

Bath & North East Somerset Council

MEETING:	Planning Committee	AGENDA ITEM NUMBER	
MEETING DATE:	9th April 2025		
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.

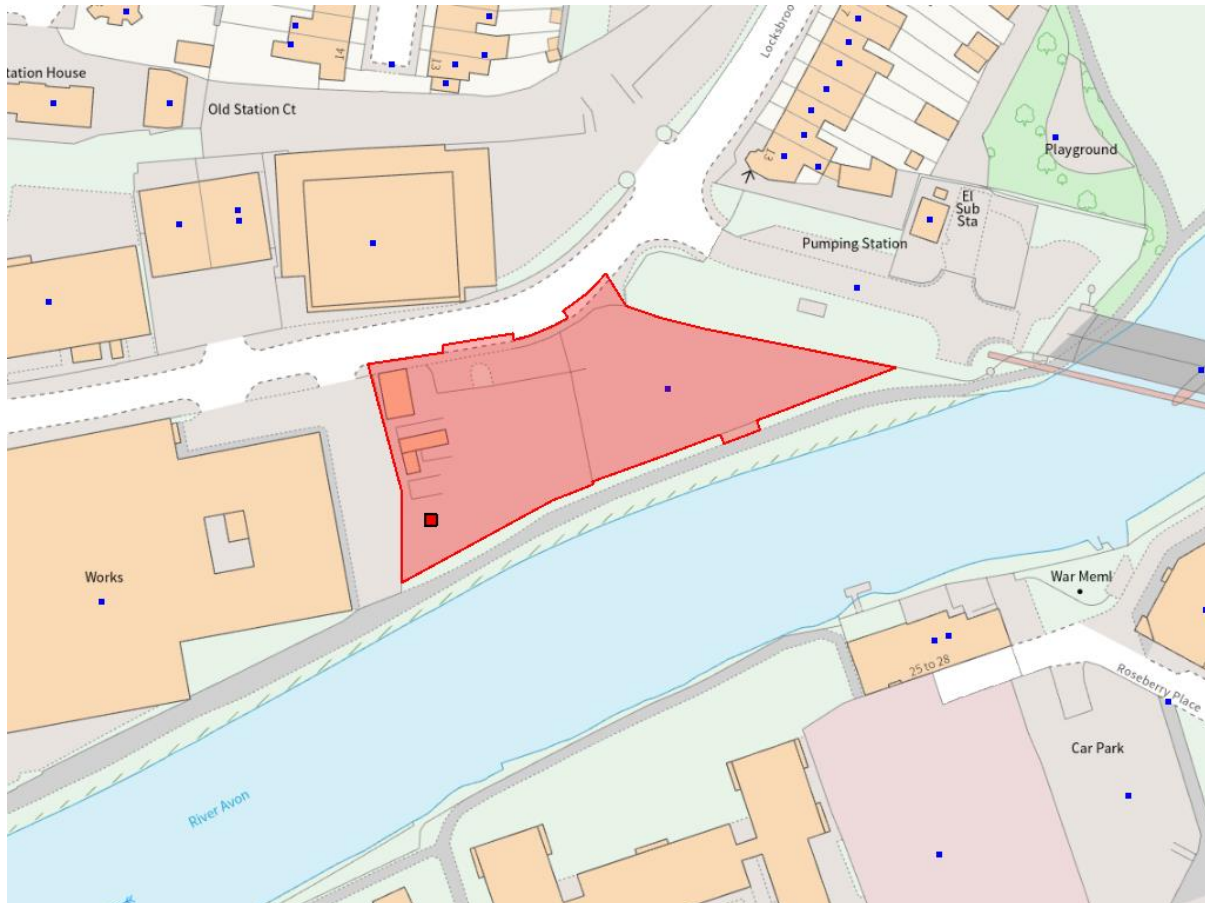
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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	24/03168/REG03 10 April 2025	B&NES Council Council Cleansing Depot, Locksbrook Road, Newbridge, Bath, Bath And North East Somerset Change of use of existing street cleansing depot and 24-hour car park ancillary to the adjacent VW Dealership to retained street cleansing depot with a new Recycling Centre and adjacent customer parking / drop off area with associated operational development including: alteration of vehicular access; new pedestrian / cycle access; landscaping; and drainage works.	Newbridge	Samantha Mason	PERMIT
02	24/04206/OUT 3 January 2025	Mr Philip Evans The Wildland , Church Lane, East Harptree, Bristol, Bath And North East Somerset Erection of 3no dwellinghouses following demolition of 1no 4 bed dwellinghouse.	Mendip	Danielle Milsom	PERMIT
03	24/02838/TPIP 21 March 2025	Freemantle Developments Ltd Land To South Of 2, The Orchard, Stanton Drew, Bristol, Bath And North East Somerset Technical Details Consent for erection of three "Passivhaus" dwellings and private allotments with associated access, drainage and hard/soft landscape works, pursuant to Permission in Principle reference 22/02743/PIP.	Chew Valley	Ben Burke	PERMIT
04	23/02825/FUL 29 February 2024	Mr John Jones Parcel 1172, Radford Hill, Radford, Bristol, Bath And North East Somerset Change of use of the land to a single caravan pitch for a gypsy and traveller family including the siting of one static caravan, 1 touring caravan and dayroom and associated access and hardsurfacing (Part Retrospective)	Paulton	Sam Grant	PERMIT

05	25/00409/FUL 27 March 2025	Rivers Birtwell 41 Freeview Road, Twerton, Bath, Bath And North East Somerset, BA2 1DS Change of use from a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) with rear extension and provision of bike store.	Twerton	Paige Moseley	PERMIT
06	24/01135/FUL 10 April 2025	Mr Nathan Sheppard Kennet Lodge , Kennet Park, Bathampton, Bath, Bath And North East Somerset Reconfiguration and alteration of existing dwelling, including a single storey extension to North of property, and an additional storey of first floor bedroom accommodation to replace existing pitched roof of chalet bungalow.	Bathavon North	Ed Allsop	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 24/03168/REG03
Site Location: Council Cleansing Depot Locksbrook Road Newbridge Bath Bath And North East Somerset



Ward: Newbridge

Parish: N/A

LB Grade: N/A

Ward Members: Councillor Michelle O'Doherty Councillor Samantha Kelly

Application Type: Regulation 3 Application

Proposal: Change of use of existing street cleansing depot and 24-hour car park ancillary to the adjacent VW Dealership to retained street cleansing depot with a new Recycling Centre and adjacent customer parking / drop off area with associated operational development including: alteration of vehicular access; new pedestrian / cycle access; landscaping; and drainage works.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B1 Bath Enterprise Area, Policy B3 Bath Riverside Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Policy ED2A Primary Industrial Estates, Flood Zone 2, Flood

Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI 200m Buffer, Policy NE3 SNCI, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: B&NES Council

Expiry Date: 10th April 2025

Case Officer: Samantha Mason

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

REPORT

REASON FOR COMMITTEE:

The application was recommend to the chair and vice chair for a decision on whether it should be heard in line with the Scheme of Delegation as local ward councillors called the application in. The chair and vice chair concurred in their decision that the application should be heard at committee, stating respectively;

'This is a significant application that will impact inner wards of the city. I am aware that this is being led by the Council as part of its wider aspirations to regenerate the River Avon corridor and unlock other land for residential development whilst maintaining a householder recycling and disposal facility within the heart of the city. Crucially however the suitability of this scheme must be assessed on its own merits in the immediate context. Given the substantial level of public interested it is essential that this application be considered in public by the Planning Committee.'

and

'Given the level of interest in this proposal reflected in the large number of third party responses and the call in request from ward councillors for two wards, I recommend that the relevant planning policy considerations are debated in public by the Planning Committee'.

SITE LOCATION:

The application refers to a site in the Newbridge ward of Bath, located within the eastern most end of the Locksbrook Road Industrial Estate. The site is the location of the current Council Cleansing Depot along with some leased unmade land used for parking. To the west is Horstman Defence, north is Volkswagen Motors and east is residential units 1-13 Locksbrook Road. The site is sited within many designations, including the World Heritage Site and a Conservation area, and Flood Zone 3.

PROPOSAL:

Planning permission is sought for the change of use of existing street cleansing depot and 24-hour car park ancillary to the adjacent VW Dealership to retained street cleansing depot with a new Recycling Centre and adjacent customer parking / drop off area with

associated operational development including: alteration of vehicular access; new pedestrian / cycle access; landscaping; and drainage works.

PLANNING HISTORY:

00/01339/FUL - PERMIT - 18 July 2001 - Use of land for the parking of coaches

09/01136/FUL - PERMIT - 26 May 2009 - Change of use (permanent) of an area of land at Locksbrook Road formerly occupied by lock-up garage to use for parking of coaches

09/02321/COND - DISCHARGED - 10 November 2009 - Change of use (permanent) of an area of land at Locksbrook Road formerly occupied by lock-up garage to use for parking of coaches (Discharge of condition 2 of application 09/01136/FUL)

17/00504/REG03 - PERMIT - 1 June 2017 - Provision of vehicle parking and erection of 2no secure storage containers, office & staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site.

17/03468/COND - DISCHARGED - 21 August 2017 - Discharge of conditions 3, 5, 10, 12 and 13 of application 17/00504/REG03 (Provision of vehicle parking and erection of 2no secure storage containers, office & staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site).

17/04899/COND - DISCHARGED - 22 December 2017 - Discharge of conditions 2, 7, 8 and 11 of application 17/00504/REG03 (Provision of vehicle parking and erection of 2no secure storage containers, office & staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site.)

16/04853/TC5 - EXEMPT - 5 October 2016 - Trees in Locksbrook, Bath - English Elm group - fell, English Elm - fell, Willow sp. - fell. Trees in Widcombe, Bath - Weeping Willow - significant crown lift. Remove lower limbs due to spreading and reshape. Ash - fell. Trees in Bathwick, Bath - Sycamore - Clear epicormic growth. Willow sp. - fell. Sycamore - fell. Tree in Darlington Wharf, Bath - Willow sp. - fell.

17/04899/COND - DISCHARGED - 22 December 2017 - Discharge of conditions 2, 7, 8 and 11 of application 17/00504/REG03 (Provision of vehicle parking and erection of 2no secure storage containers, office & staff amenity building, road sweeper & street litter bay, waste storage skips, vehicle wash down area and associated landscaping, lighting and security fixtures following demolition of existing buildings on site.)

22/04542/TCA - NO OBJECTION - 19 December 2022 - Various works to trees G8, G9, G10, G11, G12, T9 (as per attached report).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

CONSULTATION RESPONSES :

ARBORICULTURE:

12th Sept 2024: Objection. The Proposed Drainage Layout and pedestrian access to the riverside cycleway have not been informed by arboricultural constraints resulting in the potential for tree losses and damage during construction activities. The extension of a tipping bay towards the river impacts on green infrastructure connectivity.

3rd Dec 2024: No objection subject to conditions

ARCHAEOLOGY:

18th Oct 2024: No objection subject to conditions

CANAL AND RIVER TRUST:

10th Oct 2024: General Advice: The Canal & River Trust act as a Navigational Authority only for the waterway adjacent to the site. We note that the proposal will continue to discharge water via an existing outfall to the River Avon. As Navigation Authority we request details of whether the flow from the outfall will alter as a result of the proposal. Additional flows may have an impact on navigation and a detrimental effect on our navigation management. This may be required as part of a wider SWD condition. The council may wish to consider if a CEMP is necessary for the construction phase and whether the operator should have a management plans, controls and monitoring in place to prevent the escape of waste into the river, affecting the flood mitigation plan outlined in the Flood Risk Assessment or result in pollution of the river.

3rd Dec 2024: We note the surface water will discharge to the River Avon via an existing outfall at an unrestricted rate and this has been agreed with Wessex Water. Additional flows may impact navigational safety, and it is unlikely this has been considered by Wessex Water. It is requested that the Council place an informative on the decision to discuss this matter with the Canal & River Trust.

CONTAMINATED LAND:

6th Sept 2024: No objection subject to conditions.

2nd Jan 2025: No objection subject to conditions

CONSERVATION:

5th Sept 2024: No objection. The loss of the boundary wall would represent a low level of less than substantial harm. It is for the case officer to determine harm vs public benefits. The loss of wall is not objected to. Please consult Archaeology if the application includes below ground works.

DRAINAGE AND FLOODING:

18th Sept 2024: No objection subject to conditions.

ECOLOGY:

11th Sept: Further information required. Clarification of proposed lux contours on the vertical plane is required as it is unclear if the proposed level considers the vertical or horizontal plane.

18th Dec 2024: No objection subject to conditions

ECONOMIC DEVELOPMENT:

28th Oct 2024: No Comment

ENVIRONMENT AGENCY:

14th Oct 2024: No objection subject to conditions.

18th Dec 2024: We have no further comments to make on this application and refer the LPA to our condition/information included within our previous consultation response.

ENVIRONMENTAL PROTECTION:

27th Aug 2024: No objection subject to conditions. The submitted noise assessment determines a low likelihood of adverse impact at the nearest residential receptor. This outcome is dependent on operational hours and additional noise mitigation, which should be secured by condition.

ENVIRONMENTAL MONITORING:

26th Sept 2024: No objection subject to conditions.

9th Jan 2025: No objection subject to conditions.

HIGHWAYS:

13th Sept 2024: Further information required, in particular the applicant team should confirm how queuing is currently monitored, managed and recorded at the existing sites, and how any potential queuing would be avoided at the proposed site.

4th Dec 2024: Having reviewed the additional information submitted, the highway authority raises no objection to the application, however, planning conditions are recommended to secure the appropriate highway works and mitigation measures.

NATURAL ENGLAND:

23rd Oct 2024: As submitted, the application could have potential significant effects on Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation in regards to light, light spill, vertical light modelling and HRA matters.

4th March 2025: No objection. Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

REPRESENTATIONS RECEIVED :

CLLR. SAMANTHA KELLY (NEWBRIDGE) CLLR. MICHELLE O'DOHERTY (NEWBRIDGE) CLLR. PAUL ROPER (KINGSMEAD) CLLR. GEORGE TOMLIN (KINGSMEAD):

As this application impacts both Newbridge and Kingsmead Wards, we would like to submit a joint call-in from all relevant ward councillors for this application to be heard in public by the Planning Committee regardless of whether you are minded to permit or refuse. As a Regulation 3 Application, it is in the public interest for this to be heard openly, as the Council is both the applicant and the planning authority. Following areas of concern:

- Road Junction: Locksbrook Road / Upper Bristol Road (UBR)
- Traffic Queues on Locksbrook Road
- Restrictions on Noisy Operations
- Odour and Noise Mitigation

189 objections have been recieved from third parties over two rounds of consultation, the following is a summary of the points raised:

- Site too small
- Adversely affect vehicular access for residents of area
- Increased traffic will impact environment
- Traffic management concerns
- Congestion concerns
- Queuing concerns
- Parking concerns, residents will lose spaces
- HGV and larger vehicle concerns
- Junction concerns
- Highways safety concerns
- Pedestrians wont use the site
- How many cyclists will use the site
- Booking system concerns
- General site safety concerns
- Emergency access not considered
- Will result in reduce waste capacity in Bath
- Not a like for like replacement
- No hazardous or bulky waste accepted, will have to travel to Keynsham
- Steps and ramps difficult to use/ dangerous
- Gantry access not acceptable
- Discriminatory to elderly and disabled
- Odour concerns
- Noise concerns
- Noise assessment lacking
- Light pollution
- Dust pollution
- Weekend opening hours will disrupt residents
- General pollution concerns
- Fire risk concerns

- Will impact the clean air zone
- No employment benefits
- No economic benefits
- Impact to businesses like VW
- Will inconvenience businesses and residents
- Will stop business growth
- Flood risk
- Adverse impacts on river
- Adverse impacts to wildlife and habitats
- Disrupt bats
- 3m fence not shown on plans
- Detrimental to biodiversity
- Limited landscaping
- Lack of robust surveys
- Detrimental to conservation and world heritage
- Impact to trees
- Should be located elsewhere in the city
- Already enough capacity at Keynsham
- Waste of council tax money
- Alternative sites not properly considered
- Waste will attract vermin and sea gulls
- Health risks to locals
- Does not comply with development plan policies
- Adverse impact to local character and appearance
- Increased footfall will impact on residents' privacy
- Impact quality of life
- Submission documents are erroneous or lacking detail.
- Lack of risk assessment
- Site is not appropriate in principle
- Not all relevant documents are available
- River contamination risk
- Watercourse BNG not considered
- Impact to house prices
- Too close to children's play area
- Lack of infrastructure
- Lack of consultation with local businesses
- No need for tip in Bath
- No staff parking
- Lack of transparency

8 general comments have been received, the following is a summary of the points raised:

- More types of waste should be accepted
- Road junction improvements should be considered
- How will queuing be managed
- Restrict noisy hours of operation
- Increase junction wait time estimate is low
- Pre-booking system is impractical
- Congestion and queuing concerns raised
- Suitable mitigation required for noise and odour

5 comments of support have been received, including from Transition Bath, the following is a summary of the points raised:

- Old site can be used for accommodation
- New facility would be improved in terms of noise and smell
- Bike parking and pedestrian access good
- Bath needs a waste site
- Within easy reach
- support the provision of cycle parking.

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
CP13: Infrastructure provision
RA3: Community facilities
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
D6: Amenity
D9: Advertisement and outdoor street furniture
HE1: Historic environment
LCR1: Safeguarding local community facilities
LCR2: New or replacement community facilities

NE2A: Landscape setting of settlements
NE4: Ecosystem services
PCS1: Pollution and nuisance
PCS2: Noise and vibration
PCS3: Air quality
PCS4: Hazardous substances
PCS7: Water source protection zones
PCS8: Bath hot springs
SCR2: Roof-mounted/ building integrated scale solar PV
ST2: Sustainable transport routes
SU1: Sustainable drainage policy

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
B2: Central area strategic policy
CP1: Retrofitting existing buildings
CP3: Renewable energy
CP7: Green infrastructure
D8: Lighting
ED2A: Strategic and other primary industrial estates
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
PC55: Contamination
SCR7: Sustainable construction policy for new build non-residential buildings
SCR9: Electric vehicles charging infrastructure
ST2A: Recreational routes
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.

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2021) is also relevant in the determination of this planning application.

Planning Obligations Supplementary Planning Document (January 2023) is also relevant in the determination of this planning 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:

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 desirability of preserving or enhancing the character or appearance of the surrounding Conservation Area.

LISTED BUILDINGS:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development
- Flooding and drainage
- Highways
- Character and appearance
- Heritage
- Residential amenity
- Trees
- Ecology
- Any other matters

BACKGROUND:

The proposal is seeking permission for a Household Waste Recycling Centre (HWRC) alongside a retained council street cleaning depot (and associated works) at a site at Locksbrook Road.

HWRC's are primarily for use by local residents to deposit items of household waste that are not normally collected by the regular collection service e.g. bulky waste such as beds, cookers and larger garden waste. Such facilities play a key role in the delivery of sustainable waste management, making significant contributions to increasing the reuse and recycling of municipal wastes.

In recent years permission was granted for a new state of the art waste depot and HWRC at Pixash Lane, Keynsham, known as Keynsham Recycling Hub (KRH). The KRH consolidated council waste operations and saw many operational services relocate there, including some services from the Midland Road site in Bath. In addition to KRH there remains a HWRC at Midland Road and at old Welton, Midsomer Norton.

While the Bath based HWRC is currently located at Midland Road the site has extant planning permission for 176 dwellings as part of the regeneration of the Bath Western Riverside area and thus a new site for the recycling centre is being proposed, as committed to at the time of determination of the 176 dwellings. It is noted that B&NES Council has legal responsibilities as a Waste Collection Authority and as a Waste Disposal Authority under the Environmental Protection Act (EPA) 1990, and other UK and retained EU law and regulations. A commitment remains to retain a household waste recycling centre (HWRC) in Bath.

The proposal seeks to provide this at Locksbrook Road. The application site currently comprises the Councils Street Cleansing depot in the western portion of the site, and the eastern portion comprises a 24-hr car park used by the adjacent VW garage.

The proposal involves a change of use and operational development of the proposal site whilst also retaining the street cleansing operation on site. The site will remain divided into two sections, the western portion will be for operational use including a reconfigured depot that will continue to provide street cleansing facilities alongside seven skips for collection of residential recycling/waste with access from Locksbrook Road. The eastern portion will be for public access which includes car parking and waste deposit area with an access from Locksbrook Road.

The types of waste that will be accepted at the proposed Locksbrook HWRC are as follows:

- Bulky waste
- Bulky waste soft furnishings
- Residual waste (i.e. black bag waste)
- Garden waste
- Wood
- Scrap metal (including large domestic appliances)
- Cardboard
- Dry recyclables: paper, glass, cans, textiles and plastics.

This differs slightly from Midland Road as Midland Road also takes DIY, electronics, hazardous waste, batteries, tyres, oil, asbestos and gas bottles. In addition, the street cleansing waste will continue to be dealt with at the site in the retained depot on the western side.

The proposal works have been screened for Environmental impact Assessment (EIA) development with the conclusion being that the proposal does not amount to EIA development.

The Locksbrook Road site currently has an environmental permit to process 1500 tonnes of waste per annum. The proposed estimated tonnage across the whole site is now 6500 tonnes, 500 of which will be street cleansing and 6000 of which will be from the HWRC. This will be slightly less than what is currently taken at Midland road, by around approximately 1500 tonnes. The residual tonnage exists because the Locksbrook site will not take some of the items that Midland Road takes including - DIY waste and batteries etc. This waste can be instead taken to Pixash or Old Welton which has the appropriate facilities and capacity.

PRINCIPLE OF DEVELOPMENT:

The site is located within the city of Bath, within the Newbridge Riverside Area, Bath Enterprise Zone and Locksbrook Primary Industrial Estate, all of which set the scene for the principle of development.

Paragraph 101 of the NPPF states that 'Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development'.

Policy B1 of the Bath Volume of the Development Plan applies and sets out the Bath Spatial Strategy. The spatial strategy sets out a number of matters but identifies in 2.e a presumption in favour of retaining industrial land in the Newbridge Riverside Area.

Policy B1 goes on at 5.a to support the regeneration and repair of areas within the Enterprise area to create productive townscapes and improve relationships between the city and the river.

Policy B3 sets out the Strategic Policy for Twerton and Newbridge Riverside. It states that 'Newbridge Riverside will function as Bath's primary location for industrial enterprise, providing about 12 ha of land at Locksbrook Road, Brassmill Lane and the Maltings for a range of activities including advanced manufacturing. There is therefore a presumption in favour of retaining land and premises in the E(g), B2 and B8 use class where identified on the Policies Map as being within a Strategic Industrial Estate under policy ED.2A. Proposals for other uses will be subject to the application Policy ED.2B'.

Policy B3 also goes on to set out placemaking principles for development including that proposals must be informed by characteristics including views and the river. This element is discussed more in other sections of the report including the character appearance section below.

Policy ED.2A has regard to Strategic and Primary Industrial Estates. Part 1 states that proposals for light industrial, heavy industrial, warehousing (classes E(g)(iii), B2, B8), builders merchants will be acceptable in principle at the Locksbrook Road Estate.

It goes on to say at part 2 that 'The identification of these areas as Strategic and Other Primary Industrial Sites means that there is a presumption in favour of retaining them for the aforementioned E(g)(iii), B2 & B8 uses'

The Use Class order defines Class E(g)iii as any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area). It defines B2 uses a general industry, use for industrial process other than one falling within Class E (excluding incineration purposes, chemical treatment or landfill or hazardous waste), and defines B8 as storage and distribution.

The current use of the site is as a Street Cleansing Depot on the eastern portion and as car storage ancillary to the adjacent showroom. Neither of these uses fall within B2, B8 or E(g)iii use, both would be considered sui generis uses. It is noted that policy ED2a states 'Proposals for car showrooms will also be acceptable on undeveloped land in these areas and where this would not replace E(g)(iii) and B2 land and premises'. However it does not seek to retain or protect such uses as it does with B2, B8 and Eg(iii) uses. Given that the existing sui generis uses are not protected by the policy their replacement is considered acceptable.

The proposal is for use of the site as a HWRC and Street Cleansing Depot. The proposed HWRC will deal with municipal waste, the site will act as a transfer facility, no waste will actually be processed on site. The waste is sorted into types (as it is deposited) and then stored until it is hauled direct to treatment facilities or to the Keynsham Recycling Hub for further bulking and onward transfer to treatment facilities. The Land Use Gazetteer (3rd Edition, 2005), Volume 1 General Listing Land Use to Use Class defines a Household waste deposit, treating, keeping, storage or disposal/ Waste recycling place - as sui generis. The proposal would result in the retention of the Street Cleansing Depot along with the recycling centre. Given both of these uses are sui generis and would be replacing sui generis uses (and retaining some of the existing use) it is not considered that the proposal conflicts with the part 1 or 2 of policy ED2A.

