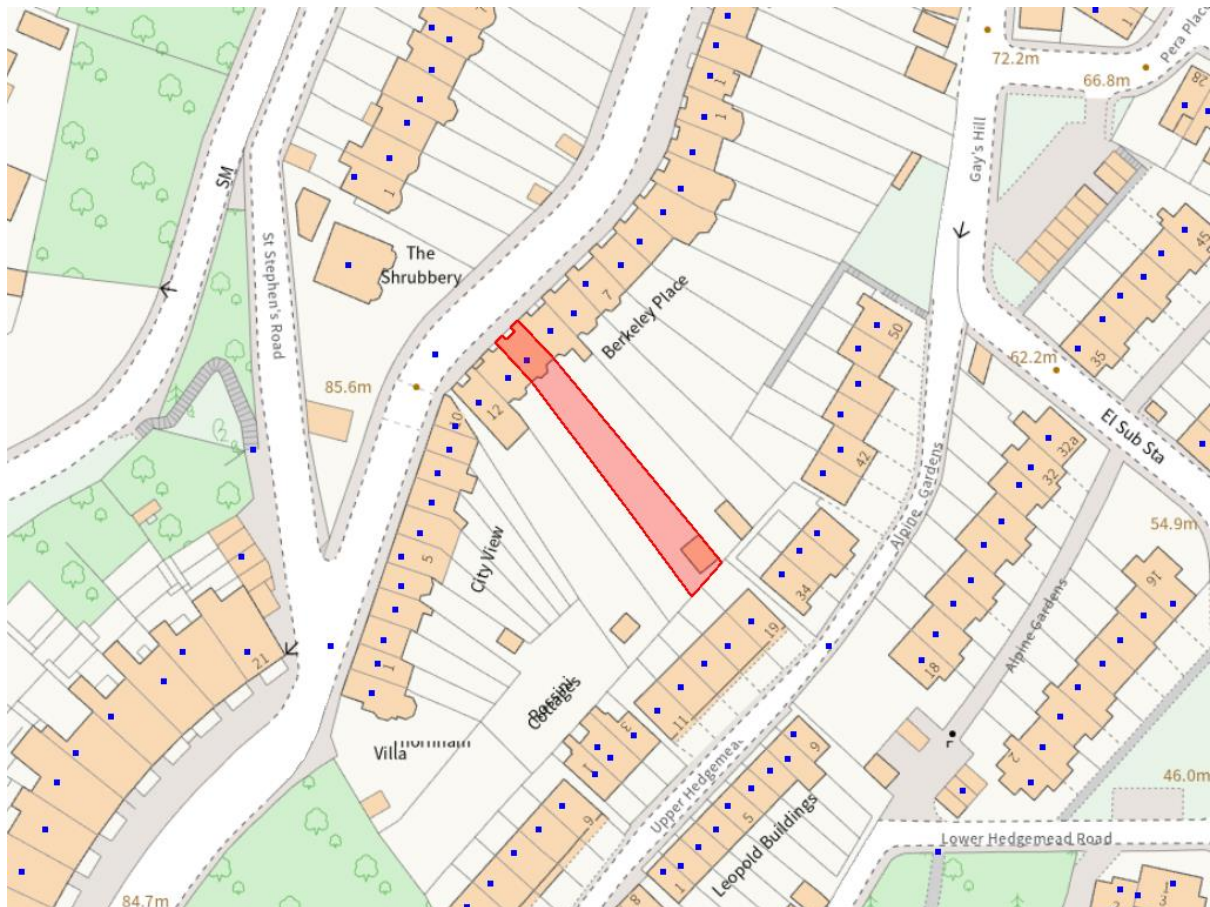
Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.

Item No: 09
Application No: 24/04510/LBA
Site Location: 10 Berkeley Place Walcot Bath Bath And North East Somerset BA1 5JH



Ward: Walcot **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Oli Henman Councillor John Leach
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal work to replace existing damp proofing system in basement.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, Listed Building, MOD Safeguarded Areas, Policy NE3 SNCI 200m Buffer, SSSI - Impact Risk Zones,
Applicant: Steve George
Expiry Date: 31st January 2025
Case Officer: Holly Rowland
To view the case click on the link [here](#).

REPORT

Reason for Committee:

This application is being reported to committee as the applicant is a Council employee who works within Planning Services.

SITE DESCRIPTION

10 Berkeley Place is a Grade II Listed building, listed as part of the group '1-12 Berkeley Place'. The house dates to the mid-19th century and is two storeys plus a lower ground floor. The lower ground floor has a single room depth, with a bay and double doors overlooking the garden. As the house is built into a hill, the rear wall of the lower ground floor room is a retaining wall.