Finally, relevant at part 3 of ED2A, it says 'Applicants will also need to demonstrate that non-industrial uses would not have an adverse impact on the sustainability of the provision of services from industrial premises that remained around the site, or would not act against the development of undeveloped areas for industrial uses'.

In terms of the latter, none of the surrounding parts of the industrial estate remain undeveloped, and all are plots in use or developed and so the proposal would not act against the development of undeveloped areas.

The existing suis generis uses are considered to not currently impact on the sustainability of the provision of services from industrial premises that remain around the site. All the surrounding units remain successfully operational and appear to have been in long term use by their current occupiers despite the existing use. It is considered this would continue to be the case. This is because the use of the site as a continued street cleansing depot

and a HWRC is considered broadly compatible with the adjacent industrial uses in terms of the character and nature of its operation and impacts.

In addition, the site is located on the very edge of the industrial estate. The use of half of the site as a cleansing depot would not alter and this already operates alongside the surrounding uses. The majority of the HWRC activity would be contained to the eastern half. The opening hours and operational hours would not conflict with, and would be similar to those, hours across the industrial estate.

The units around the site include the VW Dealership; Perion House, a collection of small industrial yard units; and Horstman, a manufacture. Further east within this part of the industrial estate is the BaNES Council Transport centre, the Bath School of Art and Design (part of the university), along with a welders and a vets. Not all of these surrounding uses are therefore in industrial use (class B2, B8 and E.g(iii)) at present, including the VW dealership, the university and the vets.

The policy ED2A requires consideration of the sustainability of those industrial uses promoted by the policy. As such the sustainability of non-industrial sui generis uses is not directly required. Nevertheless, in terms of the sustainability of the VW showroom, the LPA understands that the lease is short term and was most recently granted in June 2022. Google maps does show the site in use ancillary to VW as far back as 2015. It is understood that the dealership has been in place since at least 2009 and has therefore previously operated in this location without the leased storage land. Given the short-term nature of the lease it would be the responsibility of the dealership to have their own contingency plans should the lease not get renewed. In this case it appears that no objection has been received from VW directly and the council have no direct evidence that the proposal would affect the sustainability of the provision of services.

Whilst a number of third parties have raised objections to the application including the university and Horstman, based on the estate, the objections do not directly provide evidence that the proposal would effect the long term sustainability of their businesses. It is understood that the University strategy is to focus a new campus around Locksbrook road which would include a Creative hub, for which there is a policy allocation. Horstman have raised concerns that they have limited space on their own site for expansion and this site could have provided this space in future. However, the site is currently in use and not available without the relocation of the Council Cleansing Depot. The potential need of the site for another business in future is not sufficient evidence to warrant refusal, and it may be that other sites within the estate become available. Traffic matters have been raised and this is discussed further in the highways section below.

Overall, there is not sufficient evidence that the use of part of the site as a HWRC would have an adverse impact on the sustainability of the provision of services from industrial premises that remained around the site or would not act against the development of undeveloped areas for industrial uses and as such the proposal is considered acceptable in regard to policy ED2A. In addition, the proposal is found acceptable in terms of Policy B3 and Policy B1 which allow for a 'range of activities' in this location, directing matters of industrial uses to ED2A. The proposal will not result in the loss of industrial land given the existing uses on the site and there will be some improvement of the locality including the access to the river (see Character section of report).

Finally, a number of third parties have raised object to the site selection process set out within the submission.

The applicant has provided some commentary on site selection. The submission states that 'The Council's Waste Service Team has undertaken extensive searches for both available and suitable sites for a Recycling Centre in Bath. Assistance has been sought from external consultants and over 50 No. sites of various sizes have been considered within and around Bath'. The submission goes on to outline that most of the sites identified were in third party ownership which would have either required a compulsory purchase or negotiation linked to open market values (i.e for higher value prospect uses). No site was deemed either technically and/or financially suitable. As such the Council's Waste Service Team reviewed all surplus and under-utilised sites and this process identified the availability of the subject site at Locksbrook Road.

In planning terms, there is no requirement within the development plan policies for any kind of site selection or sequential testing to take place for this use in this location. Nevertheless, it is considered that there are some benefits of this location including it being a previously developed site that is located within the city in very close proximity to the existing HWRC.

The proposal is considered acceptable in principle subject to other material considerations as discussed below.

WASTE STRATEGY:

The West of England Joint Waste Core Strategy (2011) (JCWS) covers the authority area of Bath and North East Somerset. The JCWS applies to all waste development (other than radioactive waste). The JCWS sets out the strategic spatial planning policy for the provision of waste management infrastructure across the plan area.

There are several policies applicable to this scheme, including Policy 2 which has regard to non-residual waste treatment facilities (i.e. that involving the recycling, composting, storage and transfer of wastes). HWRC are considered non-residual waste treatment facilities. Policy 2 states that:

'Planning permissions for non-residual waste treatment facilities involving recycling, storage, transfer, materials recovery and processing (excluding open windrow composting) will be granted, subject to development management policies:

1. on land that is allocated in a local plan or development plan document for industrial or storage purposes or has planning permission for such use, or
2. on previously developed land or
3. at existing or proposed waste management sites, subject in the case of landfill and landraising sites or other temporary facilities, to the waste use being limited to the life of the landfill, landraising or other temporary facility'

As described above the site is located within Locksbrook Primary Industrial Estate, which is designated for industrial/storage use, and so the proposal accords with part 1 of Policy 2. In addition, the site meets the definition of previously developed land and so even if part 1 was not fulfilled, part 2 is. The site as existing is a council cleansing depot permitted as an A11 household, commercial and industrial waste transfer station facility, limited to

accepting 1,500 tonnes per year of mixed municipal waste and street cleaning residues, and with a maximum storing of 10 tonnes of non-hazardous waste at any one time. It is therefore an existing waste management site, albeit of a smaller scale. Overall, the proposal is considered to accord with Policy 2 of the JCWS.

In addition, it is noted also that the preamble to policy 2 states the location of waste treatment facilities within the urban fabric is preferred, this site is within the built-up urban area of the city.

The most relevant policies also include Policy 11 - Planning Designations which sets out that planning permission will not be granted for waste related development where this would endanger or have a significant adverse impact on a list of designated areas. In this case the site falls within two of the listed designated areas: conservation areas and world heritage sites. These are considered further in the heritage section below and the impact is found to be acceptable in both cases.

Along with this, Policy 12 - General Considerations is relevant, stating that planning permission for 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 would be achieved. These matters are discussed in the relevant sections of the report below, and it is concluded that the proposal is found acceptable regarding each following matter. The proposal is therefore considered to comply with policy 12 and the Joint Waste Core Strategy as a whole.

FLOODING AND DRAINAGE:

Policy CP5 of the Core Strategy has regard to Flood Risk Management. It states that development in the district will follow a sequential approach to flood risk management. In addition, 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.

Flooding and Sequential Test

The site falls within flood zones 2 and 3. These zones are areas at medium and high risk of flooding. The NPPF requires a sequential risk-based approach be taken to individual applications in areas known to be at risk of flooding.

The Flood Risk Vulnerability Classification Table within the National Planning Guidance (NPG) classifies waste treatment (except landfill and hazardous waste facilities, which this proposal is not) as 'less vulnerable'. The Flood Risk Vulnerability and Flood Zone Compatibility Table within the NPG indicates that less vulnerable development can be appropriate in Flood Zone 2 and 3a, provided that the Sequential Test is passed. The Exceptions Test is not required in flood zone 2 and 3a for less vulnerable uses.

The NPPG goes on to make clear that the flood Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where the site has been allocated for development and subject to the test at the

plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test). The NPPF states at paragraph 180, 'Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again.'

The site is an allocated site through strategic policy B3 Twerton and Newbridge which was subject to sequential testing at the plan making stage of the Core Strategy, this is re-confirmed within the Topic Paper: Managing Flood Risk Sequential Test, August 2021 when these matters were reviewed as part of the Local Plan Partial Update.

As set out in the principle of development section above, the proposal is consistent with the uses for which the site was allocated and complies with policy ED2b. There have been no significant changes to the known level of flood risk to the site which would affect the outcome of the sequential testing undertaken at the time of allocation.

As such the proposal requires no further sequential testing, the principle of a less vulnerable use within the Twerton and Newbridge Riverside Area functioning as Bath's primary location for industrial enterprise, alongside a broader range of uses, has been established.

Surface Water Drainage

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 surface water drainage system has been designed in accordance with the requirements of the NPPF and the accompanying Guidance and Technical Standards for SuDS. It also been designed to comply with the requirements under Building Regulations Part H.

The Drainage team have been consulted as part of the application and confirmed that the submitted surface water proposal is acceptable. They requested that written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network and this confirmation has now been provided. The Drainage team have raised no objection subject to conditions.

In addition, the Canal and River Trust have commented on the scheme and whilst they note that the surface water discharge has been agreed by Wessex Water they note that additional flows may impact navigational safety, and it is unlikely this has been considered by Wessex Water. The proposals will actually result in a reduction of hardstanding on site and an increase in vegetated landscape areas and therefore it is considered that additional flows of surface water aren't likely. Nevertheless, the Canal and River Trust have requested an informative be added to the decision that the applicant work in conjunction with the Trust on this matter, this is considered acceptable.

Flood Risk Assessment

In accordance with Policy CP5 a Flood Risk Assessment (FRA), prepared by Campbell Reith, has been submitted with the application. No objection to the contents of this document has been received from either the Environment Agency or the Flooding and Drainage Team.

The FRA demonstrates that fluvial flood risk for the site will be mitigated by implementing a comprehensive flood evacuation strategy and that the development will not increase the risk of fluvial flooding downstream. It also notes that a reduction in the total impermeable area will reduce the likelihood of surface water flooding within and downstream of the site. There will not be an increase in groundwater or sewer flood risk.

The FRA indicates that in terms of mitigation the recycling operations have been located in the western half of the site (mainly flood zone 2) at the lower risk of flooding. the car park is at the greater risk of flooding and in the event of a flood warning being issued it will be closed. A Flood Warning and Evacuation Plan should be prepared and maintained for the life of the development to demonstrate the systems to be put in place, this can be secured by condition as recommended by both the EA and Flooding and Drainage Team.

Environment Agency Matters

The Environment Agency (EA) have been consulted on this application and raised no objection, in addition they were consulted on the revisions and raised no further comments.

The EA have confirmed that an environmental permit is required to be obtained from them for the proposed activities on the site, this is a separate process to seeking planning permission.

To be clear, the site benefits from an existing permit (under permit number EPR/FB3401MM) which was issued in 2018 for the operation of a household, commercial and industrial waste transfer, no treatment is permitted. The site is used currently in part as a street cleansing depot where municipal and street sweeping waste is stored and transferred in line with the permit. The site is currently permitted to accept up to 1500 tonnes of waste per annum. The permit will require updating as a result of the proposal. The applicants propose to vary the permit to cover the proposed activities on the site. This will involve updating the site boundary, updating the types of waste accepted and the volume along with a number of other administrative amendments.

Flooding and Drainage Conclusion:

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 and NPG.

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.

A Transport Assessment has been prepared by Miles White Transport, and the Highway Authority have been consulted on the scheme.

Highway Sustainability

The highway authority has raised no objection to the principle of the recycling centre within Bath in sustainability terms, and it is noted that the justification for the scheme is to reduce travel distances to other facilities, such as that provided at Keynsham. This should help to reduce car travel across Bath and along the A4 corridor.

Active Travel

The Assessment confirms that the site location benefits from good levels of non-car accessibility with a significant proportion of the Bath built-up area being within a 2km walking distance, as well as benefitting from good access to public transport.

The highways authority has confirmed that the presented scheme should have no direct impact on the deliverability of the active travel routes which will pass adjacent to the site. The proposed direct connection from the site to the River Avon active travel route (the river tow path) for pedestrians and cycles is welcomed. The scheme is also provided with bike and cargo bike parking, which helps to support any trips made by those modes to the site. This accords with the requirements of Policy ST2 and ST7 of the B&NES Local Plan Partial Update (LPPU).

Access

The existing site access arrangement will be amended as a result of the proposal with two vehicular access proposed in the northern boundary, one to the operational part of the site and one to the public access element of the site.

To create the proposed site access and to protect the associated visibility splays would require the removal of approximately 32m of unrestricted on-street parking which equates to between 6 and 7 vehicles. Overall provision of unrestricted on-street parking along the length of Locksbrook Road would therefore reduce from the existing 45 spaces (based on 6m per space) to 39 spaces.

The TA considers that the implications of this are negligible given the high level of potentially inappropriate long stay parking that currently takes place. It is noted that anecdotally it is also understood that the adjacent Volkswagen car dealership park some of their vehicles on the road when their off-road parking areas are full. The Highways Authority have raised no significant concerns relating to the proposed arrangements. They did however require traffic management regulations to manage this.

As such the amended site layout has reduced access width together with the provision of double yellow lines and a 24/7 'No Loading at Any Time' restriction along the southern side of Locksbrook Road across the full frontage of the site.

The updated TA addendum considers that the removal of the existing on-street parking from the southern side of Locksbrook Road will help facilitate two-way vehicle movements past the site and over what is currently a constrained section where through traffic must give and take priority. This in turn will improve the overall operation, capacity and safety of Locksbrook Road around the bend in its horizontal alignment and in the vicinity of the site. Highways Officers are in agreement with this. It is noted that Residents Parking Zone 26 is located immediately to the north of the application site, and this should help to avoid any impacts due to on-street parking being displaced.

The scheme also includes the resurfacing of the footway across the site boundary. A planning condition will be included to secure the necessary highway works. Following any planning permission, the technical approval of the highway works would need to be achieved direct with the highway authority.

It is noted that a Stage 1 Road Safety Audit has also been undertaken with no adverse safety issues being identified.

Swept path analysis has been provided to demonstrate how larger vehicles would safely access the site. The access works would need to be completed prior to any opening of the site, and this will be secured by condition.

Traffic Impacts - Queuing

The potential traffic impacts associated with the proposed scheme are considered within the TA and the addendum.

Following initial consultation, the highways team requested more information on how queuing is currently monitored, managed and recorded at the existing sites, and how any potential queuing would be avoided at the proposed site. Additionally, third party objections raised queuing as an issue.

The application submission now includes an Operational Statement (OS), and this has been developed to demonstrate how the day-to-day operation of the site would be managed.

The TA sets out how since a recent increase in the enforcement of the booking system at Midland Road has reduced the levels of queuing experienced. The OS sets out how the proposal site would not accept DIY waste or hazardous waste (this would need to be taken to KRC). As a result, the reduction of waste accepted would likely reduce the number of vehicles accessing this site compared to Midland Road, and therefore would reduce queuing potential. Nevertheless, the number of parking / unloading spaces provided within the new Locksbrook Road site remains the same as at Midland Road (11). In addition, the revised site layout also now includes internal queuing space for up to five vehicles within the public part of the site removing queuing from the road.

The critical element of the proposal in traffic and queuing terms is that the site would operate on a prebooking only basis, and the number of vehicles that could visit the site would be limited to 56 within any hour, 14 per each 15-minute booking timeslot. This means that the site can accommodate 16 vehicles at any one time (within the parking and

queuing lane) which is greater than the number of bookings per slot. This provides some flexibility if some users potentially arrive early/ late to their slot.

The TA Addendum makes the suggestion that the site could initially operate at a lower booking slot level, and this appears to be a sensible approach to ensure that the site can operate as expected. This approach would help to avoid any unanticipated traffic impacts, and it would be appropriate to reduce slots in the typically busier periods. The Operational Statement also confirms that the last weekday booking slot would end at 15:45, and this would ensure that all public vehicles would have left the proposed facility before the peak periods on the surrounding road network. A compliance condition will be required to secure the implementation of the Operational Statement and the adherence to the site management approach.

Traffic Impacts - Junction Capacity

In response to earlier comments raised by the Highways Authority, the applicant's transport consultant has undertaken further work to survey and assess the impact of the scheme on queuing traffic at the Locksbrook Road junctions with Station Road and also the A4 Upper Bristol Road. These junctions have been agreed as part of the scoping process. Given the information provided within the TA and Addendum there are no significant concerns relating to the traffic modelling that was previously presented. The findings show a low level queue intermittently through the day. For example at the Locksbrook Road arm queues of between 0 and 2 vehicles between 08:00 and 09:00 in the morning and between 0 and 3 vehicles between 16:00 and 17:00 (noting that the site will close to the public prior to this time). Given the booking system will manage flow it is not considered that the proposal will significantly impact junction capacity, and that the junction will operate within capacity and with acceptable levels of queuing and delay in the post development scenario.

Traffic Impacts - Highways Network

From the assessment it is anticipated that the proposal will have limited impact on traffic movements overall, given the proximity of the recycling facility it is replacing at Midland Road which is only circa 0.5 miles to the east of the site. The close proximity of the existing and proposed sites is such that the impact of the relocation is only felt on the very immediate local highway network.

Given the previous site uses, the movement of larger vehicles associated with the operation of the proposed recycling centre is unlikely to have any significant impact on the local highway network. There will be a routing requirement that ensures that these vehicles do not travel along Locksbrook Road to the west of the site.

Parking

Part of the site currently operates as a council street cleansing depot, with supporting ancillary welfare and office accommodation. Much of the remainder of the site is used as a vehicle storage area for a nearby motor retail dealership on the north side of Locksbrook Road. There are currently 77 car parking spaces on site associated with these uses.

Third parties have raised concerns in regard to loss of parking for the VW car dealership, although it appears no objection has been received from VW directly. The part of the site used by VW for car storage is done so under lease, with the main dealership on the opposite side of the road. The lease is short term and was granted in June 2022, it is understood that the dealership has been in place since at least 2009 and has therefore previously operated in this location without the leased storage land. This matter has been further addressed above in the Principle section.

As proposed, other than the excavator parking bay within the operational area, there is no dedicated vehicle parking within the operational part of the site. Parking for other council vehicles will instead be provided at another nearby facility in the estate.

The vehicle bays within the public area are intended for short-term unloading and waiting only. The bays are oversized to make the unloading process easier. A dedicated accessible bay is provided. This amounts to the total provision of 16 spaces. The Highway Authority have raised no concerns over the proposal level of parking, and it is considered this is sufficient to serve the proposed 56 arrivals and departures occurring within each of the peak hour periods. In addition, 4 motorcycle spaces are proposed.

Construction

To ensure that the effects of construction traffic are suitably considered and where necessary mitigated, a Construction Management Plan will be secured by way of planning condition.

Other Matters:

The TA Addendum makes a number of comments in response to other issues that were raised by third parties. These comments do not raise additional concerns, and the points made by the applicant's transport consultant are acknowledged.

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.

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.

Heritage Context

The proposed development is within two World Heritage Sites: the Bath World Heritage Site and The Great Spa Town of Europe World Heritage Site.

The site is also located within the Bath Conservation Area (Brassmill Lane, Locksbrook and Western Riverside Character area). The draft character appraisal identifies that a number of the industrial buildings are negative features in the conservation area.

To the east of the site is a former Railway Bridge (unlisted). Further to the west is Grade II listed former Herman Miller Factory.

The site currently comprises a depot centre and car park. The current buildings are of modern construction and there are no heritage concerns with their refurbishment.

World Heritage

The application includes a Heritage Assessment of the site and wider area.

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

Listed Buildings

The nearest listed building to the site is the Grade II listed former Herman Miller Factory, this is separated from the site by the Horstman building. Further west across the river is the Former Cabinet Makers Factory Grade II listed building and the much smaller Charlton house also grade II listed. Given the existing site use, proposed use and design, and the surrounding context of the listed buildings it is not considered that this proposal would negatively impact the setting of any of the listed building and would at least preserve their setting.

Conservation Area

The site is within the Bath Conservation Area. The context of this part of the conservation area is the existing industrial setting with traditional residential dwellings nearby. The proposed development within the site boundary is not considered to result in any negative impact to the conservation area given the existing industrial use and context.

There is a rubble stone wall to the front of the site. This wall is traditionally constructed; however, it has been pointed poorly and is currently overgrown with vegetation. Notwithstanding this, it is a positive feature in the conservation area which is largely characterised by modern development. This wall will be partly demolished.

The heritage statement has addressed the loss of the boundary wall to allow for access. The wall is isolated and no longer relates to any development for which it was initially constructed. Its significance has therefore been impacted by later alterations and its dissection from other boundary walls which have been lost. The scheme retains part of the boundary wall which contributes to the conservation area and this is supported. The conclusion that the works would represent a low level of less than substantial harm is agreed with.

Additionally, the application includes landscape enhancements in order to provide biodiversity net gain. The green riverside is a key feature of the conservation area and landscaping improvements are supported to ensure the impact of a high boundary wall/fencing is limited in the immediate area.

The low level of less than substantial harm is assessed further in the balance section below.

Non-Designated Heritage Assets

The aforementioned wall is also considered to be a non-designated heritage asset (NDHA). As discussed, this wall is traditionally constructed; however, it has been pointed poorly and is currently overgrown with vegetation. Notwithstanding this, it remains to be considered an NDHA. This wall will be partly demolished.

As above the significance of the wall as an NDHA has been diminished overtime due to later alterations and its dissection from other boundary walls which have been lost.

The NPPF says at paragraph 216 that the effect of an application on the significance of an NDHA should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this instance the scheme proposes to retain part of the NDHA and so does not result in the total loss of the asset. The significance has already been described above as being of low value. Overall, the level of harm is considered to be limited.

On balance, considering the limited level of harm to the NDHA, and when accounting for the benefits of the scheme which include the continued provision of a public service within the city of Bath and the unlocking of the Midland Road site to provide housing, it is found that the partial loss of some of the wall as an NDHA is acceptable in this instance.

Archaeology:

The proposal site lies within an area identified on the Historic Environment Record as 'Roman settlement S of Locksbridge Road'. This site was discovered through artefactual recovery from boreholes and the quantity recovered indicates that there is high potential for further remains to be present.

The Southwest Heritage Trust (B&NES Archaeology Consultants have been consulted and raised no objection and advised that a condition should be attached to permission that ensures archaeological mitigation is carried out during development of this site. This is in line with the requirements of the NPPF paragraph 211.

Heritage Harm and Balance:

Paragraph 208 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this case the low level of less than substantial harm arises from the loss of part of the boundary wall which contributes to this part of the Conservation Area. There is no further harm arising to any other designated assets including the World Heritage Sites or Listed Buildings.

The benefits of the scheme are considered to arise from the unlocking of the Midland Road site to provide housing to contribute towards the local housing supply (of which there is a known shortage) and the regeneration of the Western Riverside area. In addition, provision of the facility in this location will mean a continued facility is available within Bath reducing the need for residents to travel to KRC. The proposal will result in biodiversity net gain. There will also be short term jobs created during construction. Together these matters are considered to result in benefits that would outweigh the low level of less than substantial harm.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy and policy HE1 of the Placemaking Plan and Part 16 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 and the appearance of extensions respect and complement their host building.

The site is located within an industrial estate in Bath, although there are residential dwellings immediately to the east and further north. There are light industrial units to the west along with a Bath Spa Uni campus building. The river Avon is to the south of the site. The site is currently comprised of an existing street cleansing depot and vehicle storage for the nearby VW motor retail dealership.

The proposal is for a new recycling centre, incorporating seven skips with gantry access. The street cleansing depot, which currently occupies part of the site, will be retained and adapted to fit within the new layout. The two-storey staff office and welfare building will be retained and updated. Parking, cycle parking and pedestrian access is proposed, along with landscaping and new boundary treatments.

The proposed layout can be described as two zones, the council operations to the west and the public access side to the east.

Beginning with the public access, the vehicular entrance is in the northeast corner of the site from Locksbrook road, queuing space then follows the perimeter of the site leading to 11 parking bays. Adjacent to the bays is a metal gantry with stepped and sloped access that leads to 7 skips for placing various types of waste. There will also be a 'bring Recycling bank' in the centre north of the site. Pedestrian and cycle access is available in the northwest but also at the southwest of the site leading to the river path.

The west of the site, beyond the gantries, will not be accessible to the public. This will be where the operational facilities are located including the staff welfare facilities within the existing two storey building, a weighbridge, 2 spare skips, and street cleansing facilities. There will be an access on the northwest of the site for operational access for staff and HGV's.

There is limited actual built form on the site and the layout is considered to meet the needs of the proposal without appearing as cramped or overdeveloped.

In terms of scale, the tallest building on the site will be the existing two storey building in the northwest corner of the site which will remain. The gantry height will be approx. 2.6m including the railing, with the floor height being 1.5m above ground. Aside from the existing two storey building the proposal remains low lying and much will not be visible above the boundary treatment. Many of the surrounding industrial buildings are of a much greater scale and massing.

The scale, massing, and appearance of the scheme is that of a typical recycling centre, materials are typical including concrete, metal and GRP. In the context of the industrial estate and urban setting the design is considered acceptable. Given the current site is, in part, for 24 car storage it is considered that the proposal may even visually enhance the locality by removing the constant parking.

In terms of landscaping much of the site is already hard standing, either concrete, asphalt and gravel surfaces, and the proposal would provide a consistent finished hard surface. Landscaping around the site will be retained except for two trees (discussed further in the report below), there will be enhanced landscaping in the southeast and southwest corners of the site. There is a slight reduction in hard surfacing as a result of the landscape scheme.

Boundary treatment will include weld mesh security fencing and timber panelling. These are not usual treatments within an industrial estate and the timber will soften this somewhat. Part of the stone boundary wall will be retained.

Overall, 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 and policies D1, D2, D3, D4 and D5 of the Placemaking Plan 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.

It is noted that whilst the site is located within the Locksbrook Industrial Estate the site is also in close proximity to residential dwellings, the closest being those of 1-13 Locksbrook Road which are circa 50m away to the East.

The vegetated and tree lined bank between the site and neighbours to the east will be retained. The proposed site layout and arrangements themselves are not considered to impact on nearest neighbours in terms of overlooking, overshadowing or outlook, in these regards the proposal will be much the same as the existing situation.

Noise

In addition to policy D6, policy PCS2 has regard to noise and vibration. It states that development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.

A Noise Assessment (prepared by Entran) has been submitted with this application prepared in accordance with best practice.

Typical on-site activities will comprise the public accessing the Recycling Centre for dropping waste, including car access to the associated parking area. Hookloader and street cleaning vehicles will attend to the operational area at the west of the site. An excavator will be employed within the operational area to compress materials within skips. Skips will be removed once full and transported off site.

The proposal includes noise mitigation measures through the provision of screening. There will be a perimeter mesh fencing with an incorporates timber barrier of 1.8m around the west, north and east perimeter. A concrete wall will bound the south of the site which will be 3m in height, and a barrier of 2.6m will be installed bounding the skips.

The noise assessment reviews the existing on-site and background noise levels in the area and then models the proposed on-site activities on the nearest receptors. The nearest receptors in this instance are the residential properties to the east, north and university accommodation south of the river. The report determines a low likelihood of adverse impact at the nearest residential receptor. The Environmental Protection Team have been consulted on noise matters and have raised no objection. They do note that the outcome of the noise report is dependent on operational hours and additional noise mitigation, these matters will therefore be secured by condition. Mitigation other than the screening includes limiting tonal reversing alarms on site, with white noise or in-cab proximity alert systems employed as far as practicable, and polyurethane rollers will be employed for on-site skips to reduce the sound emitted from contact between the skip rollers and concrete.

Operating hours will be limited to 0800-1800 (Monday to Friday), 0800-1800 (Saturday) and 0900-1300 (Sunday) (it is noted that public access hours will be further limited) and noise mitigation shall be required to be carried out in accordance with the submitted details.

The proposal is not considered to result in an unacceptable level of noise impact on residential amenity that would warrant refusal.

Air Quality

In addition to policy D6, policy PCS3 has regard to Air Quality. It says that development will only be permitted where it does not give rise to polluting emissions which have an unacceptable adverse impact on air quality. The preamble sets out that in considering the effects of the development on the local air quality, the Council will use the latest Government regulations and guidelines to determine the suitability of the proposal.

The closest Air Quality Management Areas (AQMA) to the Site is the Bath AQMA which was declared due to exceedances of the AQS objective levels for annual and hourly mean NO₂. The Site is located approximately 115m to the south of this AQMA at its closest point.

An Air Quality and Odour Assessment for the proposed development has been undertaken by Entran in accordance with the latest guidelines and best practice. This covers both the construction and operational phases.

The Environmental Monitoring Officer has been consulted on this element and has found the overall approach to the air quality assessment acceptable and has raised no objection.

The report shows that there will be a negligible impact on air quality from the operational phase. The detailed dispersion modelling indicates that the concentrations of relevant pollutants (NO₂, PM₁₀ and PM_{2.5}) at the selected receptors and across the site will meet the relevant air quality objectives. The predicted impacts of the Proposed Development are determined to be negligible in accordance with the EPUK & IAQM guidance.

The assessment of the construction phase shows a medium risk of dust impact and low risk to human health and the report recommends a number of mitigation measures listed in Appendix E of the document to reduce this to a negligible impact, including use of a Dust and Emissions Management Plan. As such it is considered that the proposal will not have an unacceptable adverse impact on air quality.

Odour

The odour assessment (prepared by Entran) has been undertaken in accordance with IAQM best practice guidance. Receptors to odour have been assessed including dwellings of Locksbrook Road and nearby businesses. The baseline odour assessment has demonstrated that there are no significant impacts beyond the site boundary from existing activity.

The type of waste deposited at this type of facility generally has limited potential for emissions of odour. One of the skips will be designated for general waste which could

potentially include biodegradable material that could release odour however the skip will be emptied frequently limiting odour release.

The report finds that odour intensity and offensiveness will be negligible beyond the site boundary. With good housekeeping and management procedures, along with the operational controls and conditions set out within the environmental permit (which includes controlling emissions to air), neither the Environmental Protection officer nor the Environmental Monitoring Officer have raised objections to the odour assessment. Officers consider the proposal would not result in significant levels of odour in this location to warrant refusal.

Lighting

E3 Consulting Engineers have carried out an artificial lighting assessment for the site. A range of wall and column mounted luminaires are proposed. The lux contour plan demonstrates that there will be limited light spill outside of the site and none onto residential properties. The lighting requirements are not dissimilar to the existing operation. Lighting will also be controlled and will be switched off when not required. Lighting is discussed further in the ecology section below.

Gulls:

BaNES Council receives complaints each year from business, visitors and residents on the impact of gulls and their behaviour on their health, wellbeing, and enjoyment of outdoor spaces. Gull species including The Herring and Lesser Black Backed Gulls are birds protected under the Wildlife and Countryside Act 1981. The Council must work within the requirements of this legislation to address the public health and/or public safety issues that urban gulls may have on existing businesses, visitors, and residents. It's acknowledged that poorly designed buildings and structures could be encouraging nesting, perching points and insufficient waste storage facilities provides an easy source of food for gulls.

A Gull management strategy has been submitted. The applicant has confirmed that they will be installing wires/spikes/nets and/or use non-toxic gels on the staff welfare building to deter gulls from nesting on the roof and will use wires, spikes or gels on the external lighting columns to remove perching points for gulls. The applicant has also confirmed that the strategy will be reviewed annual and that they will financially commit to installing mitigation measures and maintain in such a condition to ensure no detrimental impact on amenities of occupiers in the vicinity arising from gulls.

The Environmental monitoring officer has reviewed the details and is satisfied with the Gull Management Strategy, a condition will be included to ensure compliance with the plan.

Residential Amenity Conclusion:

Overall, 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 the policies of the Development Plan and the NPPF.

CONTAMINATED LAND:

Local Plan Partial update policy PCS5 has regard to Contamination.

The application has included the following reports:

Bath Recycling Centre. Geotechnical and GeoEnvironmental Preliminary Risk Assessment (Desk Study) For Bath and North East Somerset Council. Project No. 13940. Date August 2024. 13940-CRH-XX-XX-RPGE-0001-P3-DTS. P03. Campbell Reith

Bath Recycling Centre Land Quality Statement for Bath and North East Somerset Council. Project No. 13940. Date November 2024. 13940-CRH-XX-XXRPGE-0002-P1-LQS. P03. Final. Campbell Reith

Records available to the Department indicate that landfilling may have taken place on site or in the proximity of the site to the west. The proposed ground investigation and risk assessment should take account of the potential for the generation of ground gas on or off site and potential for migration of ground gas.

The Contaminated Land Officer has been consulted on the application. Taking account of the proposed redevelopment, the potentially contaminative historical uses of the site, the landfilling in the vicinity and the findings and recommendations of the GeoEnvironmental report, they have recommended that contaminated land conditions be applied covering investigation and risk assessment, remediation and verification, and reporting of unexpected contamination.

The proposal is considered acceptable in terms of policy PCS5 of the Local Plan Partial Update.

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland conservation. It requires that development should seek to avoid adverse impacts on trees and woodlands 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).

The Site is within Bath Conservation Area and adjacent to the river which forms strategic green and blue infrastructure.

The Arboricultural Assessment undertaken by Silverback identifies thirty trees, one group of trees and one hedgerow. Of the trees surveyed, eleven trees were categorised B, one tree was categorised U, the remaining trees were categorised C. The area proposed for development is currently covered almost entirely by hard surfacing with the majority of

trees growing along a narrow strip of land between the site and the river tow path with 6 further trees growing on a bank on adjacent land to the northeast.

Revised drawings have been submitted over the course of the application which, in particular to trees, make amendments to the pedestrian/cycle riverside access and drainage layout. Where possible existing trees have been retained, but it is proposed to remove T07, T17 and a small section of H01 to facilitate the proposed works to accommodate the black sack tipping bay and the connection to the riverside towpath. The remaining trees will be retained and protected throughout the proposed development. The three removals are all category C.

The Arboricultural officer has been consulted and raises no objection to the loss of the two trees and minor element of hedgerow subject to mitigation planting. Six new trees are proposed to be planted. Three in the southwest corner of the site and three in the northeast corner. The location is considered to result in some additional screening over time with maturity.

Regarding the location of the tipping bay and the loss of T07, this will create a small gap in vegetated section and the Arboricultural Officer notes this section would benefit from reinforcement planting. It is noted that the Landscape Plan shows that this area is proposed to be reinforced with mosaic scrub and grassland, considering there is insufficient space for tree planting the proposed vegetation is considered acceptable.

It is noted that the route of the new access extends through the fringes of the Root Protection Area generated by T24, T25, T26 and T27. It is necessary to excavate to achieve the necessary levels for the construction of the new access. The Arboricultural Impact Assessment considers that the existing hard surfacing will have restricted the amount of root extension growth into this area, however, to minimize any potential damage on roots which may have extended under the position of the new access it is proposed to remove the existing surfacing by hand along the line of the new access and excavate the curb line by hand.

The arboricultural officer raises no objection on these grounds however finds that further information is required on the precautionary measures intended during the construction of the access. Conditions will therefore include the provision of an updated detailed arboricultural method statement. The revised Tree Protection Plan will need further amendment to accommodate precautionary measures during the construction of this access.

Initially the Proposed Drainage Layout had not been properly informed by the Tree Constraints Plan and was a concern for the Arboricultural Officer. The revised Proposed Drainage Layout (13940-CRH-XX-XX-DR-C-5050-P6) shows the surface water connection in the eastern most corner and storm water distribution box amended to avoid the root protection area of adjacent trees. The arboricultural officer has raised that the arboricultural method statement does not provide the sufficient detail on drainage installation and would be expected to include a watching brief, therefore, as above, a condition can be attached requiring an updated Arboricultural Assessment to address this matter.

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

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).

An Ecological Impact Assessment (ethos, 2024) and a Biodiversity Net Gain Statutory Metric (ethos, 2024) have been submitted and are welcomed.

Designated Sites, Bats and Habitats Regulations Assessment:

There are no designated sites within the site boundary. The site is approximately 2.8 km northwest of the closest component unit of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC), designated due to the presence of internationally important populations of horseshoe and Bechstein's bats. The site is also located north of the River Avon Site of Nature Conservation Interest (SNCI) which provides supporting habitat to the SAC.

Given the location, there is potential for impacts onto the adjacent river corridor and associated habitats which could cause adverse impacts to the SAC and SNCI, as such a Habitats Regulations Assessment (HRA) was required. Although it is the duty of the LPA, in consultation with Natural England to complete the HRA, it is the duty of the applicant to provide information to evidence any conclusions, including sufficient survey effort and details of mitigation. The Council Ecologist has undertaken a HRA.

The HRA found that one structure was present on site which had negligible potential for supporting roosting bats, therefore no further surveys were considered necessary and impacts to roosting bats are not considered likely. Over the course of the application additional lighting information has been submitted, at the request of Natural England. The lighting scheme now identifies that dark corridors will be retained for commuting/foraging bats in suitable surrounding habitat (discussed further below). One location (4a) is outside of the target range of 0.1lx at 0.29lx, however, this area is isolated and would not present a barrier to bats utilising the area due to limited spread.

The HRA concludes that there is not a credible risk of significant negative impacts on the Bath & Bradford on Avon Bats Special Area of Conservation. The HRA has ascertained that the project would not have an adverse effect on the Bath and Bradford on Avon Bats SAC either alone or in combination with other plans or projects.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England have advised that they concur with the assessment conclusions and no longer raise an objection to the scheme subject to conditions.

Other Notable/Protected Species

The Ecological Impact Assessment (ethos, 2024) confirms that the site has the potential to support otters, nesting birds, badgers and hedgehogs. The recommendation for sensitive lighting during construction, pre-works nesting bird checks and recommendations for covering of excavations overnight are welcomed and supported. These measures can be secured by an appropriately worded planning condition for a Precautionary Working and a Construction Environment Management Plan (CEMP).

Lighting

As detailed in the Ecological Impact Assessment (ethos, 2024) the habitats within the site boundary and directly adjacent to the site support a number of bat species including light sensitive species linked to the Bath and Bradford on Avon SAC.

As such a Sensitive Lighting Strategy has been provided on an External Lighting Site Layout Lux Contour Plan (4830 X XX J 3010 P3) (e3 consulting engineers) and a Lighting Scheme and Assessment (e3 consulting engineers). The scheme includes additional planting is proposed to enhance flight lines to the south of the site, adjacent to the River Avon. Light shields, low-level surface-mounted fittings, reduced lux levels and perimeter fencing are all proposed to reduce light spill onto adjacent suitable habitats. The details provided show that the southern boundary of the site will not exceed 0.5 lux and dark corridors will be retained for commuting/foraging bats in suitable surrounding habitat. The Council ecologist is satisfied and raises no objection, the sensitive lighting strategy will be secured through an appropriately worded condition.

Biodiversity Net Gain

All schemes should achieve measurable biodiversity net gain in accordance with policy NE3a and the requirements of the NPPF.

A Defra Biodiversity Net Gain Metric spreadsheet has been submitted and is welcomed (ethos, 2024). A copy of the Biodiversity Net Gain Statutory Metric shows that the scheme will achieve a 10% net gain in habitat units. The metric shows that the scheme will provide an overall biodiversity net gain of 0.26 habitat units which is an increase of 301.91% of habitat units based on the Natural England Biodiversity Metric calculation tool.

In addition, a total of 0.063 watercourse biodiversity units are required to achieve a 10% biodiversity net gain as a result of the development. The submitted Biodiversity Net Gain Summary Note confirms that proposals are not expected to impact the River Avon and that enhancements to the river are unfeasible, as such the watercourse units will be delivered offsite. This will likely be through the purchasing 0.063 water course units from an appropriate private supplier. The provision of the units will be conditioned.

A Biodiversity Gain and Habitat Management Plan will be secured by condition which will deal with the above.

Ecology Conclusion:

Overall, the proposal is considered to comply with policy NE3 and NE3a of the Local Plan Partial Update regarding ecology matters.

PUBLIC SECTOR EQUALITIES DUTY:

In accordance with the duty required by sections 149-157 of the Equality Act 2010, the Local Planning Authority as public sector organisation is required to have due regard to the need to eliminate inequality against people with different protected characteristics, advance equality of opportunity, and foster good relations in relation to activities such as policy, consultation and public service.

This has been taken into account both in relation to the application process and when considering the merits of the development itself. Measures which the Local Planning Authority takes to advance equality of opportunity in the planning process are set out in the Council's adopted Statement of Community Involvement. This involves measures such as community consultation, advertising applications via a range of different mediums and making application documents available in a variety of print and non-print formats if required. It is noted that a Statement of Community Engagement has been submitted demonstrating such approaches and includes a public drop in exhibition.

In relation to the development itself, an Equality Impact Assessment has been prepared. Members of the public have objected on the basis of the introduction of metal gantries with sloped and stepped access as opposed to the current arrangement at Midland Road. There are concerns this would disadvantage disabled and elderly. Members of staff will be available on site to assist disabled and elderly members of the public. For unseen disabilities, customers can request assistance if required. There will be a designated disabled parking space adjacent to ramps to assist access. The site will be available to all members of the public.

Overall, the potential equality impacts have been assessed relating to both the application process and in relation to the development itself. The Local Planning Authority is satisfied that a range of steps have been taken to achieve compliance with the Equalities Act 2010 and therefore discharged its public sector equalities duty.

OTHER MATTERS:

Environmental Impact Assessment (EIA):

The process of Environmental Impact Assessment in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the '2017 Regulations').

The site falls within the description at paragraph 11 (other projects) - Installations for the disposal of waste of Schedule 2 to the 2017 Regulations, as well as being located in the sensitive area of the World Heritage Site defined by the Regulations.

The proposal has therefore been screened for EIA development. The Screening Matrix is available on the application file.

It is concluded, having regard to the characteristics of the development and its location (in accordance with Schedule 3 of the Regulations), that whilst the development has a number of local impacts that have been carefully considered (in the above report), none of these impacts either individually or taken together as a whole are significant in EIA terms. The proposed development is therefore not EIA development.

Fire Risk:

Objectors have raised concerns of increased fire risk at the site.

It is noted that the site is already used for the storage of municipal and street-sweeping waste in conjunction with the existing street cleansing depot, and that this waste is combustible. The site is already therefore subject to an approved Fire Prevention Plan.

The materials that will be accepted on site include; Residual household waste; Cardboard (including items too large for kerbside collection); Soft furnishings Bulky Waste (including separation of POPs); Garden Waste; Wood; Scrap metal; and large electrical items such as washing machines and other white goods, except fridges, freezers, TVs and computer monitors; and Dry recyclables (plastic, paper, cans, glass etc). Some of this waste will also be combustible such as the garden waste and wood.

The site will not be accepting hazardous waste, including batteries, which will reduce the risk of fire, although it is accepted that waste taken to the site may surreptitiously/ accidentally include such items.

As such a fire prevention plan will continue to be required which outlines the measures taken to reduce the risk of the outbreak of fire and to quickly contain the spread of fire in the event of the occurrence. It is noted that an alternative industrial use at the site may also be at risk of fire and any development would be accepted to secure safe operation and reduce risk.

Officers attended a site visit to the KRC and noted the fire prevention methods in place their included signage, fire blankets, fire training etc. Officers are satisfied that whilst a material consideration fire risk is not grounds for refusal in this instance.

Other:

Some third parties have raised concerns that the proposal will affect their house value. House prices are not a material planning consideration.

Third parties have raised concerns that the proposal is not a like for like replacement of Midland Road HWRC. It has been demonstrated that the proposed facility will have approximately 1500 tonnage less of capacity than the Midland Road site, however this residual tonnage will be able to be dealt with at Pixash which has capacity.

Third parties have raised concerns about the proposal's proximity to a children's play area. The site is just over 75m away from Kelsons Playground as the crow flies, separated by built form as well as vegetation. The playground is accessed from the rear of the nearby

dwelling or from the tow path and cannot be accessed directly from the proposed recycling centre. It is not considered that the proximity of these uses is unacceptable.

CONCLUSION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether or not to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise.

In this case the above report demonstrates that the proposal is considered acceptable in principle in line with local planning policies and policies of the JCWS. The proposal has been found acceptable in regard to all other matters including, flooding and drainage, highways, residential amenity, heritage, trees, ecology etc.

It is therefore considered that the proposal complies with the relevant planning policies and the development plan as a whole, 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 Detailed Arboricultural Method Statement (Pre-Commencement)

No development shall take place until a Detailed Arboricultural Method Statement with revised Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority 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, location of site office, 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 Arboricultural Compliance Statement (Bespoke Trigger)

No development or other operations shall take place except in complete accordance with the approved Detailed 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.

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.

4 Replacement Tree Planting (Compliance)

All replacement tree planting works shall be carried out in accordance with the Landscape Plan (322_GLA_XX_XX_DR_L_1001 P1) and shall be undertaken during the next available planting season following completion unless agreed in writing by the Local Planning Authority. The works shall be carried out to a reasonable standard and maintained in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice to promote successful establishment eg BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations.

Any trees indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

5 Archaeology Watching Brief (Pre-commencement)

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

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

6 Remediation Scheme (Pre-Commencement)

No development shall commence 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 section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

7 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 section 15 of the National Planning Policy Framework.

8 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 15 of the National Planning Policy Framework.

9 Flood Warning Evacuation Plan (Pre-occupation)

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented in perpetuity.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with paragraph 17 and section 10 of the National Planning Policy Framework.

10 Construction Environmental Management Plan (CEMP): Biodiversity (Pre-commencement)

No development shall take place (including demolition, groundworks and vegetation clearance)

until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation described in the approved Ecological Impact Assessment (ethos, 2024), including;

- a) Risk assessment of potentially damaging construction activities;
- b) boundaries of mapped exclusion zones for the protection of ecologically sensitive species or retained habitats and features, with boundaries shown to scale on a plan, and details and specifications for proposed fencing, barriers and warning signs, as applicable;
- c) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person;
- d) The times and frequency of visits during construction when a professional ecologist needs to be present on site to oversee works;
- e) Responsible persons and lines of communication;
- f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), to include the location, timing and methodologies of specified works to avoid harm to wildlife and sensitive features.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: to avoid harm to existing and retained habitats and species during site preparation and construction works.

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

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

No development shall commence until full details of a Biodiversity Gain Plan for on-site 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 deliver 0.21 habitat units. The plans must also include details of 0.063 water course units which will be purchased off-site. The Plans shall be in accordance with the approved Biodiversity Net Gain Assessment and calculation, and with current best practice guidelines and shall include the following:

1. An up-to-date BNG habitat map for on-site proposed habitats.
2. Habitat Management Plan, long-term management and protection measures for all retained and proposed habitats and species, including fencing and boundary details.
3. Long-term aims and objectives for habitats (extents, quality) and species.
4. Detailed management prescriptions and operations for newly created habitats; 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.
5. A detailed prescription and specification for the management of boundary habitats including any hedgerows, woodland and scrub.
6. Details of any management requirements for species-specific habitat enhancements.
7. Annual work schedule for at least a 30-year period.
8. 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; 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).
9. Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives.
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
11. 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 protect and enhance ecological interests 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 and the Environment Act 2021.

NB The above condition is required to be pre-commencement in accordance with statutory guidance.

12 External & Internal Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)

No new external or internal lighting shall be installed without full details of the proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;
2. Combined external and internal light spill modelling. Predicted lux levels and light spill modelled on both the horizontal and vertical planes using a maintenance factor of 1 (to correspond with day 1 of operation). This must demonstrate that the proposal will not result in light spill above 0.5 lux onto any retained horseshoe bat habitat (namely the

southern boundaries). The lighting strategy must ensure that all commuting corridors remain below 0.5 lux to enable horseshoe bats to continue to move in suitable habitat.

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, and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.

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

13 Ecological Compliance Statement / Follow-up Report (pre-occupation)

No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (licenced bat worker) (based on postconstruction on site inspection by a suitably experienced professional ecologist) confirming and demonstrating, using photographs, adherence to and completed implementation of the CEMP and bat and ecological mitigation and compensation measures in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Evidence and written confirmation that all ecological mitigation and compensation measures for bats, nesting birds and hedgehogs and other species including precautionary working methods and pre-commencement checks were followed and that all replacement features have been installed and are in accordance with approved details, dimensions, materials and specifications.

All measures within the scheme shall be retained, monitored and maintained thereafter in accordance with the approved details and for the purpose of wildlife conservation.

Reason: To demonstrate the completed implementation of ecological mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) the NPPF and policies NE3, NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan.

14 Operational Hours (Compliance)

The development hereby permitted shall operate only, between the hours 0800-1800 (Monday to Friday), 0800-1300 (Saturday) and 0900-1300 (Sunday).

Reason: To protect neighbouring residents from exposure to environmental noise.

15 Noise Mitigation (Compliance)

The development shall be constructed in accordance with the noise mitigation detailed in section 6 of Commercial Noise Assessment, dated 13/08/24.

Reason: To protect neighbouring residents from exposure to environmental noise.

16 Gull Management Plan (Compliance)

The development hereby permitted shall in accordance with the submitted Gull Management Strategy submitted on the 23rd December 2024

Reason: In the interest of residential amenity of future occupiers in accordance with policy D6 of the Bath and North East Somerset Local Plan Partial Update.

17 Flood Risk Assessment (Compliance)

The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment and Drainage Strategy by Campbell Reith Dated 09 August 2024 Ref 13940) and the mitigation measures detailed on pages 31 and 32.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

18 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Temporary arrangements for householder refuse and recycling collection during construction.

The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Bath and North East Somerset Local Plan Partial Update. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

19 Highway Works (Pre-occupation)

No occupation of the development shall commence until the highway works shown on drawing number 23071-GA01 Rev C has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure that the development is served by a safe and suitable means of access in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

20 Operational Statement (Compliance)

Prior to occupation or use hereby permitted is commenced, evidence that the pre-occupation elements of the approved Operational Statement have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority. The approved Statement shall then be implemented, monitored and reviewed in accordance with the agreed Statement to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy ST7 of the Bath and North East Somerset Local Plan Partial Update.

21 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

20 Aug 2024	13940-Crh-Xx-Xx-Dr-C-5049-P2	Existing Drainage Layout
20 Aug 2024	3897-Sra-00-Xx-D-A-PI-120-P02	Site Demolition Plan
20 Aug 2024	3897-Sra-00-Xx-D-A-PI-155-P01	Proposed Site Landscape Plan
20 Aug 2024	3897-Sra-00-Zz-D-A-PI-111-P01	Existing North & South Site Context Elevations
20 Aug 2024	3897-Sra-00-Zz-D-A-PI-112-P01	Existing East & West Site Context Elevations
20 Aug 2024	3897-Sra-00-Zz-D-A-PI-115-P01	Existing Site Context Sections
12 Nov 2024	3897-Sra-00-Zz-D-A-PI-001 P04	Site Location Plan
12 Nov 2024	13940-Crh-Xx-Xx-Dr-C-5050 P6	Proposed Drainage Layout
12 Nov 2024	23071-Ga01 C	Proposed Site Access Arrangements
12 Nov 2024	23071-Ga02 B	Proposed Site Access Details
12 Nov 2024	23071-Spa01 D	Tracking Of Ro-Ro Skip Lorries
12 Nov 2024	23071-Spa03	Swept Path Assessment Of Public Unloading
12 Nov 2024	240725-Brf-Tcp-Nb	Tree Constraints Plan
12 Nov 2024	241025-Brf-Aia-Rev C-Nb&Am	Arboricultural Impact Assessment Plan
12 Nov 2024	241025-Brf-Tpp-Rec C-Nb&Am	Tree Protection Plan
12 Nov 2024	322_Gla_00_Gs_Dr_L_3504 P1	Elevation Dd
12 Nov 2024	322_Gla_Xx_Xx_Dr_L_1001 P1	Landscape Plan
12 Nov 2024	322_Gla_Xx_Xx_Dr_L_3501 P1	Section Aa
12 Nov 2024	322_Gla_Xx_Xx_Dr_L_3502 P1	Section Bb
12 Nov 2024	322_Gla_Xx_Xx_Dr_L_3503 P1	Section Cc
12 Nov 2024	3897-Sra-00-Zz-D-A-PI-100 P03	Existing Site Block Plan
12 Nov 2024	3897-Sra-00-Zz-D-A-PI-150 P05	Proposed Site Block Plan
12 Nov 2024	3897-Sra-00-Zz-D-A-PI-161 P03	Proposed North And South Site Context Elevations

12 Nov 2024	3897-Sra-00-Zz-D-A-PI-162 P03	Proposed East And West Site Context Elevations
12 Nov 2024	3897-Sra-00-Zz-D-A-PI-171 P03	Proposed Site Context Sections
12 Nov 2024	4830 X Xx J 3010 P3	External Lightin Site Layout Lux Contours

2 INFORMATIVE

The proposal should be discussed with the Canal and River Trust Infrastructure Services Team to ensure the proposal complies with the Trusts' Code of Practice for works affecting the Canal and River Trust.

3 INFORMATIVE

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place: o on or within 8 metres of a main river (16 metres if tidal). o on or within 8 metres of a flood defence structure or culverted main river (16metres if tidal). o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert. o in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity

Waste - Environmental Permit

This development may require a change to an existing environmental permit or a new environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

4 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.

5 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.

6 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.

7 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

8 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: 02
Application No: 24/04206/OUT
Site Location: The Wildland Church Lane East Harptree Bristol Bath And North East Somerset



Ward: Mendip **Parish:** East Harptree **LB Grade:** N/A
Ward Members: Councillor David Wood
Application Type: Outline Application
Proposal: Erection of 3no dwellinghouses following demolition of 1no 4 bed dwellinghouse.
Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, 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: Mr Philip Evans
Expiry Date: 3rd January 2025
Case Officer: Danielle Milsom
To view the case click on the link [here](#).

REPORT

Following the objection raised by East Harptree Parish Council, which is contrary to Officer recommendation to Permit, the application was referred to the Chair and Vice Chair of the Planning Committee, in line with the Council's Scheme of Delegation. It was decided that the application be heard at committee for the following reasons:

Cllr Ian Halsall (Chair):

This is an outline application with indicative details only. Whilst the number of objections is not a reason to automatically refer an application to Committee, there are matters of policy particularly the effectiveness of the Neighbourhood Plan that should be debated.

Cllr Lucy Hodge (vice-chair):

Noting the concerns raised by the Parish Council, in particular in relation to the Chew Valley Neighbourhood plan which seeks 2/3 bedroom properties and third party representations raising concerns in several policy areas including amenity, loss of green space and impact on rural character, I recommend that this application is debated in public by the Planning Committee.

The application refers to a the site known as 'The Wildland' which is occupied by a detached dwelling. The site lies within East Harptree, within the Housing Development Boundary, outside of the Conservation Area.

This application seeks outline consent for the erection of 3no dwellinghouses following demolition of 1no 4 bed dwellinghouse.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

East Harptree Parish Council: Objection

East Harptree Parish Council considered this application at its meeting on 19th November. There is no evidence that the application has considered the policies in the Chew Valley Neighbourhood Plan.

In particular, no consideration has been given to Housing Mix. Locally there is a need for smaller 2/3 bed houses rather than larger 4+ bed houses. (Note: this is illustrated by the local multiple dwelling application that the DAS refers to which each always provided a mix of dwellings: in total they covered 25 dwellings of which 17 were 1,2,3 bed and 8 were 4+ bed dwellings).

If the applicant had been aware of this policy and designed fewer or smaller dwellings then this may also help deal with other areas of concern raised by local residents:

- Neighbour Amenity: the proximity and impact to the neighbouring property, Parkpool, is significant;
- There is a significant loss of green space with the current proposal and the designed garden space is too small for the planned dwellings and at odds with the local character assessment;

- Lack of sufficient space for a sustainable drainage solutions;
- Ridge heights beyond the existing North/South natural line of built form;
- Development & tarmacking of existing access track all the way to the next field beyond seems unnecessary and has a disproportionate effect on neighbour amenity.
- Access direct to the site through the embankment from Church Lane opposite Ashwood should be reconsidered.

Councillors agreed unanimously to OBJECT to this outline application, and advised the applicant to address the relevant policies

Ecology: No objection subject to conditions

Arboriculture: No objection subject to conditions

Highways: No objection

Drainage and flooding: No objection subject to condition

Representations Received :

21 objections received. A summary is as follows:

- o Surface water drainage issues on site and onto Church Land down the trackway
- o Ground level required altering to stop water discharge
- o Experience of water flowing down steps
- o Water currently stays in the field and drains down across lower fields
- o Alteration would put Parkpool at risk
- o Chew Valley Neighbourhood Plan encourages 2/3 bedroom houses
- o Traffic and parking problems
- o Overdevelopment of the site
- o Vehicles parking on access will cause block to agricultural field
- o Lack of garden space
- o Located within the AONB and village includes conservation areas, listed buildings and SSSI's
- o Rural character is being harmed by development
- o East Hartree taken a disproportionate amount of development
- o Development would affect the natural environment, character and appearance of the village
- o Planning Inspector refers to impact of inappropriate suburban style developments
- o Development is not exempt from ecological requirements including habitats and features of landscape
- o Site must make positive contribution to Nature Recovery Networks
- o Development out of character
- o Does not comply with housing mix policy
- o Increase in height harmful
- o Overbearing impact of village landscape
- o Increase in traffic movements around blind bend
- o Houses will overpower neighbouring properties
- o Additional need for smaller affordable properties
- o Layout is poor with large proportion for drives and parking
- o Sustainability concerns for the demolition creating unnecessary waste

- o Sufficient space for one additional dwelling
- o High levels of Cadmium which is toxic and evidence of Rock
- o Demolishing bat friendly property
- o Plans are vague
- o Plots to be sold separately so building work could go on for years
- o Issues of privacy , loss of light, passing traffic
- o No evidence that plots are self-build
- o Impact on listed building - Grade II* St Lawrences Church and surrounding Conservation Area.
- o Confirmation from Wessex Water required regarding foul sewage

3 letters of support received. A summary is as follows:

- o Drainage can be controlled through the design process for sustainable drainage solutions
- o Inclusion of drainage scheme will not impact neighbours including surfacing of the track
- o Two additional dwellings would create additional traffic but this would be low frequency
- o Heights may be out of keeping but other properties are two-storey
- o Other more contemporary examples in more sensitive locations
- o Site levels excavated to reduce scale and impact on neighbours
- o Neighbourhood plan affords limited weight and only encourages 2/3 bedroom dwellings
- o 4 bedroom dwellings allow the population to grow and without the need to develop the rural landscape and AONB.
- o Families needed for the village
- o Current property not in keeping
- o Proposed in keeping with neighbouring local properties
- o Support using land for residential purposes
- o Additional support for local business and schools
- o Not cause additional parking and there is sufficient traffic speed signage

The above represents a summary only. Full comments have been reviewed by the case officer and can be viewed on the public website.

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:

CP6: Environmental Quality
CP10: Housing Mix
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:

SV1: Somer Valley Spatial Strategy
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
D7: Infill and backland development
H4: Self Build
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
SU1: Sustainable drainage policy

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

D5: Building design
D8: Lighting

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 to the determination of this application:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development 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) 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

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

The site is located within East Harptree, a primarily residential village not located within the Green Belt. The site is located within a Housing Development Boundary. For villages located outside of the Green Belt, proposals for residential development of a scale, character and appearance appropriate to the village and its setting will be acceptable within the housing development boundary, provided the proposal is in accordance with the spatial strategy for the district as set out under policy DW1 and the village has:

A: a primary school and at least 2 of the following key facilities within the village: post office, community meeting place and convenience shop, and

B: at least a daily Monday-Saturday public transport service to main centres

East Harptree does contain a primary school, East Harptree C E V C Primary School, and also a local community convenience shop and village hall. The village is also served by

the 99 and X91 bus service. The village therefore provides adequate facilities so the residential development within East Harptree is considered acceptable.

The NPPF sets out at paragraph 11 that all plans and decision should apply a presumption in favour of sustainable development. For decision taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important in determining the application are out-of-date(8), granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

Footnote (8) of the NPPF clarifies that this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

In December 2024, the Government published the revised National Planning Policy Framework (NPPF). The published changes aim to tackle the country's acute housing crisis and stimulate economic growth. In order to determine housing need for each Local Authority, the standard method set out in the Planning Practice Guidance (PPG) is applied. This was updated as part of the changes and, as a result, the amount of housing that Bath and North East Somerset (B&NES) are required to plan for through the Local Plan has significantly increased by an uplift of 105%. The NPPF and PPG requires that Local Authorities must be able to demonstrate a 5 year housing land supply. B&NES was, prior to the changes, in the process of consulting on options for housing sites for the new Local Plan, which sought to set out the district's strategy for development over the next 20 year period. Whilst the plan does not solely focus on housing, it is relevant that the plan demonstrates sufficient land supply for housing in the district. As a result of the significant uplift in housing requirements, the spatial strategy for the district within this plan needs to be reviewed and the new Local Plan timeline has been delayed.

The housing trajectory for the year 2025-2026 has not yet been calculated or published. However, early analysis and forecasting suggests that, due to the significant changes to the standard methodology and uplift in the Council's housing targets, it is considered likely that, from April 2025, the Council will not be able to demonstrate that they have a 5 year housing land supply, as required by National Policy. Therefore, the most important policies for determining this application are to be considered out-of-date.

Officers consider that this development for housing would engage paragraph 11 of the NPPF and the scheme must be considered within the context of paragraph 11(d)(ii). This will be further explored in the planning balance section of this report.

HOUSING MIX:

The description of development does not include the number of bedrooms proposed and plans at this stage are indicative. It is noted that policy HDE5a of the Chew Valley Neighbourhood Plan (NP) encourages 2/3 bedroom dwellings, however this would not restrict larger dwellings being proposed. The policy states the housing mix should be in accordance with the most recent Housing Needs Survey across the individual Parish or whole plan area. As discussed above, paragraph 11(d)(ii) is engaged which is in favour of sustainable development. At this stage, significant weight is given to the need for housing. As the number of bedrooms are indicative and not determined as part of this application, this is given limited weight in the planning balance.

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 existing site is accessed off of Church Lane. The dwelling occupies an elevated position from the road level, with boundary treatment consisting of significant vegetation which limits visibility towards the dwelling and also provides a green buffer between the dwelling site and road which is a positive characteristic of this side of Church Lane. The dwelling sits to the rear of the plot with the garden to the front. A long drive provides access from the road to the dwelling.

The pattern of development within East Harptree varies with dwellings both being set back from the road and sited with more of a street frontage. Some smaller cul-de-sacs exist, and this is especially common within the newer development which has taken place within the village. Dwellings are mainly detached with heights varying from single storey to two storey. The existing dwelling is single storey and has undergone several developments to add extensions.

The application proposes to demolish the existing dwelling and to erect another in its place, with the addition of 2 more dwellings located to the front of the site. The development would require the reduction of ground level and the proposal seeks to utilise the existing access which runs adjacent to the site, leading to the agricultural field.

The principle of the replacement dwelling is considered acceptable. The loss of the dwelling with regards to its appearance within the setting is acceptable as it does not significantly contribute to the village character due to the many unsympathetic additions.

Proposals for design at this stage are indicative, however it is important to assess the potential for the site to cater for the amount of development proposed. As discussed above, there have been several recent developments within East Harptree involving new cul-de-sacs which has altered the overall pattern and grain of development. The pattern is

considered to be loose with many dwellings fronting the highway but also with examples of dwellings being set back and within clusters. In this regard, the proposed development is considered not to be uncharacteristic as it would both achieve a frontage and would retain the set back position of the replacement dwelling. The indicative site plan demonstrates the site can cater for all three dwellings of a suitable scale comparable with other dwellings in the area.

Indicative street elevations have also been provided, and this demonstrates the land level change to be able to set the dwellings down the slope. The replacement dwelling at this stage appears as a two storey construction which would be visible about the frontage dwellings given the land level change. The siting of the dwellings is considered to be appropriate and would continue the stepped height of dwellings along the street.

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, and the Chew Valley Neighbourhood Plan.

AREA OF OUTSTANDING NATURAL BEAUTY:

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. 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 located within the AONB. 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.

The development would be contained within the residential development extent of the village. The alteration to the ground level allows the stepped nature of the siting to sit subserviently within the village. It is considered that there would not be harm resulting onto the AONB.

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 and the Chew Valley Neighbourhood Plan.

HERITAGE ASSETS

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.

To the north of the sites lies several listed building, including the Grade II* listed Church of St Lawrence. The site is located approximately 74 meters from the Church and there are three plots between the site and its boundary. The residential development, sited amongst existing residential development would not have an impact upon the setting of the listed building.

The site is also not located within a Conservation Area but is located close. The proposals are considered to not have a negative impact upon the setting of the Conservation Area.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the 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 neighbouring dwelling to the north sits close to its boundary. The dwelling is single storey with accommodation in the roof. Large windows are located along its southern boundary which serve habitable rooms. The case officer has visited the neighbouring property. The neighbouring dwelling and proposed dwellings would be separated by the access road. Taking account of the reduction in ground height and the siting of the dwellings in a stepped form as shown in the indicative street elevation, it is considered that the proposed new dwellings would be designed to minimise impact onto the neighbour. The dwellings would be visible from the neighbouring properties south elevation windows, however it is considered that the visibility would not result in harm to residential amenity. The distance between the north most dwelling and the neighbour is comparable with other distances within the village. Some shading may be experienced but this would be largely limited to the site boundary given this distance.

With regards to privacy, at design stage this can be considered further. However it is likely that the location of windows can be design to minimise or prevent overlooking, placing windows only on the west and east elevations.

With the site itself, it is considered that each dwelling would be afforded a sufficient level of natural light and privacy.

The proposed development is not expected to cause any significant harm to the neighbour to the south.

Concern has also be raised with regards to the use of the proposed access which runs adjacent to the northern neighbouring dwelling. It is noted that the use of this access by the occupiers would result in some disturbance to the occupiers of the neighbour given its proximity. It is however understood that this access is within the applicant's ownership and has previously been used for access to the agricultural field. Any use of the lane would be by occupants' private vehicles which would be passing. Cars would not be able to park as this would restrict access. As a result, the passing of vehicles would not cause direct views into the neighbouring property. The passing would not be continuous and would be limited to the occupants and potentially deliveries, but only on a domestic small scale. In this regard, the disturbance is considered not to be significant enough to warrant refusal.

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 site currently contains 2 access points from the highway of Church Lane. The proposal is shown to utilise 1 access point in order to provide shared access onto the development and the neighbouring property, which is suitable as the width of the road would allow two-way traffic.

The current access arrangements contain a large bellmouth which provides vehicle access along the highway for both the existing properties with a separate pedestrian access which is to be retained for the existing dwelling. This area also provides visibility for on coming vehicles and acts as a passing place for vehicles and pedestrians as this rural area lacks sufficient footways along Church Lane. As the bellmouth is shown to be retained this area would also provide additional area to allow larger vehicles such as refuse lorries, manoeuvrability to and from the adjacent junction.

Each dwelling is shown to contain separate driveways and sufficient parking, in accordance with the standards set out in the Transport and Developments SPD, with space to facilitate electric vehicle charging.

Details of cycle provision can be secured at reserved matters stage but there appears to be suitable space to accommodate this. Other conditions would be appropriate at reserved matters stage once layout and design is agreed.

In conclusion, the principle of 3 new dwellings constructed within this established residential area is accepted by Transport Development Management.

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.

The Council's Drainage team have been consulted, noting the concerns raised by third parties.

A drainage strategy should be submitted as part of a condition should this application be approved. The strategy will need to acknowledge the claim of offsite surface water impacting the development. The development will need to manage surface water using SuDS, with the expectation being for infiltration. Soil testing will need to be undertaken. Surface water needs to be managed for all events up to and including 1 in 100 year event with a 45% allowance for climate change. Drains will need to be constructed to prevent surface water from flowing onto the public highway or adjacent land. A surface water connection to the highway drainage will not be permitted.

The above matters would be confirmed at reserved matters stage, or via condition. The drainage team have not raised an objection to the proposal.

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 proposal involves the removal of green infrastructure including the hedged and 1 tree. The tree survey quantifies the hedges and individual tree to be lost as of low quality.

The tree survey recommends attaining an Arboricultural Impact Assessment in order to assess the potential impact of the development on the trees on the site, including any necessary tree removals, any impacts on retained trees and any impacts retained trees

may have on the proposals post development. This has now been carried out, and it is expected that trees T1 and T2 would cast some shade over the nearest house. However, it is considered that this would not be different to the current proximity of the existing house to trees 1 and 2. There is therefore no increased potential for their resentment and/or loss.

The proposed site plan includes the provision of 3 new trees.

The tree and hedges for removal are of low quality and could not be considered worth of a Tree Preservation Order, or as a material constraint to development. As a result, there is no objection raised by the Arboricultural Officer. Landscaping conditions would be appropriate to add at reserved matters stage. An Arb Method Statement and Tree Protection Plan condition are recommended.

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.

Bats

The existing building on site is assessed to support a single soprano pipistrelle day roost, which is assessed to be of low conservation significance. A European Protected Species licence will be required prior to building demolition to allow the works to proceed legally and safeguard bats present. The licence will be a pre-commencement requirement.

The Ecological Impact Assessment identified the western boundary of the site to be of value to horseshoe bats and therefore, this boundary is required to be protected from impacts as a result of the introduction of artificial lighting from the development. A sensitive lighting strategy is required to demonstrate the proposed dwelling will not impact these adjacent suitable bat habitats. The lighting plan must demonstrate the western boundary habitat is subject to below 0.5 lux to protect commuting and foraging bats, showing lux contours on both the horizontal and vertical plane from proposed internal and external lighting.

The Ecological Impact Assessment sets out measures to protect badgers, hedgehog, birds, dormice, reptiles and amphibians during construction. These measures are set out within the RAAMS in Appendix F and can be secured by condition.

Section 6.7 of the Ecological Impact Assessment sets out ecological enhancements for bats and birds which is in line with Policy D5e of the Bath and NE Somerset Local Plan. The locations and specifications of the proposed enhancement measures can be presented within a Wildlife Protection and Enhancement Scheme, which can be secured by condition.

BNG

All proposed dwelling are custom/self-build plots. The development is therefore exempt from requiring BNG as per mandatory legislation.

PLANNING BALANCE:

As set out in the principle of development section the report, paragraph 11(d) of the NPPF is engaged. The development will not result in significant and demonstrable harm which would outweigh the benefits of the additional housing and therefore, the scheme should be permitted without delay.

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.
- (3) 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;
- Protected characteristics include disability.

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 "ant 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".

In this case it is considered that the application complies with the relevant planning policies as discussed in the report above is therefore recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: As required by Section 92 of the Town and Country Planning Act (as amended), and to avoid the accumulation of unimplemented planning permissions.

2 Reserved Matters (Pre-commencement)

Approval of the details of the appearance, scale, layout, access and landscaping; of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

3 Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

4 Bat Mitigation Scheme & EPS Licence (pre-commencement)

Prior to the commencement of any works including site clearance, demolition or construction on site, either written confirmation by a licensed bat worker that the works do not require a licence, or a copy of the licence for the works in accordance with the Habitat and Species Regulations shall be submitted to the local planning authority. This shall be accompanied by:

1. Full and completed bat survey findings.

2. Full details of proposed bat mitigation, for example a European protected species licence application method statement, and
3. Details of proposed soft landscaping and lighting design, with the objective of providing suitable, dark, bat flight-corridor habitats, connecting roost locations to adjacent vegetation, and designed to encourage long term use of the roost spaces by bats and to minimise risk of roost failure.

The development shall thereafter be implemented only in accordance with the approved bat mitigation and lighting schemes or any amendment to the schemes as approved in writing by the Local Planning Authority.

Reason: to safeguard bats and their roosts

5 Wildlife Mitigation Scheme (compliance condition)

The development hereby approved shall be carried out only in accordance with the Reasonable Avoidance Measures Method Statement described in Appendix F of the Ecological Impact Assessment report by Abricon dated October 2023. All such measures shall be adhered to retained and maintained thereafter for the purpose of wildlife conservation.

Reason: to avoid harm to ecology including protected species and to avoid net loss of biodiversity

6 Wildlife Protection and Enhancement (Pre-occupation):

No occupation of the development hereby approved shall commence until:

- a. measures to provide bird nesting sites and bat roosting sites have been installed on site.
- b. a brief report confirming and demonstrating, using photographs, completion of the measures in part (a) of this condition, has been submitted to and approved in writing by the Local Planning Authority.

All such measures and features shall be retained and maintained thereafter for the purposes of providing wildlife habitat.

Reason: to avoid loss of nesting habitat for birds and to provide biodiversity gains in accordance with NPPF and Policy D5e of the Bath & NE Somerset Local Plan

Arb Method Statement and Tree Protection Plan (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority 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, location of site office, 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.

7 Drainage investigation (pre-commencement)

No development shall commence, except ground investigations and remediation, until plans have been submitted to the Local Planning Authority and given written approval demonstrating that that surface water will be managed within the site using sustainable drainage principles.

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.

8 Reporting of Unexpected Contamination (bespoke-trigger)

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Unexpected contamination may be indicated by soils or materials with unusual colour, odour, texture or containing unexpected foreign material. 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 15 of the National Planning Policy Framework.

9 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Revised Drawing	11 Feb 2025	24667 1000A	SITE LOCATION PLAN
Drawing	08 Nov 2024	24667/2110	PROPOSED STREET ELEVATION A
Drawing	08 Nov 2024	24667/2111	PROPOSED STREET ELEVATION B
Revised Drawing	11 Feb 2025	24667 2100D	PROPOSED SITE PLAN

2 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.

3 Condition Categories

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

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

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

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

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

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

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

4 Permit/Consent Decision Making Statement

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

5 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

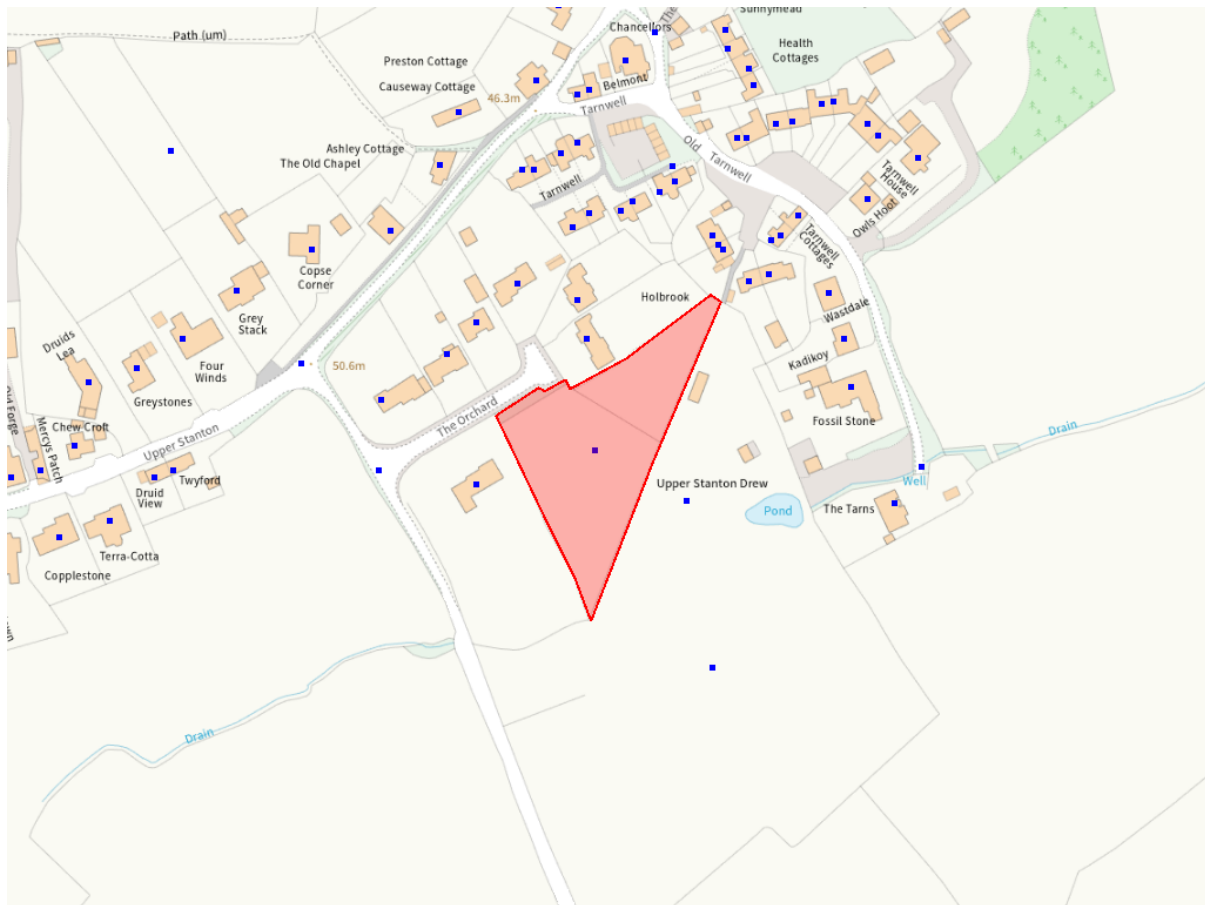
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

Item No: 03

Application No: 24/02838/TPIP

Site Location: Land To South Of 2 The Orchard Stanton Drew Bristol Bath And North East Somerset



Ward: Chew Valley

Parish: Stanton Drew

LB Grade: N/A

Ward Members: Councillor Anna Box Councillor Dave Harding

Application Type: PIP Technical Details

Proposal: Technical Details Consent for erection of three "Passivhaus" dwellings and private allotments with associated access, drainage and hard/soft landscape works, pursuant to Permission in Principle reference 22/02743/PIP.

Constraints: Bristol Airport Safeguarding, Norton Malreward Unlicensed Airstrip, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, Policy GB2 Infill Boundary, Housing Development Boundary, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Freemantle Developments Ltd

Expiry Date: 21st March 2025

Case Officer: Ben Burke

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

REPORT

Committee referral:

Following the objection made by Stanton Drew Parish Council, the application was referred to the Chair and Vice Chair of the Planning Committee. It was determined that the application be decided at committee for the following reasons:

Cllr Ian Halsall (Chair):

The principle of development is not a matter for discussion. However, the size and scale and overall design of the three proposed dwellings is a matter for debate given the location and setting which is dictated by the stringent criteria for Passivhaus design principles. The Committee may wish to discuss whether the proposal is in keeping with the surrounding area and an overdevelopment or otherwise and consequently harmful or not to the character of the surrounding area.

Cllr Lucy Hodge (Vice Chair):

Noting the concerns raised in the objection comment from Stanton Drew Parish Council, in relation to the size and uniform design of the three dwellings and any potential impact on the local character and setting, I recommend that this application is determined in public by the Planning Committee.

Details of location, proposal and relevant history:

The application refers to a greenfield, triangular plot which is located outside of the Housing Development Boundary associated with Stanton Drew. The site is within the Green Belt.

This Technical Details Consent (TDC) application follows grant of permission in principle (PIP) at appeal with the following decision:

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of two and a maximum of three 'Passivhaus' dwellings and 0.1ha of private allotment with associated access, drainage and hard/soft landscape works at Land to the South of 2 The Orchard, Stanton Drew, Bristol BS39 4DS in accordance with the terms of the application, Ref 22/02746/PIP, dated 13 July 2022.

The PIP consent has established acceptability on matters of principle for the proposed development. This TDC application provides full details of the application and if approved will give planning permission for the development.

Relevant Planning History:

DC - 21/04521/PIP - RF - 23 November 2021 - Permission in principle for the development of a minimum of 2 and maximum of 3 dwellings with associated access, drainage and hard/soft landscape works
Allowed: 09 May 2022

DC - 22/02743/PIP - RF - 9 September 2022 - Development of a minimum of two and maximum of three Passivhaus dwellings and private allotment with associated access, drainage and hard/soft landscape works (Resubmission).
Allowed on appeal: 05 July 2023

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Summary of Consultation/Representations:

Consultation Responses:

Stanton Drew Parish Council - Object

(The Parish Council have not respond to second consultation on revised drawings)

Stanton Drew Parish Council are mindful that there is already permission in principle from the previous appeals for residential development comprising a minimum of two and a maximum of three 'Passivhaus' dwellings and 0.1ha of private allotment with associated access, drainage and hard/soft landscape works.

We object to the details in this technical application on the following grounds:

The Parish Council feel that this proposal for 3 such large properties is too dense to accord with the local character in The Orchard, we accept that it has already been deemed acceptable at appeal to have a maximum of 3 dwellings, however we would prefer it to be 2, or if the maximum is being used we would prefer that at least 1 of the 3 dwellings are of a smaller size.

In terms of the submitted dwelling house detailed designs we would like to point out that it is completely out of character for any large detached properties in the whole village area to be of an identical design. Let alone identical to a neighbouring property, resulting in an incongruous urban look. The only area in the entire village where there are identical properties is either in the Highfields area, or, where there is a run of cottages, in such locations these are smaller terraced or semi-detached properties.

Policy D2 states that 'Development proposals will be supported where they contribute positively to and do not harm local character and distinctiveness.'

The current proposal does not respond appropriately to the immediate local design mix of the existing properties in The Orchard, neither does it reflect the local vernacular of Stanton Drew in general.

Neither does it accord to D2 (f): 'The development should, where appropriate, respect locally characteristic architectural styles, patterns, rhythms and themes which reflect local proportions.'

The current proposal is also contrary to Stanton Drew Neighbourhood plan policy SD5 - Character Areas. SD5.2 states: 'Any development proposals should safeguard the unique character identified for each settlement and study the form and pattern of surrounding buildings. Any development proposal should take account of the existing streetscape and layout. This should not prevent new forms being explored.'

Finally as a village we embrace dark skies. We object to there being outside lighting incorporated into the design. Stanton Drew Neighbourhood plan policy EL5 - Dark Skies states: 'Development proposals must take into account any lighting needs associated with

the development during operational hours and these shall be the minimum required to perform the relevant lighting task and animal welfare requirements. Lighting shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the wider countryside. In addition, dark corridors for bats and light sensitive species should be incorporated into all development within the Plan Area.'

Drainage and Flooding:

Summary: No objection subject to condition

Infiltration testing to BRE Digest 365 standard at the location and depth of each proposed soakaway will be required to determine if infiltration is viable and inform the soakaway design which is to accommodate the critical 1 in 100 + 45% climate change storm event.

If soakaways are not viable then further investigations will be required into the culverted watercourse which is assumed by the application to cross the southern corner of the site. The proposed discharge rate is acceptable in principle. The culvert will need to be surveyed from point of connection to outfall to ensure its in serviceable condition, free from significant defects.

Arboriculture: No objection subject to conditions

The site is not within a conservation area and there are no TPO's on site.

I read the site tree removals are T15, T16, T20, T22, and that a neighbour may remove T12 & T13.

The 4 trees upon the site for removal are BS5837 category C (low value), they are being replaced within the landscape plan with 8 trees as per B&NES fixed number replacement policy. This positively replaces low value trees with better quality trees if they are afforded the care needed to establish.

There is a work proposal to prune back neighbouring Western Red Cedar hedge by 2m (leaving 2m still overhanging). The owners of land have common law rights to prune back overhanging growth and so the proposal is not something that I oppose in consideration of it being an unmaintained hedge, in addition Western Red Cedar is capable of regenerating from being cut into the brown.

Please add a compliance condition and a replacement planting condition.

Ecology: Object and requires revision (1st response)

Summary:

Revisions to the scheme are requested to:

- provide retained habitat and habitat routes for badger and enable retention of the existing active badger sett
- the destruction of the existing sett under licence is not justified
- the layout of the scheme can be revised to enable the retention of the sett and habitat area.
- reconsider the proposed inclusion and sizes / positionings of the allotments and their boundaries - consideration to replacement of allotments with habitat belt is requested and would be more compatible with the existing ecology of the site and its use by protected species (including badger and bats, including light sensitive bat species such as greater and lesser horseshoe bat)

- ensure the scheme is designed to enable the retained native species-rich hedgerow, and any proposed new native species-rich hedgerows, to fall outside of residential curtilages - this is essential to enable their long term retention and appropriate habitat management to be secured and if these hedgerows are to be able to be factored into the proposed BNG habitats provision and metric.

2nd response - Object (following revisions)

Summary

- The scheme does not yet demonstrate that harm to protected species (badger and light sensitive bats) has been avoided and minimised, and that unavoidable impacts on badger and light-sensitive bats have been sufficiently mitigated, in accordance with Policy NE3 and Policy D8;
- the scheme also does not yet demonstrate that it has sufficiently avoided and minimised habitat losses as required for the biodiversity net gain assessment in accordance with mandatory requirements and Policy NE3A.

Please also refer to previous comments, which still apply.

3rd response - No objection subject to revisions and conditions (following revisions)

Summary:

No objection subject to the comments below including:

- minor revision to garden boundary so that access to the "allotment" area from Plot 3 allows pedestrian access from Plot 3 to the allotment without passing through the ecology / buffer zone. This would compromise that zone and its ecological use by wildlife such as badger. The curtilage for Plot 2 must be revised to allow access from Plot 3 to be provided to the north of the fenced wildlife buffer zone and not through this zone. And conditions as requested.

Full Comments:

Revised plans have been submitted and the ecological and BNG assessments updated. The plans show an increased area proposed as a wildlife zone / ecological buffer, with retained hedgerows and habitat provision. This is an improvement compared with the previous layout. The proposed access to allotment area from Plot 3 is shown as passing through the ecology buffer zone. This is not acceptable and would compromise that zone, and so will need to be resolved. It can be addressed via a minor revision to the garden boundary for Plot 2. Other than this point, while it remains the case that the scheme could be improved by use of the proposed "private allotments" area as a wildlife area (and this would be preferable), the proposal as it stands can now be accepted, subject to:

- Revision to the boundary of Plot 2 garden, to provide room for access to the "allotment" area from Plot 3 without passing through or reducing / compromising the fenced ecology zone. Remove the access shown passing through the ecology zone at this point.
- the wildlife areas and all retained / proposed habitats including hedgerows, must fall outside and remain outside of residential curtilages
- The boundaries of the residential curtilages must be clearly shown on a plan that is then secured and is enforceable (and the plan must also be listed as an approved plan on the decision notice for any decision to approve). Please can a plan showing this be submitted.
- The case officer must be satisfied that all land on which BNG habitat will be retained or provided is used for that purpose only (and cannot become, for example, assimilated into adjacent residential gardens or food growing area), and is retained and maintained

thereafter according to an approved habitat management plan for a minimum 30 year period, and that this can be adequately secured within any planning consent and will be enforceable.

It will be important for the residential use of the site / garden uses and activities, to be confined to the areas within the residential curtilages, and that land proposed for use as food growing and as wildlife area / ecological buffer zone respectively are used only for those purposes. It is understood that these uses can be secured by condition and provided this is the case, this is accepted as a solution. The revisions to the layout and additional lighting information now address previous concerns and the proposed scheme is considered capable of achieving sufficient light spill containment to avoid unacceptable ecological harm.

In conclusion, subject to the above comments and the conditions below, there is no ecological objection to the proposal.

Representations Received: 4 responses (3 objections and 1 support)

Objections:

Design and character:

3 properties is disproportionate for the site, too high a density and out of keeping with cul-de-sac.

Site only suitable for 2 dwelling.

Site only suitable for 1 dwelling.

Transport / highways:

Insufficient off-street parking space.

Increased traffic in The Orchard resulting in harm to highway safety.

Increased parking pressures.

Access to plot 3 is unfavourable.

Amenity:

Harm to amenity of neighbouring properties.

Ecology:

Removal of trees and loss of green space harmful to biodiversity.

Other:

Increase pressure on community services infrastructure.

ASHPs should be located to the rear. [All ASHPs are indicated on the site plan as being located at the rear of the properties.]

Currently electricity supply/infrastructure issues which will be worsened. [This is not a material planning matter for this application proposing 3 houses.]

How will allotment land be enforced.

Allotment land likely to be incorporated to gardens.

Transition Bath:

We are supportive of this SCR6 compliant 'Passivhaus' development. However, we are concerned that the ASHP may be oversized and struggle to modulate efficiently. The Passivhaus plant limit is 10W/m², implying no more than a 6 kW sitewide plant capacity

whereas a 10 kW is specified. [This will be referred to the applicant for clarification and members will be updated on this before the committee meeting.]

POLICIES/LEGISLATION

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:

CP5: Flood Risk Management

CP6: Environmental Quality

CP8: Green Belt

CP10: Housing Mix

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

GB1: Visual amenities of the Green Belt

LCR9: Increasing the provision of local food growing

NE4: Ecosystem services

PCS1: Pollution and nuisance

PCS2: Noise and vibration

RA1: Development in the villages meeting the listed criteria

SCR2: Roof-mounted/ building integrated scale solar PV

SCR5: Water efficiency

SU1: Sustainable drainage policy

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

CP3: Renewable Energy

CP7: Green infrastructure

D8: Lighting

NE1: Development and green infrastructure

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

SCR9: Electric Vehicles Charging Infrastructure

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)

NEIGHBOURHOOD PLANS:

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

Stanton Drew Neighbourhood Plan 2017-2036 (SDNP):

Planning and Development Policy 1 - Housing Mix.

Design Policy SD5

Policy EL5 - Dark Skies

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 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

BACKGROUND:

This technical details consent application follows grant of permission in principle (PIP) at appeal with the following decision:

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of two and a maximum of three 'Passivhaus' dwellings and 0.1ha of private allotment with associated access, drainage and hard/soft landscape works at Land to the South of 2 The Orchard, Stanton Drew, Bristol BS39 4DS in accordance with the terms of the application, Ref 22/02746/PIP, dated 13 July 2022.

The PIP consent has established acceptability on matters of principle, including location, land use and amount of development, for the proposed development. This TDC application provides full details of the application and if approved will give planning permission for the development.

The TDC must be in accordance with the permission in principle that is specified by the applicant, which was amended by the inspector as set out above. The proposed Site Plan shows 3 detached dwelling and 0.1ha (1000sqm) of private allotments. As such, the proposal accords with the associated PIP.

HOUSING MIX:

Policy CP10 - Housing Mix requires that new housing development must provide for a variety of housing types and size to accommodate a range of different households, including families, single people and low-income households as evidenced by local needs assessments. In addition, the mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location. Policy P&D1 - Housing of the Stanton Drew Neighbourhood Plan states that proposals for infill development will be supported provided the quantum of dwellings and their site coverage will not be an over-development of the plot and development is well integrated with the existing village.

Stanton Drew Parish Council (SDPC) have commented that they would prefer for one of the dwellings to be smaller. The proposal is for 3 large, 5-bedroom detached properties with attached double garages. Although not providing a mix of housing types and sizes they are consistent with the character of The Orchard which comprises large, detached dwellings. As such, the quantum of dwellings and their site coverage will not be an over-development of the plot in relation to the characteristics of neighbouring plots and being consistent with the character of the street the development is well integrated with the existing village. Given that this is a proposal for just 3 dwellings and the proposed dwellings are in keeping with the character and size of houses within the locality, despite proposing 3 large properties, the application is consistent with policies CP10 and P&D1.

DESIGN, CHARACTER AND APPEARANCE:

Policies D2 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. D7 concerns infill development and states infill development could be supported where development has regard to the character and quality of the surrounding townscape and development reflects the form, pattern and grain of this existing development or otherwise enhances the

character. Planning and Development Policy 1 - Housing Mix of the Stanton Drew Neighbourhood Plan 2017-2036 (SDNP) refers to infill development. It states that proposals for 'infill' development, as defined by B&NES Development Plan, will be supported, within the housing development boundaries, provided the proposal maintains the openness of the Green Belt (established by PIP), quantum of development and site coverage will not be an over-development of the plot, key views identified in SD3 are conserved (views unaffected), amenity of neighbours is protected, development is well integrated with the village and, where appropriate, sustainable drainage is incorporated. SDNP Design Policy SD5 - 'Character Areas' states that 'any development proposals should be appropriate to the character area, as outlined in the Parish Character Assessment (PCA) in Appendix 6, and respect nearby colours, textures, materials, scale, ridge heights, plot location and boundary details.' In addition, that 'high-quality traditional and contemporary architectural styles, incorporating imaginative and original design that adds to the unique character of the area is encouraged.'

Stanton Drew PC (SDPC) have stated that one of the dwellings should be of a smaller size. In addition, they have objected on the basis that the size and design of the properties are inappropriate and fail to relate appropriately to the character of the locality and village as a whole. They comment that:

'it is completely out of character for any large, detached properties in the whole village area to be of an identical design. Let alone identical to a neighbouring property, resulting in an incongruous urban look. The only area in the entire village where there are identical properties is either in the Highfields area, or, where there is a run of cottages, in such locations these are smaller terraced or semi-detached properties. Furthermore, the current proposal does not respond appropriately to the immediate local design mix of the existing properties in The Orchard, neither does it reflect the local vernacular of Stanton Drew in general.' Third party objections have been received that 3 properties is disproportionate for the site, too high a density and out of keeping with the cul-de-sac.

The PIP established that a minimum of two and a maximum of three 'Passivhaus' dwellings and 0.1ha of private allotment was acceptable in principle. Therefore, the quantum, which falls within this range, is not a matter for consideration and this key issue solely concerns the details of the design.

The Orchard consists of medium to low density large chalet bungalows and two storey dwellings set substantially back from the street frontage but located relatively close together. Their layout is based on an engineered cul-de-sac design, with standard pavements. Most of the dwellings were likely built in the 1960s/70s and in terms of characteristics include steeply pitched tiled roofs, front projecting gable ends and dormers. There is a predominant use of stone but render also features. The PCA sets out the following positive and negative settlement features for Upper Stanton:

Positive: age, variety, stone, has evolved slowly, not urbanised, e.g. few pavements, no lighting.

Negative: Telegraph poles and wires, and more modern road is unnecessarily wide and has pavements. The Orchard: all houses are similar style, boring.

In respect of the identified positive features The Orchard has low stone frontage walls, several of the building feature stone and there is no street lighting. However, the identified features are largely associated with the rural lane character of Upper Stanton and Pensford Lane and its range of building periods and styles including traditional stone

buildings. The Orchard differs being of a contemporary, cul-de-sac design with a typical engineered hammerhead road with standard pavements. The Orchard is considered negatively in the PCA as it has a wide road with pavements and is specifically described as having houses of a similar style and being boring.

The proposed layout, as revised, consists of 3 large, 5 bedroom detached properties with attached double garages. Plot 3 has been reorientated to address the street and the layout of dwellings on The Orchard. The allotment area has been amended to one parcel of land at the south-west of the site and a wider ecology zone provided at the perimeter. Proposed dwellings are set back from the street, consistent with existing properties, with front and rear gardens including existing and new frontage landscaping. Dwelling separation is consistent with street. The houses are all of the same design although the garage position is varied. They are square in footprint but rectangular in shape, further emphasized by the attached side garages. Houses have two perpendicular dual pitched roofs with gables facing onto the street. Materials consist of render at ground floor with timber cladding above and both porches and rear verandas are timber.

The design is more contemporary than the existing properties on The Orchard and the use of timber and more modular form is different; however, they relate to their context in being large dwellings set back from the street frontage, suitably spaced with traditional pitched roofs and utilising render. In addition, despite being two-storey, having a low dual pitched roof, their ridge lines are consistent with the adjacent chalet bungalows resulting in their mass and bulk being consistent with the street. As outlined above, The Orchard is considered negatively in the PCA, which characterises it as having a wide road with pavements, all houses being of a similar style and it being boring. It is agreed that, despite moderate differences, most of the properties are of a similar 1960/70s period, suburban design. The Highfields area referenced by the SDPC is taken to be the area around Tarnwell Road. SDPC are correct that most properties within this area form identical groups and are smaller terraced and semi-detached dwellings. However, many of the large properties on Upper Stanton are of very similar design including, for example, Greystones, Four Winds and Grey Stack, and Waterloo and Hartington. Moreover, there is no policy reason why development schemes cannot include properties of the same design where appropriate for the locality and settlement, consistent with the Local and Neighbourhood Plan policies outlined above. Given the variety of building type, period and style within the village there is no overall village vernacular. However, the proposed dwellings, whilst relating appropriately to the typical, suburban design of the existing dwellings within the street, will add suitable variety, enhancing the visual interest and character of the street consistent with the varied period and style of housing with the village overall, as identified in the PCA. Finally, PIP has been given for 3 Passivhaus designed properties, the standards for which are onerous and prescriptive and significantly constrains and dictates the design. As such, the general shape and form of the properties cannot be changed, and this type of property has been established as acceptable by the PIP.

With regard to the above, 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 D2 D5 and D7 of the Placemaking Plan, P&D Policy 1 and Design Policy SD5 of the Stanton Drew Neighbourhood Plan 2017-2036 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.

Plot 1 dwelling is located a significant distance from the side elevation of 1 The Orchard and there is mature landscaping between the properties. Plot 3 is located to the south of 2 The Orchard and has the same orientation as this property. This plots property is sited moderately further back than no. 2 but the dwellinghouse is located 7m and 9.6m this property's boundary and flank wall. As a result of the separation distances these dwellings will not cause significant harm to the amenity of adjacent properties in respect of light, overshadowing or overbearing impacts. Plot 3's attached garage is located closer, but this is a flat roofed, single storey element with a height of 2.7m located 1.6m from the boundary. Given the separation distance to the adjacent dwelling and relatively low height of the garage this element will not impinge on the neighbour's amenity. As there are no windows in the north elevation of the plot 3 property there will be no overlooking or loss of privacy to number 2 The Orchard.

Plot 3 has two upper floor bedroom windows in its south-west elevation facing towards a flank wall of plot 2 and part of its front garden. However, this is the front garden and there is adequate separation distance. Plot 1 has no habitable windows in its north-east elevation facing towards plot 2. There is sufficient separation distance between the proposed properties and set back from the street to ensure the siting of the properties will result in no amenity issues for the application properties. Consequently, the proposal would not cause significant harm to the amenities of adjacent occupiers and provide an adequate level of amenity for the proposed properties. It therefore accords with policy D6 of the Placemaking Plan, policy SD5 of the Stanton Drew Neighbourhood 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 proposal is for 3 5-bedroom dwellings. As the site falls within Zone C (Outer Bath) the maximum parking standards, contained within the T&D SPD, require 4 spaces per 3+ dwellings and 3 cycle parking spaces. All the dwellings have space for 4 off-street parking spaces (excluding the garages). Garages provide sufficient space for 3 bicycles and there is sufficient off-street space for the refuse/recycling receptacles storage. All the properties have adequate access from the road. Consequently, 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.

Site is in flood zone 1 and therefore at a low risk of flooding. Flooding and Drainage team have recommended approval subject to a condition ensuring adequate site drainage. As such, the proposed development is considered to comply with policy CP5 of the Core strategy with 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).

The arboricultural team has advised that the proposal involves removal of low value trees which are suitably replaced in accordance with B&NES fixed number replacement policy. In addition, that the scheme is acceptable subject to an arboriculturally report compliance condition and a replacement planting condition. Therefore, the proposal complies 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. Furthermore, adverse impacts on European, UK protected species, UK Priority and locally important species must be avoided wherever possible and criteria addressed. Policy EL5 of Stanton Drew Neighbourhood Plan requires that lighting shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the wider countryside. Policy NE3a of the Local Plan Partial Update relates to Biodiversity Net Gain (BNG). In the case of minor developments, policy NE3a has effectively been superseded by the Environment Act 2021 which requires all non-exempt development proposals to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This needs to be secured using the latest DEFRA Small Sites Metric or agreed equivalent.

The BNG matrix provided confirms that habitat units will be increased by 54.11% but that habitat units will be reduced by 23.52%. Therefore 0.43 Biodiversity Units will need to be purchased to achieve 10% net gain. The purchase of the required Biodiversity Units or Credits will be secured by the statutory pre-commencement BNG condition. Given this, the proposal meets statutory BNG requirements.

The Ecology Team has advised that revisions to the layout and additional lighting information address previous concerns, and the proposed scheme is considered capable of achieving sufficient light spill containment to avoid unacceptable ecological harm. In addition, that the scheme is acceptable subject to the following:

- Boundary of Plot 2 garden is revised to provide room for access to the "allotment" area from Plot 3 without passing through or reducing / compromising the fenced ecology zone and access shown passing through the ecology zone is removed.
- the wildlife areas and all retained / proposed habitats including hedgerows, must fall outside and remain outside of residential curtilages
- The boundaries of the residential curtilages must be clearly shown on a plan that is then secured and is enforceable.
- The case officer is satisfied that all land on which BNG habitat will be retained or provided is used for that purpose only (and cannot become, for example, assimilated into adjacent residential gardens or food growing area), and is retained and maintained thereafter according to an approved habitat management plan for a minimum 30 year period, and that this can be adequately secured within any planning consent and will be enforceable.

The minor changes required to secure the above will be secured prior to the committee meeting and members updated accordingly.

The proposal contains 3 different uses, single dwellinghouses and associated residential curtilages (C3 Use class), allotment land and ecology zone. A planning permission for the proposal would give consent for these three different uses. The allotment land and ecology zone are sui generis uses for which there are not permitted development rights to develop or change the use of without express planning permission. As such, the allotment land or ecology zone cannot lawfully be incorporated within the gardens of proposed dwellings and any such change without consent would be liable to potential enforcement action. A condition will be attached requiring submission and approval of an Ecology Zone Management Plan (EZMP), prior to first occupation of any of the dwellings, to ensure the zone is permanently, retained, maintained and managed for the required purposes.

Subject to the above revisions being secured, which members will be updated on prior to the committee meeting, the proposal will be acceptable on ecology grounds and compliant with policies NE3 and NE3a, Policy EL5 of Stanton Drew Neighbourhood Plan and the above BNG requirements.

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. A sustainable construction checklist (SCC) is submitted with an application, evidencing that the prescribed standards have been met.

Proposed dwellings are required to meet Passivhaus standard which is an international energy performance standard for buildings which aims to reduce the requirement for space heating and cooling. The submitted SCC shows that Space heating and Total Energy Use fall within the specified requirements. On-site renewable energy generation exceeds the total energy use, utilising solar panels fitted to the east facing pitched roofs. Therefore, the proposed development is compliant with Local Plan Partial Update policy SCR6 in this instance. Policy SCR5 of the Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day which will 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) which will be secured by condition. Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing. As all the properties have gardens and access to an allotment this policy is complied with. Consequently, the proposal complies with above sustainable construction and renewable energy policies.

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.
- (3) 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;
- Protected characteristics include disability.

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:

The application complies with the relevant planning policies, as outlined above, and is therefore recommended for approval. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision of whether to grant planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal complies with the relevant local plan policies, as outlined above, and therefore complies with the development plan, as a whole, consistent with the above legislation. Therefore, a conditional approval is recommended.

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).

NB The above condition is required to be pre-commencement in accordance with statutory guidance.

3 Arboriculture - Compliance with Arb Method Statement (Pre-occupation)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Report, Method Statement and Tree Protection Plan (Silverback February 2025) . 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 prior to the first occupation of any of the dwellings (hereby approved).

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.

4 Arboriculture - Replacement Trees (Compliance)

All replacement tree planting works shall be carried out in accordance with the approved details contained within the submitted arboricultural documents. The works shall be carried out during the next available planting season following completion.

Any trees or plants indicated on the approved scheme which, within a period of ten years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure replacement trees are provided and to provide an appropriate landscape setting for the development in accordance with Policy NE6 of the Bath and North East Somerset Local Plan Partial Update.

5 Surface Water Drainage (pre-commencement)

The development, hereby approved, except ground investigations and remediation, shall not commence until a detailed drainage design based on the approved Drainage Strategy report (demonstrating 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) has been submitted to and approved in writing by the Local Planning Authority. The design is to include plans, structure details and calculations demonstrating performance of the system at the critical 1:1, 1:30 and 1:100+climate change events. 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. Surface water drainage shall be fully installed in accordance with the approved detailed drainage design prior to first occupation of any of the dwellings, hereby approved and both retained and maintained for the lifetime 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.

6 Construction Environmental Management Plan: Ecology (CEMP: Ecology) (Pre-commencement)

No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Ecology) has been submitted to and approved in writing by the local planning authority. The CEMP: Ecology shall be in accordance with recommendations and measures described in Section 7 of the approved report entitled "Ecological Appraisal and Biodiversity Net Gain Assessment" dated 11th February 2025 by Noctua Ecology and shall include, as applicable, a plan showing exclusion zones and specification for fencing of exclusion zones; details and specifications of all necessary measures to avoid or reduce ecological impacts during site clearance and construction; findings of update surveys or pre-commencement checks of the site; and details of an ecological clerk of works. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to avoid harm to wildlife before and during construction.

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

7 Wildlife Mitigation Scheme (compliance condition)

The development hereby approved shall be carried out only in accordance with the proposed ecological measures and recommendations as detailed in Section 7 of the approved report entitled "Ecological Appraisal and Biodiversity Net Gain Assessment" dated 11th February 2025 by Noctua Ecology. All such measures shall be adhered to retained and maintained thereafter for the purpose of wildlife conservation.

Reason: to avoid harm to ecology including protected species and to avoid net loss of biodiversity

8 External & Internal Lighting (Bespoke Trigger - requires approval of details prior to installation of new lighting)

No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with the approved Lighting Strategy Report vP06 dated 6th Feb 2025 by DFL and the light spill levels detailed within the approved lighting report, and shall include:

1. proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan;
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, maintained and operated thereafter only in accordance with the approved details.

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

9 Ecological Compliance Statement (Pre-occupation)

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

Reason: To demonstrate compliance with the Wildlife and Bat Mitigation and Enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 NE3A; NE5 and D5e of the Bath and North East Somerset Local Plan.

10 Allotments Management Plan (pre-occupation)

The allotment land, hereby approved, shall solely be used as private allotment land in connection with the 3 dwellings approved by this application. The allotments shall be managed and maintained in accordance with an Allotments Management Plan (AMP) which shall have been submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the dwellings hereby approved. Thereafter, the allotments shall be retained, maintained and managed in accordance with the approved AMP.

Reason: To ensure that the allotments are provided and used as such to be consistent with the associated Permission In Principle.

11 Ecology Zone (pre-occupation)

An Ecology Zone Management Plan (EZMP) detailing how the ecology zone will be permanently retained, maintained and managed as a meaningful habitat area allowing badger movement and foraging in connection with the retained badger sett and their wider habitat shall have been submitted to and approved in writing by the Local Planning

Authority prior to first occupation of any of the dwellings hereby approved. Thereafter, the ecology zone shall be retained, maintained and managed in accordance with the approved EZMP.

Reason: To minimising harm to on-site habitats and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

12 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

13 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.

14 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 Placemaking Plan.

15 Passivhaus Exemption (Pre-occupation)

Prior to occupation of the development 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 for approval to the Local Planning Authority together with the further documentation listed below:

1. Passivhaus Premium Certification by accredited Passivhaus Certifier

If Passivhaus certification is not achieved, the documentation for compliance with the relevant policy, SCR6 or SCR7 shall be submitted.

Reason: To ensure that the approved development complies with Policies SCR6 and SCR7 of the Local Plan Partial Update.

16 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking,

traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

17 Residential Curtilages (Compliance)

The residential curtilages of plots 1, 2 and 3 are restricted to the site areas annotated on the approved site plan, reference 479.P.010 P4. The areas outside these boundaries consist of other separate uses.

Reason: To define and clarify the extent of the approved dwelling's residential curtilages.

18 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following approved drawings:

26 Jul 2024	479.S.001.P1	SITE LOCATION PLAN
12 Feb 2025	479.P.010.P4	SITE PLAN AS PROPOSED
12 Feb 2025	479.P.020.P2	SITE SECTIONS AS PROPOSED
12 Feb 2025	479.P.030.P2	SITE ELEVATION AS PROPOSED
12 Feb 2025	479.P.110.P4	PLOT 1 GROUND FLOOR PLAN AS PROPOSED
12 Feb 2025	479.P.111.P3	PLOT 1 FIRST FLOOR AND ROOF PLAN AS PROPOSED
12 Feb 2025	479.P.210.P4	PLOT 2 GROUND FLOOR PLAN AS PROPOSED
12 Feb 2025	479.P.211.P3	PLOT 2 GROUND FLOOR PLAN AS PROPOSED
12 Feb 2025	479.P.310.P3	PLOT 3 GROUND FLOOR PLAN AS PROPOSED
12 Feb 2025	479.P.311.P3	PLOT 3 FIRST FLOOR AND ROOF PLAN AS PROPOSED
12 Feb 2025	479.P.320.P3	PLOT 3 SECTIONS AS PROPOSED
12 Feb 2025	479.P.330.P4	PLOT 3 ELEVATIONS AS PROPOSED
12 Feb 2025	1567-01 E	LANDSCAPE STRATEGY PROPOSALS

2 Condition Categories

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

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

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

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

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

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

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

3 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.

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

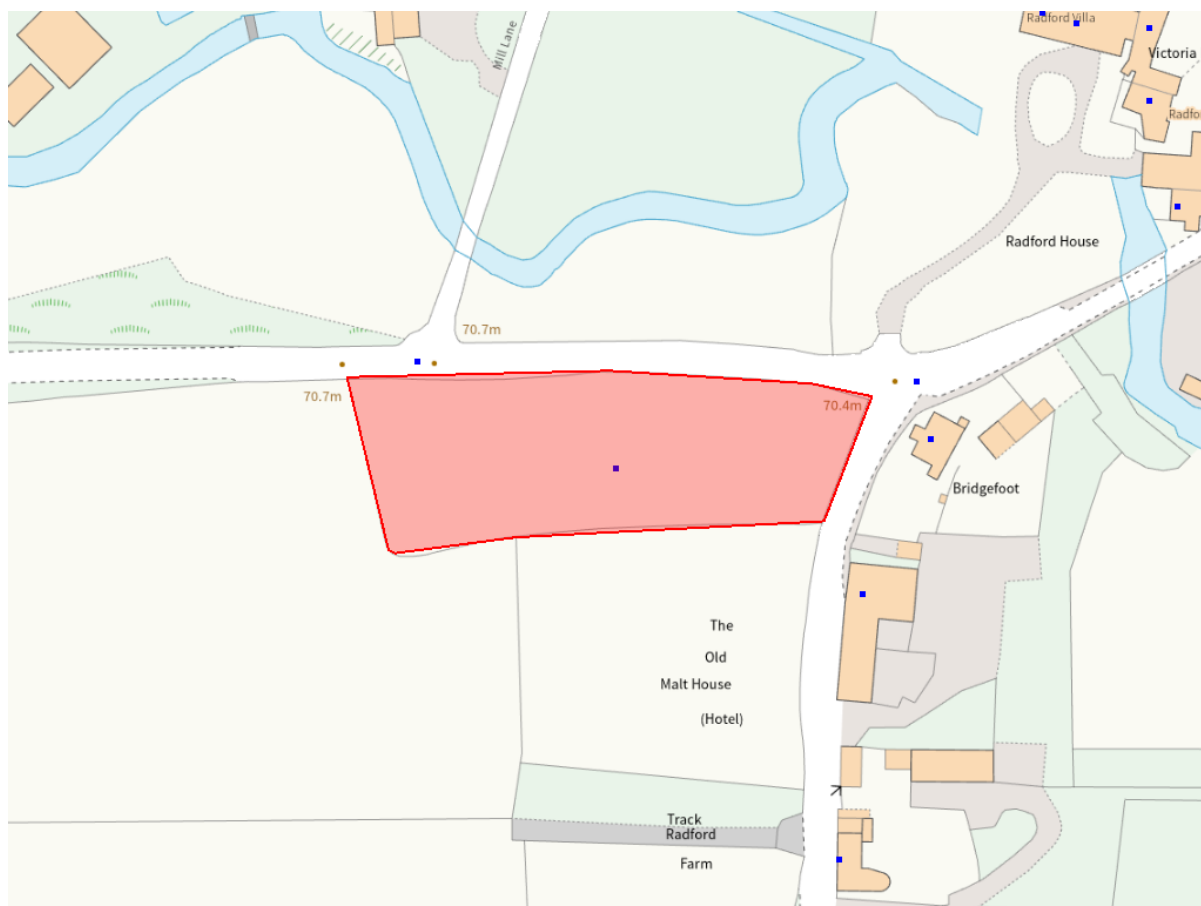
5 Permit/Consent Decision Making Statement

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

6 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: 23/02825/FUL
Site Location: Parcel 1172 Radford Hill Radford 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: Change of use of the land to a single caravan pitch for a gypsy and traveller family including the siting of one static caravan, 1 touring caravan and dayroom and associated access and hardsurfacing (Part Retrospective)

Constraints: Agric Land Class 1,2,3a, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, Strategic Nature Areas Policy NE5, SSSI - Impact Risk Zones,

Applicant: Mr John Jones

Expiry Date: 29th February 2024

Case Officer: Sam Grant

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

REPORT

SCHEME OF DELEGATION

In line with the Council's Scheme of Delegation, this application was referred to the Chair and the Vice Chair of the planning committee. Their comments are as follows:

Vice Chair - Cllr Lucy Hodge:

"Given the level of interest in the application with objections raised by the by both Paulton and Timsbury Parish Councils, Timsbury ward councillor, Council consultees (Highways, Conservation and Ecology) and a significant number of third party objections, I recommend that this complex application which engages multiple policy areas culminating in an on balance decision, should be heard in public by the Planning Committee. "

Chair - Ian Halsall

"This application raises an interesting issue regarding the Council's ability to deliver a diverse tenure of living accommodation. Whilst noting the Officer's recommendation that the proposal meets all the criteria of the Planning Policy for Travellers Sites (PPTS) which is a material consideration and the fact there is a demonstrable shortfall of this type of residential provision within the district, the application has generated a significant level of interests from members of the public and three parish councils. It is therefore considered that it would be in the public interest for this application to be considered by the Committee."

The application refers to a parcel of land located in the settlement of Radford, within the Parish of Paulton.

Planning permission is sought for the change of use of the land to a single caravan pitch for a gypsy and traveller family including the siting of one static caravan, 1 touring caravan and dayroom and associated access and hard surfacing (Part Retrospective).

The site is outside of the Green Belt and not within the Housing Development Boundary.

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Highways - Objection
Conervation - Objection
Drainage and Flooding - No Objection
Envioment Agency - No Objection
Ecology - Objection
Housing - No Objection

Camerton Parish Council: 2nd November 2023 - Objection

Planning Application REF 23/02825/FUL Parcel 1172, Radford Hill, Radford Paulton
Change of use of the land to a single caravan pitch for a gypsy and traveller family including the siting of one static caravan, 1 touring caravan and dayroom and associated access and hard surfacing (Part Retrospective).

Please find below Camerton Parish Council's Response to this planning application.
At its meeting on 1 November 2023 Camerton Parish Council unanimously resolved to object to this application as it doesn't comply with planning policies ST1, ST7, D1, D2, D4, D10, NE2, NESA, HE1 and CP11.

The location of this proposal while in Paulton parish is well away from the facilities in Paulton with no safe pedestrian and cycle access to the services in the centre of Paulton and it is not serviced by public transport routes. As such, the new unit of accommodation would be reliant on the use of private cars and would increase the number of vehicle trips to and from the site. In addition the proposed access to the site is very near several existing junctions at this location - Bath Road with Radford Hill, Bath Road with the access to Radford Villa and Weekesley Lane with Durcott Lane thereby reducing highway safety. For these reasons the proposed development doesn't comply with policies ST1 and ST7.

As the development doesn't comply with policies ST1 and ST7 it also doesn't comply with policy CP11. In addition the lack of detail on how sewage will be dealt with means that it is also doesn't meet the requirements of CP11 especially bearing in mind its location in close proximity to a watercourse.

With its location in a sparsely populated rural area the development doesn't provide connections by foot, cycle or public transport. Therefore the proposed development doesn't meet the requirements of D1. The design of this proposal doesn't respond to the local character, public realm or the landscape and its character. Therefore it doesn't conform to policies D2, D4, D10, NE2 and NE2A.

With its proximity to the listed building Bridgefoot Lodge this proposal is considered detrimental to the setting of a heritage asset and is therefore not compliant with policy HE1.

Timsbury Parish Council - 9th November 2023 - Objection

The above-mentioned planning application is within the boundary of Paulton Parish Council but is adjacent to the Timsbury Parish Council boundary. Due to this and the way it will affect our residents in that area it was considered at the Full Council meeting on 6th November 2023.

The Parish Council unanimously resolved to OBJECT to the planning application for the same reasons and non-compliance with policies as detailed by Camerton Parish Council in their email to you of 2nd November 2023. In reaching this decision the Parish Council also took into account the number of representations from local residents voicing their concerns regarding the application.

It was noted that the B&NES Drainage and Flooding department have indicated that there would only be a minimal impact on the drainage and flood risk. Local residents and those using the road adjacent to the land, however, are well aware that flooding in the area is a

frequent occurrence. The construction of hard surfacing both now and possibly in the future will only exacerbate this.

Additionally, the Bath Road next to the site has a high volume of traffic travelling between Timsbury/Camerton/Paulton and beyond many vehicles exceed the current speed limit.

The entrance to the site is extremely close to the junction with Radford Hill and, along with the limited visibility, poses a danger to vehicles and may well result in an increased risk of road traffic incidents. This will be even more problematic on days when refuse and recycling collections take place as the lorries will need to pull in to the proposed access area thus blocking visibility totally on the junction. It should also be noted that the area is not served by public transport and so private vehicles will need to be used to access the site leading to a further increase in traffic volume.

The planned site would be out of place in the landscape and would have a detrimental effect on the rural character of the area and the surrounding heritage and listed buildings, in particular Bridgefoot Lodge. There is also concern about the loss of biodiversity from the existing site.

Paulton Parish Council - 15th November 2023 - Objection

Paulton Parish Council would like to submit the following comments in respect of the above application: The site is not suitable for this application. It is on land that has previously been used for grazing so a big change in land use. The addition of static and touring caravans and a restroom would alter the character and appearance of the area considerably. The site is visible from the road and is elevated. This means it would have an enormous impact on the character and appearance of the surrounding area. Concerns have also been expressed about the suitability of the carriageway for this development. For all of these reasons we would not support this application.

19th June 2024 - Objection

Would you kindly add further comments below from Paulton Parish Council, to the above application: The access to the land is unacceptable. It is a tight, narrow road and a busy road. The entrance is dangerously close to the junction with Radford Hill, and it is detriment to all road users. Paulton Parish Council do feel that B&NES Officers need to visit the site to see what is going on. There are no references on the B&NES planning site to the extensions of time that the applicant has been given to provide further information Part of the conditions for traveller's sites are that they are close to common services and this site does not comply with this. The proposed application is situated within the setting of Bridgefoot Lodge which is a Grade II listed building. Any development should not affect this setting or have a detrimental effect on the listed building.

Councillor Cllr Shaun Stephenson-McGall - 3rd November 2023 - Objection

Many local residents in the hamlet of Radford have contacted me with their concerns about this planning application at Parcel 1172, Radford Hill, Radford for change of use of the land to a single caravan pitch for a gypsy and traveller family including the siting of one static caravan, 1 touring caravan and dayroom and associated access and hard surfacing (Part Retrospective).

Firstly, I always have concerns when planning applications are submitted retrospectively, even if only partly.

Flooding risk has been mentioned by many local residents and with us witnessing first hand the even increasing impact of climate change, flood risk in the Cam Valley will only increase. The entrance to this site is in a Flood Zone 3 area and I have concerns that the additional hard standing could increase the likelihood of future flooding in the area. I have concerns that potentially in the future the applicant may have to come forward with an application for a secondary 'pedestrian evacuation route' to the site as none exists to my knowledge. This would involve biodiversity loss through the removal of a section of hedgerow and even then this evacuation route would be onto a busy road (Radford Hill).

The current Council traffic speed reduction measures through the hamlet of Radford are not sufficient and this together with the volume of traffic is a concern on Bath Road / Weeksley Lane and having a 'new' / more regularly used access to this site just a few meters away from Radford Hill will I believe increase the risk of accidents in this locality.

I have concerns on the impact of this development on the setting of the nearby Listed Building, Bridgefoot Lodge (11295920).

Overall, I share the concerns of residents on this planning application and thus I believe it should be refused due to its contribution to increased flood risk in the hamlet, the entrance to the site on Bath Road is dangerous and will add to the risk of accidents on a very busy road and its impact on the that this application will have on the setting of Bridgefoot Lodge should be refused.

Representations Received :

44 Objections - Summarised below:

- o Green Belt agricultural land
- o Environmental pollution to Cam Brook
- o Danger this application sets a local precedent
- o Danger to road users, cyclists and pedestrians
- o Destruction of surrounding ecosystems
- o Development will exacerbate local flooding issues
- o Concern this site could expand
- o Development would decrease highway safety
- o Development could affect bats and owls
- o Lack of services at the site
- o Must protect green spaces
- o Access has poor visibility
- o Waste management concerns
- o Development would be out of keeping
- o Adjoining road network already at capacity
- o Add more large vehicles to a dangerous rat-run
- o Application is retrospective
- o Destruction of wild flower meadows
- o Detrimental landscape impact

- o Encourage others to undertake unauthorised development
- o Previous application for a sign was refused due to adverse impact on the scenic qualities of the area
- o No phone signal
- o Hard surfacing materials could end up in road
- o Refuse collection will be difficult
- o The Council travellers pitches elsewhere that are more appropriate
- o Application is invalid
- o Not compliant with Policy CP11 of the Development Plan
- o Isolated location
- o Caravans are considered highly vulnerable by the NPPF in terms of flooding
- o Contrary to Planning Policy for Traveller Sites
- o Detrimental heritage impact
- o Does not respond to natural features
- o Does not comply with Bio-diversity net gain policies
- o Day room is not a modest size
- o Not well screened from adjacent properties
- o Planning statement incorrect in stating application site is 200 metres North West of Paulton
- o Single pitch is a minor benefit.
- o Benefits do not outweigh the heritage harm

8 Support comments - Summarised below:

- o Everyone deserves a place to live
- o There is enough homelessness and more help should be provided
- o Applicants should be allowed to enjoy their life
- o Good way to utilise the land
- o There have always been travelling families in Radford
- o The application site does not flood
- o No material increase in traffic
- o No objection to other houses near by
- o Council should reduce highway risk in the local area.

Several comments had to be removed from the Council's website due to containing derogatory language.

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:

CP5: Flood Risk Management

CP6: Environmental Quality

CP11: Gypsies, Travellers and Travelling Show People

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:

RA2: Development in villages outside the green belt not meeting policy ra1 criteria

D1: General urban design principles

D2: Local character and distinctiveness

D6: Amenity

HE1: Historic environment

HE2: Somersetshire coal canal and Wansdyke

LCR7B: Broadband

NE4: Ecosystem services

PCS7A: Foul sewage infrastructure

SCR5: Water efficiency

SU1: Sustainable drainage policy

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

D5: Building design

D8: Lighting

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

ST1: Promoting Sustainable Travel
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)

Landscape Character Assessment - Rural Landscapes of Bath and North East Somerset (April 2003)

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).

The Planning policy for traveller sites (PPTS) is a material consideration in the determination of this planning application.

OTHER DOCUMENTS

Gypsy and Traveller Accommodation Assessment (GTAA) 2021

LISTED BUILDINGS:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS:

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

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF RESIDENTIAL DEVELOPMENT:

In 2021, Bath and North East Somerset Council undertook a Gypsy and Traveller Accommodation Assessment (GTAA) for the district. It identified a need for 8 pitches between 2020-24, 2 between 2025-29 and 2 between 2030-34, therefore it has been assessed there is a need for 12 of the period of 2020 - 2034.

The GTAA is a material consideration that must be given significant weight.

A search of the Councils planning database has shown the Council granted planning permission on 5th November 2024 (21/04206/FUL) for the change of use of 3 transit Gypsy and Traveller pitches to permanent pitches at a site known as Carrswood View in Twerton, Bath. This leaves an outstanding need for 7 pitches by 2029.

This proposal would contribute a maximum of 1 pitch to meeting that need.

The Council accepts that the present development plan does not allocate sufficient sites for Gypsies and Travellers and there is a demonstrable history of undersupply. The Council, therefore, rely on the windfall results of individual applicants to meet the strategic need for Gypsy and Traveller sites. This is an ongoing failure of policy on the position and the supply of site and goes against the requirements of the Planning Policy for Travellers Sites (PPTS). It is therefore considered there is an ongoing need for Gypsy and Traveller sites which is not catered for through the formal plan-led system.

It is accepted by the Council that there is no five year supply of Gypsy and Traveller pitches available within the Councils administrative area.

PPTS paragraph 27 states: "If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications. As per paragraph 22 of the PPTS, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is in accordance with S38(6) of the Compulsory Purchase Order 2004 (as amended), however, the tilted balance is engaged degree given the Council's supply position.

Policy CP11 of the adopted core strategy is the relevant Development Management policy for considering proposals for Gypsy and Traveller sites. It is noted the site is outside of the Housing Development Boundary, the policy does not define where such development should take place. Policy CP11 give a number of criteria against which such proposals should be considered.

These dealt within in turn below; the criteria are:

"A) The site is suitably located to allow access to local community services and facilities, including shops, schools and health facilities, and employment opportunities"

The application is located within the existing settlement of Radford, however, Radford lacks key local facilities. Whilst Radford may not provide key local facilities, the site is located within 2km of the settlements of Timsbury and Paulton, both of which are considered to have an adequate set of local facilities to satisfy this criterion.

It is considered criteria (A) is complied with.

"B) Satisfactory means of access can be provided and the existing highway network is adequate to service the site"

The access to the site is dealt with in the Highways section of this report, however the proposal is considered to comply with this criteria.

It is considered criteria (B) is complied with.

"C) The site is large enough to allow for adequate space for on-site facilities and amenities including play provision, parking and manoeuvring, as well as any live/work pitches if required to enable traditional lifestyles"

The site is approximately 0.32 Hectares (3172 m²) and is considered an acceptable size for the proposed development and number of units on the site.

It is considered criteria (C) is complied with.

"D) The site is well-designed and well-landscaped and has no unacceptable adverse impact on the character and appearance of the surrounding area."

The landscape impact and proposed landscaping conditions is dealt with in the landscape section of this report. The proposal is considered to comply with this criteria.

It is considered criteria (D) is complied with.

"E) Adequate services including utilities, foul and surface water and waste disposal can be provided as well as any necessary pollution control measures."

It is proposed the development would use a Klargester biodisc waste water treatment plant, but due to the flooding issues at the site, a condition will be attached to this

permission requiring the details of any waste water treatment plant be provided and it be installed prior to occupation of the site.

It is considered criteria (E) is complied with.

"F) There is no unacceptable impact on the amenities, health and well-being of occupiers of the site or on neighbouring occupiers as a result of the development

Residential Amenity is considered in the Residential Amenity section of this report and is considered to comply with this requirement. There are not considered to be any health risks to the future occupiers of the site.

It is considered criteria (F) is complied with.

"G) The site should avoid areas at high risk of flooding and have no adverse impact on protected habitats and species, nationally recognised designations, landscape designations and heritage assets and their settings and natural resources"

A portion of the site is located within the Flood Zone as defined by Environment Agency Flood data, and the assessment is set out in the Flood Risk section of this report. The site is also adjacent to the Grade II Listed Building known as "Bridgefoot Lodge" and the proposals potential impact on this heritage asset. This is assessed in the Listed Building section of this report.

It is considered criteria (G) is complied with.

"H) The scale of the development does not dominate the nearest settled community nor place undue pressure on the local infrastructure."

The proposed development is considered of a small scale, and it is considered the settlement of Radford is capable of accommodating this small development for a Gypsy and Traveller site. The proposal would not dominate the existing settled community.

It is considered criteria (H) is complied with.

"I) The site does not lie within the Green Belt unless there are exceptional circumstances to justify making an allocation by removing land from the Green Belt or, for a planning application on unallocated land, that very special circumstances exist."

The site is not within the Green Belt, so criteria (I) is not relevant to the proposal.

LANDSCAPE, DESIGN, CHARACTER AND APPEARANCE:

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 proposes a pitch for one mobile home, one touring caravan and a day room and associated works. Information on the proposed mobile home has not been provided by the applicant but to be considered a caravan, it would need to meet the definition set out in the Caravan Site Act of 1960 & 68. This definition is broad and can cover mobile homes as large as 18.288m length, 6.096m width and internal height of 3.048m.

The application site is located at the bottom of a steep sided valley in which the settlement of Radford is situated. The site rises gradually from the boundary with the Radford Hill and Bath Road junction to its boundary with the adjacent agricultural field to the west of the site. Although the site is quite prominent from the Radford Hill and Bath Road junction, due to its location at the bottom of the valley and extensive hedging surrounding the site, it is not visible from afar and is only visible when travelling along bottom Radford Hill or a small section of Bath Road.

The development proposed (excluding the access track) is located in the higher section of the application site adjacent to the boundary with the field to the west. Due to the uneven ground in this location, it is proposed the ground be excavated to create a level platform for the development to take place. At the time of the submission of the application, a part of the work had already taken place without planning permission and was the trigger for the enforcement complaint being made to the Council. This excavation will reduce the ground level in the very southwestern corner of the field by circa 1 metre. It is in this southwestern corner, that it is proposed to site the mobile home element of scheme.

As stated above, the applicant has not provided any details of the proposed mobile home element of the scheme, as such, it could be possible a mobile home could be stationed on the land that could be of the maximum dimensions allowed (18.288m length, 6.096m width and internal height of 3.048m). A condition will be used to only allow the maximum mobile home dimensions on the site. As it stands, due to the restrictive nature of the surrounding roads, a smaller twin unit remains the most feasible option to be placed on the site.

Given lack of long-range views of the site and due to its location at the bottom of the valley and having heavily vegetated boundaries, it is considered the landscape impact of the proposal can be adequately mitigated by the imposition of a condition that would require extensive vegetative screening to be planted to the east of the proposed hardstanding, spanning the site from north to south prior to the occupation of the development. It is however accepted that the screening will not extend to the height of the proposed day room (with a ridge height of 3.7) but the screening required by the condition will screen the majority of the building and the proposed mobile homes from being seen from either Bath Road or Radford Hill.

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.

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.

It is accepted that the proposal would introduce a mobile home and touring caravan into an area that is generally free of development of this kind, but as discussed above, there are very limited long range views of the site and the impact of the proposal in the character and appearance of the local area can be adequately mitigated by the screening that will be secured by condition. There has been no formal confirmation from the applicant of the materials of the proposed day room, however, details of these can be secured by condition to ensure they complement the existing character of the area. In addition, it is proposed a gabion basket wall retaining wall be constructed at the site in order to facilitate the levelling of the site. It is proposed the details and extent of this wall will be secured by condition.

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.

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 closest property to the proposed development is Bridgefoot, Radford Hill which is around 13 metres away from the site boundary on the eastern side of Radford Hill, with the main area of proposed development (the caravan pitches and day room) located in the western portion of the site around 100 metres away from Bridgefoot.

Given the position of the site and the position of nearby residential properties, it is considered the design, scale, massing and siting of the proposed development 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.

As part of this application, the Councils Transport Development Team (TDM) (Highways) were consulted and undertook a site visit on 31st October 2023. Whilst this is some time ago, the situation on the site has not changed.

Their response is provided in full in the consultation response document dated 2nd November 2023, but is summarised below;

Site accessibility and sustainability

The site is considered to be located remote from services, with limited potential of using active travel and very little potential of using public transport to make most journeys to key facilities and employment opportunities. Future occupiers of the site will be therefore required to access available facilities by vehicular modes. The development is therefore considered to be contrary to the key aims of Policy ST1 and ST7 of the Local Plan Partial update.

Access

The proposal is for the installation of a single pitch for a gypsy and traveller family, which is not expected to produce a material trip generation increase. Furthermore, there is an extant agricultural use of the access which would likely be replaced by the proposed change of use of the application site. Therefore, it is considered that there is unlikely to be a significant net intensification in the use of this access under the new use compared to the potential use of the field for intensive agricultural purposes, and this would not be expected to have a significant impact on the operation of the local highway network.

TDM note from visiting the site that visibility to the west of the access is constrained by vegetation within the highway verge and therefore considers that the visibility splay y-distance is unlikely to be in accordance with relevant guidance based on the prevailing traffic speeds at this location, even accounting for the lower speeds observed in the vicinity of the access. However, given that there is unlikely to be a significant intensification in the use of the access over the potential associated with the extant use of the site, TDM accepts that the proposed change of use would not result in a significant change in the operation of the highway compared to existing conditions, and therefore that a possible limit to visibility is unlikely to present an overriding highway safety issue.

TDM notes from the site visit that the access has been constructed from a loose stone material including up to the connection with Bath Road. TDM require that the first 6m back from the edge of the adopted highway is made of a bound and compacted material so as to prevent loose material spilling onto the highway in the interests of highway safety. This can be secured by condition. In addition, TDM also notes that the access track will be gated. TDM require any gates to be hung to open away from the highway only set back at least 6m from the back edge of the adopted public highway to enable vehicles to safely draw off the highway before the gates are opened, in the interests of highway safety. This can also be secured by condition.

Vehicle Parking

Vehicle parking should be provided in accordance with adopted vehicle parking standards, as outlined in the B&NES Transport & Developments (T&D) Supplementary Planning Document (SPD). The proposed change of use to a pitch for a gypsy and traveller family

does not accord with any of the land uses where parking standards are specifically provided. As such, in accordance with paragraph 4.10.3 of the T&D SPD, parking should be provided at an appropriate level commensurate with the forecasted parking demand and in line with the parking standards Vision and Objectives. Submitted drawing ref. 501 A shows that two car parking spaces will be provided at the site, which is considered to be appropriate for the proposed level of development. TDM notes that additional vehicle parking could be accommodated within the site as required and as such there is limited opportunity for overspill parking on the adopted highway network.

Bicycle Parking

Bicycle parking should also be provided in accordance with adopted parking standards, as outlined in the B&NES T&D SPD, however as per vehicle parking the proposed development does not accord with any of the land uses where parking standards are specifically provided and therefore parking should be provided at an appropriate level. The planning application does not show the location of any proposed bicycle storage, however TDM acknowledges that there is sufficient space within the site area to accommodate bicycle storage as required. Bicycle storage can be secured by condition.

Refuse and Recycling

TDM note that there is sufficient space within the site to accommodate refuse storage as required. An email from the applicant's agent dated 10th August 2023 has confirmed that refuse and recycling will be positioned on the kerbside on Bath Road for collection. TDM offer no objection to the principle of kerbside refuse collection at this location as this is unlikely to result in obstruction to the highway.

As discussed above, Highways are objecting to the proposal due to the location of the proposed development is not considered to be a sustainable location for development and therefore is not in compliance with Policies ST1 & ST7 of the Local Planning Partial Update 2023. However, they have confirmed that the access arrangements to the site would not cause an unacceptable impact on highways safety and is considered a suitable access arrangement for the proposed development.

The policy conflict with Policy ST1 and ST7 (relating to sustainable development) will be considered in the planning balance section of this report.

DRAINAGE AND FLOODING:

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

The site access is located within Flood Zone 3 and is therefore at high risk of flooding.

In line with paragraph 175 of the National Planning Policy Framework, a flood risk assessment has been submitted, in addition to the submission of a sequential test which is required for this development. Consultation has also taken place with the Environment Agency.

A comprehensive sequential test has been submitted with a search area of the administration area of Bath and North East Somerset Council.

The list of sites within the submitted sequential test is considered to be acceptable. Of the chosen sites, several were within the Green Belt, others have restrictive conditions that limit the number of caravans, lack of nearby local facilities, have difficult topography, have development permitted and implemented for housing and are located wholly within the flood zone. Those that were discounted have been reviewed by officers and the findings are agreed.

The results found that two sites remained as suitable for development of a similar scale with no constraints. Further investigation has been undertaken to determine whether these sites are reasonably available.

In order for a site to be considered reasonably available, the site should be either:

- Be owned by the applicant;
- For sale at a fair market value; or
- Is publicly owned land that has been formally declared to be surplus and available for purchase. Sites which are actively being used, are under construction, not being marketed and/or already have planning permission for housing are not considered to be reasonably available.

Both of the were discounted as not being reasonably available, applying the above.

The flood risk vulnerability and flood zone compatibility table in the technical guidance of the NPPF highlights when a proposal must be subject to an exception test alongside a sequential assessment. The proposed development is considered a highly vulnerable use and such a use is not considered to be acceptable within Flood Zone 3. However, it is considered the exception test relates to the specific development and the built form itself, whilst the sequential test related to the site as a whole. As such, as the vulnerable element of the proposal (caravans and day room) are located within Flood Zone 1, it is considered the proposal does not require the exception test.

In their consultation response the Environment Agency stated the following:

The majority of the site is within Flood Zone 1, however the access road into the site falls within Flood Zone 3, due to the Cam Brook floodplain.

The proposed location of the caravan and day room are located within Flood Zone 1 for the lifetime of the development (including climate change). Flood modelling for the location

(Midford modelling 2021) shows that the access road into the development could be affected by 43mm of flooding during the 100 year plus 26% climate change flood event.

The FRA states that whilst the occupants can safely stay put on site during a flood event, there is also an evacuation route on foot at the southeastern boundary of the development. The site lies within a Flood Alert Area and a nearby Flood Warning Area, therefore a Flood Warning and Evacuation Plan should be developed incorporating the above information. The Flood Warning and Evacuation Plan can be secured by condition.

The LLFA have also not raised an objection on flooding grounds.

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.

It should also be noted as this application is retrospective, it is not mandatory to provide a bio diversity net gain as set out in Section 7A of the Town and Country Planning Act, however the Council Policy NE3a still applies.

A completed DEFRA Small Sites metric and an accompanying report have been submitted that show a proposed bio diversity net gain of 11%, well above the "appropriate gain" required by Policy NE3a. This 11% net gain is without the vegetative screening that will be secured via condition, so it is considered the net gain could be considerably more than the figure quoted in the metric.

The provision of proposed BNG and the management of it can be secured by condition.

As such, it is considered the proposal would provide a measurable gain in BNG and therefore complies with Policy NE3a of the Local Plan Partial Update 2023.

The recommendation for sensitive external lighting would be supported. It is feasible that external lighting can be sensitively designed in accordance with ILP 2023 guidance. Lighting must not be decorative, should only be used where absolutely necessary and external lighting must consist of low level, downward facing fittings with a PIR sensor and short-duration timer. A full specification could be secured by condition.

In terms of species present on the site, the PEAR confirms that the site had potential to support common amphibians, reptiles, breeding birds, hedgehog, and brown hare. The recommendations in Section 4 of the report will be secured by condition.

It is considered the proposal compliant with policy NE1, NE3, NE5 and D8 of the Local Plan Partial Update.

LISTED BUILDINGS

Due to the proximity of the application site to a grade II Listed Building, as part of the determination of this application the Councils Conservation team were consulted.

In their response the conservation officer said the following:

"As the application stands at the moment the introduction of development, hard landscaping and design of the buildings is considered to erode the rural and verdant quality of the site which contributes to the setting of the listed building. In line with the NPPF para 208 (now 214) where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal."

In accordance with paragraph 212 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 215 of the NPPF also provides that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

With regards to the less than substantial harm caused to the setting of the Listed Building and the, this must be weighed against any public benefit.

The main and only public benefit of this proposal would be the provision of a site and residence for a Gypsy and Traveller family within a Local Authority area were it is considered there is a demonstrable need for such sites, by not having a 5-year supply of sites. It is considered this is a substantial public benefit that would outweigh the less than substantial harm to the designated heritage asset.

In addition to the above, the conservation officer also raised concerns relating to the materials of the proposed day room and what impact these could have on the setting of the adjacent listed building. It is considered with the screening that will be secured by condition and the materials being secured by condition, the impact on the setting of the listed building will be reduced.

In light of the above, it is considered the proposal accords with Policy HE1 of the Bath and North East Somerset Placemaking Plan and part 16 of the NPPF.

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.

OTHER MATTERS

Third party comments have raised the possibility of this site expanding, but any further development would require planning permission. Objections also made generalisations of the Gypsy and Traveller communities, the Council give no credence to these comments, however they are not considered to be a material planning consideration.

PLANNING BALANCE:

The statutory starting point for determination is the development plan, however as discussed in the principle of development section of this report, paragraph 28 of the PPTS states:

"If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply." This is the so called "Tilted Balance". This balancing exercise is considered below.

The site is also located within an unsustainable location, meaning occupants of the site would be overly reliant on private motor vehicles to access basic amenities and services and is therefore contrary to ST1 and ST7 of the Local Plan Partial Update. However, the harm applied to this conflict is only moderate as the distances between the site and Paulton and Timsbury are marginal.

Environmentally, the development would cause limited harm to the landscape character and prevailing character of the area. Conditions will be imposed to ensure adequate planting, biodiversity enhancements and other restrictions will be imposed on the number of vehicles and caravans. Overall, the environmental performance of the development, in light of the highlighted harm, is considered to be neutral.

Socially, the development would involve the provision of 1 new Gypsy and Traveller pitch. As the Council cannot currently demonstrate a five year supply of pitches, this provision is afforded substantial weight in the planning balance. Consideration for alternative sites has been provided as part of the Sequential test, but none were found to be suitable.

In addition, the occupancy of the development will be conditioned so that it can only be occupied by members of the travelling community.

In engaging the balance, those adverse impacts (as set out in the foregoing) as a result of the proposed development are not considered to outweigh the benefits of this scheme when assessed against the framework as whole. This application is therefore recommended for approval subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 Landscape Design Proposals (Bespoke Trigger)

No further development shall take place until full details of both hard and soft landscape proposals and a program 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. Car parking layouts
 4. Other vehicle and pedestrian access and circulation areas
 5. Hard surfacing materials
 6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
 7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
 8. Retained historic landscape features and proposals for restoration, where relevant
- Soft landscape details shall be consistent with the Biodiversity Gain 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

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 Biodiversity Gain and Habitat Management Plans (Bespoke Trigger)

Prior to any further development on the application site, full details of a Biodiversity Gain Plan for delivery and monitoring of a measurable gain in 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 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:

1. An up-to-date BNG habitat map for on-site proposed habitats.
2. Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.
3. Long term aims and objectives for habitats (extents, quality) and species.
4. Detailed management prescriptions and operations for newly created habitats; 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.
5. A detailed prescription and specification for the management of boundary habitats including hedgerows, woodland and scrub.
6. Details of any management requirements for species-specific habitat enhancements.
7. Annual work schedule for at least a 30 year period.
8. 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 / arisings 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).
9. Detailed monitoring strategy for habitats and species, and methods of measuring progress towards and achievement of stated objectives.
10. Details of proposed reporting to the Local Planning Authority and proposed review and remediation mechanism.
11. 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 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. "

3 Materials - Submission of Materials Schedule (Bespoke Trigger)

No construction of the external walls of the day room 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, D3 and HE1 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North Somerset Local Plan Partial Update.

4 Materials - Submission of Details of Gabion Basket retaining wall (Bespoke Trigger)

Notwithstanding the approved plans, no further development shall take place until a schedule of materials and the extent of the proposed gabion basket retaining wall that runs along the western and northern boundaries of the site, shall be submitted 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 and the extent of the gabion basket retaining wall.

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.

5 Ecological and Biodiversity Net Gain Compliance Report (Prior to occupation)

Prior to occupation of the development hereby approved a report, produced by a suitably experienced professional ecologist based on post-construction site visit and inspection,

confirming and demonstrating (using photographs) completion and implementation of ecological measures as detailed in the approved BIODIVERSITY NET GAIN ASSESSMENT report dated October 2023 and Biodiversity Net Gain Plan, shall be 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.

6 Flood Warning Evacuation Plan (Pre-occupation)

No occupation of the development shall commence until a Flood Warning Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to chapter 14 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented for the lifetime of the development.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with policy CP5 of the Bath and North East Somerset Core Strategy and the National Planning Policy Framework.

7 Bound/Compacted Vehicle Access (Pre-Occupation)

Notwithstanding the approved plans, prior to the occupation of the development, the first 6 metres (measured from the highway) of the vehicular access shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

8 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."

9 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.

10 Site Occupants (Compliance)

The site shall not be occupied by any persons other than gypsies and travellers as defined in Paragraph 1 of Annex 1 of Planning Policy for Traveller Sites December 2025.

Reason: The development, located outside of a defined housing development boundary is only acceptable to accommodate an identified need for a permanent gypsy and traveller pitch, in accordance with Policy CP11 of the Bath and North East Somerset Placemaking Plan 2017.

11 Limit on units (Compliance)

No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan), shall be stationed on the site at any time.

Reason: In the interests of visual impact, landscape character and preserving the setting of a Listed Building, in accordance with Policies D1 and D2, D3 and HE1 of the Bath and North East Somerset Placemaking Plan and NE2 and D5 of the Bath and North East Somerset Local Plan Partial Update.

12 Use of Site (Compliance)

No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of highway safety and residential amenity, in accordance with Policies D6 of the Bath and North East Somerset Placemaking Plan and ST7 of the Local Plan Partial Update.

13 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Drawing	31 Jul 2023	2023-23-500	SITE LAYOUT AS EXISTING
Drawing	29 Jan 2025	1977-01	TOPOGRAPHICAL SURVEY
Drawing	10 Feb 2025	1977-01 A	TOPOGRAPHICAL SURVEY
Revised Drawing	16 Jan 2025	501 C	SITE LAYOUT AS PROPOSED
OS Extract	31 Jul 2023	2023-23-400	LOCATION PLAN

2 Condition Categories

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

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

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

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

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

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

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

3 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

4 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.

5 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.

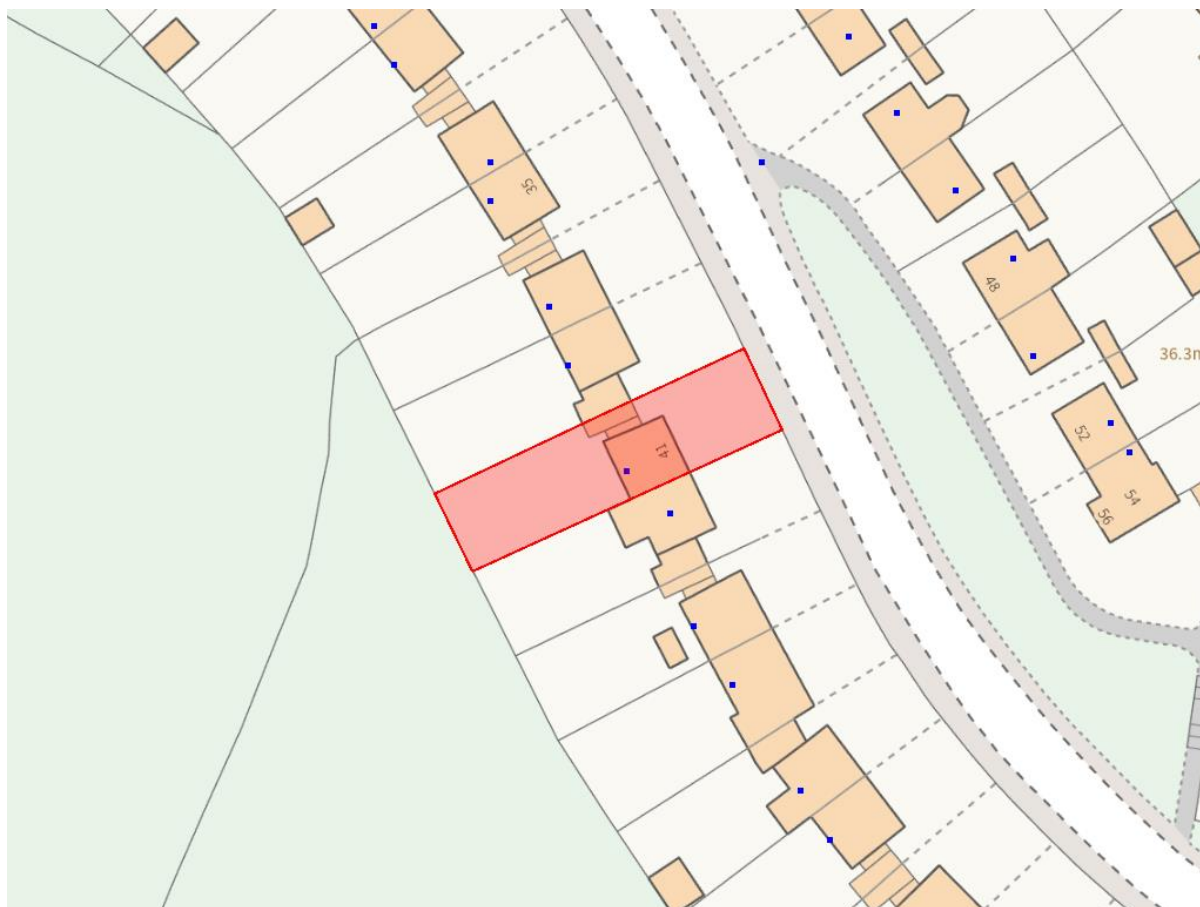
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations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

6 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: 05
Application No: 25/00409/FUL
Site Location: 41 Freeview Road Twerton Bath Bath And North East Somerset BA2 1DS



Ward: Twerton **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Tim Ball Councillor Sarah Moore
Application Type: Full Application
Proposal: Change of use from a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) with rear extension and provision of bike store.
Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Grassland Strategic Netwo Policy NE5, SSSI - Impact Risk Zones,
Applicant: Rivers Birtwell
Expiry Date: 27th March 2025
Case Officer: Paige Moseley
To view the case click on the link [here](#).

REPORT

The application has also been called in to the committee by Cllr Sarah Moore who is the local Ward Councillor. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee. It was decided that the application should be debated by the committee. Their comments are as follows:

Cllr Ian Halsall:

Concerns raised by some communities and their representatives with regards to HMO applications have recently been debated by the Committee. Whilst Planning Committee is not a policy making body, one of its roles is to test the soundness of the Council's adopted policies. In light of the concerns raised it is considered that the residents of Twerton and Whiteway should have the opportunity to raise their concerns with the Committee and be debated.

Cllr Lucy Hodge:

Noting the concerns raised by the ward councillor and the large number of third party objections, I recommend that this application is determined in public by the Planning Committee so that the relevance of policy H2 in this setting and any other planning policy considerations may be fully debated.

The application refers to 41 Freeview Road, a two-storey semi-detached dwelling in Twerton. The site is within the City of Bath World Heritage Site and Bath conservation area.

Planning permission is sought for the change of use from a 3 bedroom dwellinghouse (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) with a rear extension and provision of bike store.

Relevant Planning History:

DC - 16/01935/FUL - PERMIT - 13 June 2016 - Installation of external wall insulation

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The application has been called in by Councillor Sarah Moore, should the officer be minded to approve the application.

Councillor Sarah Moore:

"I would like to register my objection to this application. We have had a number of HMOs permitted on this road already. There is insufficient parking, which is evident by the contractor working on this property parking on the pavement/grass already. This is a residential road and needs properties to remain for families. If you are minded to grant this approval, I would request it to be referred to the planning committee."

29no. Objection comments have been received. The concerns raised are summarised below:

- Student accommodation quota has already been addressed through approved developments

- There is a housing crisis for family homes
- Property should stay as a family home
- Loss of a family home in an affordable area
- There is not the infrastructure, services or shops for the amount of students in the area
- Parking is already an issue and will be exacerbated by another HMO
- Students don't need to change car registration address so survey is not accurate representation of vehicles in Banes.
- Due to lack of families living in the area, local schools are undersubscribed.
- Lack of family houses increases pressure on the Council/Curo
- Bike sheds are tick box exercise to gain planning approval - bikes are not used but parking issues have increased.
- Bike store would not provide enough space for every resident to store a bike.
- Increase of cars has impacted highways safety and caused more reckless driving
- Roads are narrow and not suited to the number of cars parked on them.
- Aesthetics of the road has declined with introduction of HMOs
- The Central Government 10% policy does not have to be met by the Council.
- Loss of community and social balance
- Increase in rubbish, increasing presence of pests
- Buses full at peak times impacting local people
- Increase in noise
- Increasing number of HMOs is not reflected in the public HMO register on the council's website.
- Loss of council tax income
- % threshold of HMOs allowed in the road has already been passed by previous applications.
- Back extension would disrupt nesting birds
- Cause devaluation of properties in the street.
- Applicant has not included 53 Freeview Road in their HMO density assessment which is misleading
- It says 3 bedrooms but will be 6 - is this misleading?
- Construction disruption and vehicles blocking road
- Similar application for 89 Freeview Road was rejected relatively recently.
- Bath City Football club plans to have student accommodation were refused due to parking levels.

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
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
D6: Amenity
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:

DW1: District Wide Spatial Strategy
D5: Building design
H2: Houses in multiple occupation
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) 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).

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

PRINCIPLE OF CHANGE OF USE

Policy H2 of the Local Plan Partial Updates concerns 'Houses in Multiple Occupation' (HMOs). It states that proposals for changes of use to HMOs will be refused if:

- i. the site is within an area with a high concentration of existing HMOs (having regard to the Houses in Multiple Occupation Supplementary Planning Document, or successor document) as they will be contrary to supporting a balanced community;
- ii. The HMO is incompatible with the character and amenity of established adjacent uses;
- iii. The HMO significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;
- iv. The HMO creates a severe transport impact;
- v. The HMO does not provide a good standard of accommodation for occupiers;
- vi. The HMO property does not achieve an Energy Performance Certificate "C" rating (subject to exemptions);
- vii. The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;
- viii. The development prejudices the continued commercial use of ground/lower floors.

The Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) expands on LPPU Policy H2. This has 2 criteria. If the proposal fails either it is deemed to be contrary to this guidance and by default Policy H2 and will be refused planning permission.

Criterion 1:

This criterion concerns the sandwiching of residential properties between HMOs and aims to prevent the potential for negative impacts upon existing dwellings through this. It also

aims to ensure that there is balance at street level. If the proposal would result in the sandwiching of a single dwelling house (C3 use class) between two HMOs it is considered to fail this criterion.

Council records show that no sandwiching would occur as a result of the proposed change of use.

Criterion 2:

This specifies that proposals will be unacceptable where HMO properties represent 10% or more of households within a 100 metre radius of application property, or the application property tips the concentration to 10% or more.

According to Council records, there are 67 residential properties within a 100m radius. 3 of these properties are currently HMOs. The proposed change of use would result in 4 HMOs within this radius, which would amount to 5.97%. The proposal therefore complies with this criterion.

Objections have been raised regarding the applicant's density assessment missing properties. Applicants are not required to submit a density assessment, and officers will always carry out their own assessment. The officer's assessment includes no.53 Freeview Road which has recently been granted planning permission.

Given that the proposal meets these two criteria, it is considered that the proposed change of use would not be contrary to supporting a balanced community and would not result in an unacceptable loss of accommodation in the locality.

ACCOMMODATION STANDARDS

The HMO SPD also provides standards for living accommodation. The proposed HMO meets space standards for bedrooms and shared facilities and is therefore acceptable in this regard.

To be acceptable, applicants must demonstrate that the property has an EPC rating of C or above, or set out actions to be taken to achieve this. The property is currently at a D rating with 57 points. The following works have been proposed to raise the rating to C: additional loft insulation, new double glazed windows, low energy lighting, new low energy boiler, boiler interlock, flue gas heat recovery system, thermostat temperature controls, waste water recovery system, new rear extension to meet current building regulations. The improvements are expected to result in a C rating with 79 points. A condition would be attached to any permission requiring submission of an updated EPC meeting C standard or above prior to occupation of the development.

The plans show that there is adequate space to dry clothes. Additional sound proofing will be installed on the party walls at ground and first floor level.

Given the above, the proposal is considered to be in accordance with Policies H2 and CP1 of the Local Plan Partial Update and the B&NES Houses in Multiple Occupation Supplementary Planning Document.

DESIGN, CHARACTER AND APPEARANCE IN THE CONSERVATION AREA

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 and the appearance of extensions respect and complement their host building. 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 proposed rear extension will extend approximately 1.8m from the rear of the house and is considered to be proportionate in scale to the dwelling. It is also acknowledged that the rear extension would be compliant with permitted development rights. The conversion of the existing store to a bedroom will involve a slight increase in height however this is very minor. The rear extension would be finished in render to complement the existing first floor materials.

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.

In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

WORLD HERITAGE SITE

The proposed development is within the Bath World Heritage Site; therefore, consideration must be given to the effect the proposal might have on the outstanding universal value of the World Heritage Site. 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 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 proposed extensions are modest in scale and it is considered that they would not cause unacceptable amenity impacts in terms of loss of light, outlook or privacy or overbearing impacts.

The proposals meet accommodation standards as set out in the HMO SPD.

Additional sound proofing will be installed along the party wall to provide further protection to the amenity of occupiers and neighbours with regards to noise.

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.

Objections have been raised to the lack of parking in the local area and road-safety concerns that result from the existing on street parking, creating hazards and obstructions. The site is located on a street with unrestricted on-street parking.

As part of the evidence base to inform the recently adopted Transport & Development Supplementary Planning Document (SPD), which includes parking standards, the highway authority undertook a comprehensive review of the potential parking impacts associated with houses in multiple occupation (HMOs).

This work summarized that: "The results from the surveys suggest an average of 4.5 bedrooms per HMO, with an average of 0.9 cars per HMO. This compares to a range of car ownership across B&NES from 0.61 cars per household in Bath City Centre, to 1.65 in the more rural areas. This supports the findings by a 2007 study by DCLG (now known as Ministry of Housing, Communities & Local Government) that HMOs result in no net increase in parking demand over that of a family home."

This evidence indicates that there would not typically be a significant increase in car parking demand as a result of a HMO proposal, and in this case, the highway authority would not be able to sustain a planning reason for refusal on the basis of a possible parking impact.

The Transport and Development SPD sets out that properties in this parking zone of 4 beds or greater should provide at least 4 bicycle parking spaces. The proposal includes a secure bike storage space for 4 bicycles therefore is policy compliant.

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.

OTHER MATTERS

Objections have raised concerns regarding devaluation of surrounding properties. Property values are not a planning matter and cannot be taken into account in determination of the application.

Objections have raised ecology concerns regarding nesting birds. It is not expected that a ground floor extension of this scale on the existing patio would have a detrimental impact to ecology. No trees or hedges are proposed to be removed.

An application for a HMO at 89 Freeview Road was withdrawn by the applicants in 2023 (23/03971/FUL). The reason given was that the applicant was no longer proceeding with purchasing the property. No indication is given as to whether the proposal would have been approved or refused by the case officer.

An application at Bath City Football Club which included student accommodation as part of a larger development was refused in 2020 (19/02276/FUL). One of the reasons was for lack of parking, however from the committee report this appears to relate to lack of parking for the football club during match days.

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 Refuse and Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage has been provided in accordance with the details which have been approved by the Local Planning Authority. The storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Local Plan.

3 EPC Certificate (Pre occupation)

Following construction of the approved extension and prior to first occupation of the House in Multiple Occupation hereby approved an Energy Performance Certificate showing that the property has an EPC rating of C, B or A shall be submitted to the local planning authority and approved in writing.

Reason: To ensure the property has a EPC Rating of C, B or A in accordance with the Bath and North East Somerset Houses in Multiple Occupation Supplementary Planning Document, and Policies H2 and CP1 of the Local Plan Partial Update.

4 Plans List (Compliance)

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

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

PLANS LIST:

1 30 Jan 2025 3060.01 EXISTING
30 Jan 2025 3060.02 PROPOSED
30 Jan 2025 EPC UPGRADE
30 Jan 2025 EPC IMPROVEMENT REPORT

2 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.

3 Condition Categories

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

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

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

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

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

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

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

4 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.

5 Community Infrastructure Levy - General Note for all Development

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

Do not commence development until you 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

6 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.

Item No: 06
Application No: 24/01135/FUL
Site Location: Kennet Lodge Kennet Park 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: Reconfiguration and alteration of existing dwelling, including a single storey extension to North of property, and an additional storey of first floor bedroom accommodation to replace existing pitched roof of chalet bungalow.

Constraints: Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, British Waterways Major and EIA, British Waterways Minor and Householders, Policy CP3 Solar and Wind Landscape Pote, Policy CP9 Affordable Housing, Housing Development Boundary, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, NRN Wetland Strategic Network Policy NE5, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Mr Nathan Sheppard

Expiry Date: 10th April 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 an objection raised by the Parish Council and call in request from Cllr Sarah Warren.

Cllr Lucy Hodge: 'Noting Bathampton Parish Council's objection and third party representations, I recommend that this application is determined by the Planning Committee to fully debate a number of policy areas including whether the foot print of the proposal represents overdevelopment of this site, any loss of privacy for the neighbouring properties, any impact on the setting of two adjacent listed buildings and any impact on the nearby Conservation area. It is noted that late revisions were posted on 31 Jan 25 after the end of the public consultation period (17 Jan 25). It has been questioned whether recent work on site meets Permitted Development. Regulations.'

Cllr Ian Halsall: 'The Officer reports that the scale of the proposal does not mean that there will be harm to the character and appearance of the area or setting of heritage assets but considers that this development will reach the furthest extent of how it can be extended by virtue of recommending removal of any future permitted development rights.'

In light of the Parish Council's objection, request by the Ward Member to call-in the application and a substantial number of objections from members of the public, it is considered that this application should be considered by the Committee to determine whether it does consider it to be an over development of the site or not.'

Planning permission is sought for the reconfiguration and alteration of existing dwelling, including a single storey extension to North of property, and an additional storey of first floor bedroom accommodation to replace existing pitched roof of chalet bungalow.

Relevant Planning History:

None.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Bathampton Parish Council: Object.

The revised plans are a big improvement on the original submission, but we still feel that it is an over-development of a small site. Also, the first floor rooms, with their large windows, will still overlook neighbours and reduce their privacy. We have been informed that there are covenants on the group of buildings which state that each one should not negatively impact the others; in addition they should not have a negative impact on the listed buildings; the revised plans unfortunately still do not overcome these issues. Two issues have arisen during the application process which cause us concern. The infill being built under permitted development rules would appear to breach those rules and trees have been felled despite the arboriculturist stating that a tree protection plan would be needed. It is difficult from the plans provided to assess the direct impact on the neighbouring

properties, but we think this will be significant and the objections from the neighbours must be given full consideration.

Historic Environment: Support, subject to conditions.

Tree officer: No objection, subject to condition.

Ecology: No objection, subject to condition.

Representations:

12no. objections have been submitted, these can be summarised as concerns with the scale and bulk, increase in height, setting of listed building, overlooking and overdevelopment. Full comments are available on the public website

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

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
HE1: Historic Environment
NE1: Development and green infrastructure
NE3: Sites, habitats and species
NE5: Ecological networks and nature recovery
NE6: Trees and woodland conservation

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).

There is a duty placed on the Council under Sections 66 and 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 and setting of listed buildings.

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.

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

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OFFICER ASSESSMENT

Character, appearance, impact on heritage assets:

The site is in the immediate vicinity of Grade II The Old Rectory and Kennet Court. The site borders the Bathampton Conservation Area to the south. The current building is a modern, single storey dwelling and is very modest in overall footprint and height. To the north of the site is the Kennet and Avon canal which allows for glimpsed views towards the Bathampton Conservation Area. There are further non designated heritage assets in the vicinity of the site.

Kennet Lodge is not of any historical value and therefore its replacement with an alternative building is not objected to in principle. Notwithstanding this, the proposed replacement must be sensitive to the setting of the conservation area and adjacent designated and undesignated heritage assets.

Officers accept that there will be a larger building there than currently exists, but that does not mean that there is harm to the character and appearance of the area, or harm to the setting of the listed buildings. The design has been altered to create a more subservient roof form. The alterations have largely addressed concerns, with the bulk of the upper

roofscape reduced and more akin to the existing dwelling. The use of natural slate for the roof is considered a sensitive material.

The proposed plans helpfully show the extent of the existing dwelling through a red dashed line.

Although the property is being enlarged, officers do not conclude that the site is overdeveloped. This is because there is still sufficient spacing on all boundaries, space for car parking, bin storage and a good useable private residential amenity area of their own. These factors would indicate the site is not overdeveloped. However, officers have attached a condition to remove permitted development rights for extensions and alterations in the interests of futureproofing the site.

It should be noted that the minor amendments listed in the conservation officers latest consultation response have been actioned and the extensions and alterations are now acceptable in their impact on the character and appearance of the area, where they now preserve the character of this part of the conservation area and the setting of adjacent listed buildings.

Residential amenity:

The site and property is set above Willow House, however these are two detached properties, sufficiently set apart. Although built form will be sited in proximity to the boundary with Willow House, it is still set back 1.5m and is also single storey and the garage on Willow House further separates the presence of development from habitable rooms of Willow House.

The works will introduce new windows, higher than those which currently exist. The new window at first floor level on the south east elevation will be obscurely glazed (bathroom), as will the first floor windows on the north east elevation.

Officers accept the height and scale of the building will be increasing, and that there will be more built form and mass experienced than what currently exists. This can be expected during any enlargement to an existing property. However, this does not necessarily mean that the impacts are adverse which would preclude the granting of planning permission.

Ecology:

Designated Sites:

No sites designated for their conservation interest are located within or adjacent to the site.

Habitats:

Habitats on site comprise mature garden trees and shrubs with well-established gardens present on all sides. The site is also located in proximity to the Kennet and Avon Canal. Bats The report identifies that the bungalow and garage were subject to a full internal and external inspection. The garage was considered to offer negligible bat roost potential.

Given that the bungalow was assessed as offering low bat roost potential, it was therefore subsequently subject to a single emergence survey. The survey was carried out during late September which does not comply with best practice guidance. No bats were recorded emerging from the building, however, given that bat activity was recorded throughout the survey (with multiple bats commuting along the garden boundaries), then this result is accepted in this instance.

The mitigation measures described in Section 5 including precautionary working methods for bats would be fully supported and should be secured by condition.

Lighting:

The site was considered to offer high suitability for foraging and commuting bats. Therefore, the recommendation at Section 5 for a sensitive lighting scheme would be supported. It is feasible that external lighting can be sensitively designed in accordance with ILP 2023 guidance. Lighting must not be decorative, should only be used where absolutely necessary and external lighting must consist of low level, downward facing fittings with a PIR sensor and short-duration timer. A full specification could be secured by condition in this instance. Biodiversity Net Gain (BNG) Householder applications are exempt from BNG requirements.

Wildlife Enhancements:

The inclusion of two bat boxes and wildlife friendly planting as per Section 5.2 of the ecology report would be fully supported. A scheme of ecological enhancement should be secured by condition.

Trees:

The proposed alterations are largely within the current footprint with minor extension to the south over the existing hard surfacing and replacing an existing conservatory. Tree protection measures will be necessary to avoid accidental damage to the surrounding trees which the tree officer considers as contributing towards the setting of the conservation area and adjacent listed buildings. This has been secured via condition.

Conclusion:

Planning and conservation officers have sought revisions on the scheme, this now presents an application complies with the placemaking plan, specifically policies D1, D2, D3, D5 and HE1 and preserves the setting of the listed buildings. For these reasons, officers recommend the application be permitted, 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 Sample Panel - Walling (Bespoke Trigger)

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan.

3 Samples- dormer (Bespoke Trigger)

No construction of the external walls of the dormer windows shall commence until a samples are submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure an appropriate colour adjacent to the slate, 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, D5 and HE1 of the Bath and North East Somerset Placemaking Plan.

4 Roofing Materials (Bespoke Trigger)

No construction of the roof of the development shall commence until a schedule and samples of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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, D5 and HE1 of the Bath and North East Somerset Placemaking Plan.

5 Boundary wall protection during construction (pre-commencement)

No development or other building operations shall commence until a detailed methodology and plan have been submitted demonstrating how the historic boundary wall will be protected during construction.

Reason: In the interests of protecting the historic boundary wall in compliance with policy HE1 of the placemaking plan.

6 Windows (bespoke trigger)

No installation of the windows shall take place until a detailed cross section drawing of the window reveals have been submitted to and approved in writing by the local planning authority.

Reason: in the interests of the character and appearance of the dwelling and area, including heritage assets.

7 Green roof planting and maintenance schedule (Pre-occupation)

No occupation of the development shall take place until a planting specification and maintenance schedule has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the works are implemented and maintained in the interests of the appearance of the area in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan.

8 Arboricultural Method Statement (pre-commencement)

No development shall take place until an arboricultural method statement with tree protection plan following the recommendations contained within BS 5837:2012 identifying measures to protect the trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include proposed tree protection measures during site preparation (including demolition, clearance and level changes), during construction and landscaping operations. The statement should also include the control of potentially harmful operations such as the position of service runs and soakaways, storage, handling and mixing of materials on site, burning, location of site office and movement of people and machinery. Wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should").

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.

9 Arboricultural Method Statement (bespoke trigger):

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.

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.

10 Precautionary Working Methods (Compliance condition):

Works must proceed only in accordance with the following measures for the protection of bats:

- o Appointment of a suitably qualified Ecological Clerk of Works to specify and oversee precautionary working methods;
- o A careful visual check for signs of bats shall be made of the interior and exterior of the building and its roof, and any crevices and concealed spaces, immediately prior to any works affecting these areas;
- o Works to the roof and any areas with concealed spaces or crevices shall be carried out using "soft strip" methods, by hand, lifting materials (not sliding) to remove them, and checking beneath each one;
- o The site manager and site workers shall be briefed on appropriate ecologically sensitive methods and an ecologist shall be available on call to deal with any unexpected or last-minute discoveries of bats or roosts; and
- o If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or the on-call licenced bat worker shall be contacted for advice before proceeding.

Reason: to avoid harm to protected species (bats) in compliance with policy NE5 of the placemaking plan.

11 Ecological Compliance Statement (Bespoke trigger)

No occupation of the development hereby approved shall commence until a statement confirming and demonstrating, using photographs, adherence to and completed implementation of the precautionary working methods in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Evidence and written confirmation that all ecological mitigation and compensation measures for bats, including precautionary working methods and pre-commencement checks were followed;
2. Provision of features to benefit wildlife as set out in Section 5.2 of the approved Bat Survey Report produced by Johns Associates dated November 2023, to include, two bat boxes and wildlife-friendly planting; have been installed on site according to advice and specifications provided by a suitably experienced professional ecologist; and

All measures within the scheme shall be retained, monitored and maintained thereafter in accordance with the approved details and for the purpose of wildlife conservation.

Reason: To demonstrate the completed implementation of ecological mitigation and enhancement measures, to prevent ecological harm and to provide biodiversity gain in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) the NPPF and policies NE3, NE5 and D5e of the placemaking plan.

12 External Lighting (Bespoke trigger - requires approval of details prior to installation of new lighting)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Proposed lamps and lamp models, with manufacturer's specifications; proposed lamp positions; numbers and heights, with details also to be shown on a plan; and
2. 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 this shall include the use of short-duration (<2 minutes) timers; and to avoid harm to bat activity and other wildlife.

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

Reason: To avoid harm to bats and wildlife in accordance with policies NE3 and D8 of the placemaking plan.

13 Removal of Permitted Development Rights - No extensions or alterations (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority due to the nature of the site.

14 Plans List (Compliance)

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

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

PLANS LIST:

- 1 This decision relates to the following plans:

Proposed site plan- P 002- P04
Proposed ground floor- P 101- P04
Proposed first floor- P 102- P04
Proposed roof plan- P 103- P04
Proposed north east elevation- P 201- P04
Proposed north west elevation- P 202- P04
Proposed south west elevation- P 203- P04
Proposed south east elevation- P204- P04
Proposed section AA- P 204- P04
Proposed section BB- P 302- P04

Existing site plan
Existing ground floor plan
Existing roof plan
Existing elevations 01
Existing elevations 02
Existing section AA
Existing section BB
Existing section CC
Location plan

2 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.

3 Condition Categories

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

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

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development.

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

5 Responding to Climate Change (Informative):

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

6 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.