PROPOSAL

Listed building consent is sought for 'Internal work to replace existing dampproofing system in basement.'

RELEVANT PLANNING HISTORY

DC - 06/00972/LBA - CON - 13 July 2006 - Internal and external alterations including damp-proofing of vaults and construction of new infill wall and new sash window. Installation of satellite mini dish in roof valley.

DC - 23/04613/LBA - CON - 1 August 2024 - Internal and external alterations for the installation of windows with slim double glazing to replace existing sash windows at rear of property, retrofit existing windows with vacuum insulated glass at the front of the property, installation of solar PV panels on south facing inner roof slope of main building and removal of paint to vault wall and facade of lower ground floor.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

None received

Representations Received:

None received

POLICIES/LEGISLATION

There is a duty placed on the Council under Section 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 there is a duty placed on the Council 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 Revised National Planning Policy Framework (NPPF) 2023 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 Partial Update (2023)
- 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:

- CP6 - Environmental quality
- B4 - The World Heritage Site (where applicable)
- CP1 Retrofitting Existing Buildings
- CP2 Sustainable Construction

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:

- HE1 Historic Environment

Local Plan Partial Update:

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced a number of new policies and updated some of the policies contained within the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to this proposal:

None relevant to this application.

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

This application concerns the waterproofing of the basement of 10 Berkeley Place, a grade II listed building. There has been substantial water ingress at this floor which has previously led to flooding.

The room was damp-proofed in 1995 using Vandex and a damp proof membrane (DPM) underneath a concrete floor. In recent years this system failed and was replaced with the Newton system, tying into the existing DPM. Since then, the room has flooded on several occasions, following periods of heavy rain.

To address these ongoing issues, it is proposed to remove the existing concrete floor and replace it with a new concrete floor with integrated drainage and insulation, and to install the Newton system to the floor and all walls throughout the whole room. The Newton system will channel water downwards behind the walls and into the below-floor drainage channel, preventing it from entering the room.

In considering this application, the specific circumstances of the site have been taken into consideration. Whilst waterproofing systems and concrete flooring are generally not appropriate to historic buildings, it is deemed necessary in this instance. The retaining wall at basement level is built directly into the hill, and the building evidently cannot cope with the level of water ingress. The heritage statement explains that the source of water has been investigated and is likely coming from an unknown watercourse in the hill and therefore cannot be diverted or stopped. Furthermore, there has already been a level of intervention, such as the replacement of wall treatments and the installation of a concrete floor, and so the proposals will have a low impact to historic fabric.

There will be a slight change in thickness to the walls, due to the addition of 25mm battens with plasterboard over. There are no skirtings or cornices, so the main consideration will be the junctions with the fireplace and door architrave. The door to the garden is modern and has no architrave, but there is a moulded architrave to the hallway door. The fireplace and architrave will be removed and safely stored, and refixed to the battens once the damp-proofing system has been applied. Detail drawings and a schedule of works has been submitted regarding this.

As the existing floor is concrete, there will be no loss of historic flooring. The drainage channel of the Newton system will run around the existing hearth stone.

Overall, it has been demonstrated that the proposed waterproofing system is necessary to prevent further water ingress and flooding. There will be some impact to historic fabric through the removal and re-fixing of the fireplace and architrave, which is considered acceptable when balanced with the potential harm that further flooding could cause. The lack of other historic features (skirting, cornicing, historic flooring) means that there will be a relatively low impact to historic fabric overall, and the final appearance of the room will be very close to the existing. Therefore, the special interest of the building will be preserved, and the application is recommended for approval.

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. Here it is considered that the proposals are consistent with the aims and requirements of the

primary legislation and planning policy and guidance. The proposals would be an acceptable alteration to the listed building that preserves its significance as a designated heritage asset. The proposal accords with policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 16 of the NPPF.

RECOMMENDATION

CONSENT

CONDITIONS

1 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.

2 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).

3 In accordance with submitted details (Compliance)

The internal alterations shall be carried out in accordance with the SCHEDULE OF WORKS dated 16th February 2025.

Reason: To safeguard the character and appearance of the listed building in accordance with Policy HE1 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

| | | |
|-------------|----|---|
| 06 Dec 2024 | 01 | BASEMENT PLAN AND SECTION |
| 10 Feb 2025 | | EXISTING AND PROPOSED DOOR SURROUND DETAILS |
| 10 Feb 2025 | | EXISTING AND PROPOSED FIRE SURROUND DETAILS |
| 06 Dec 2024 | | SITE LOCATION PLAN |

Condition Categories

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Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework.