

Bath & North East Somerset Council

MEETING: **Planning Committee**

MEETING DATE: **4th June 2025**

AGENDA
ITEM
NUMBER

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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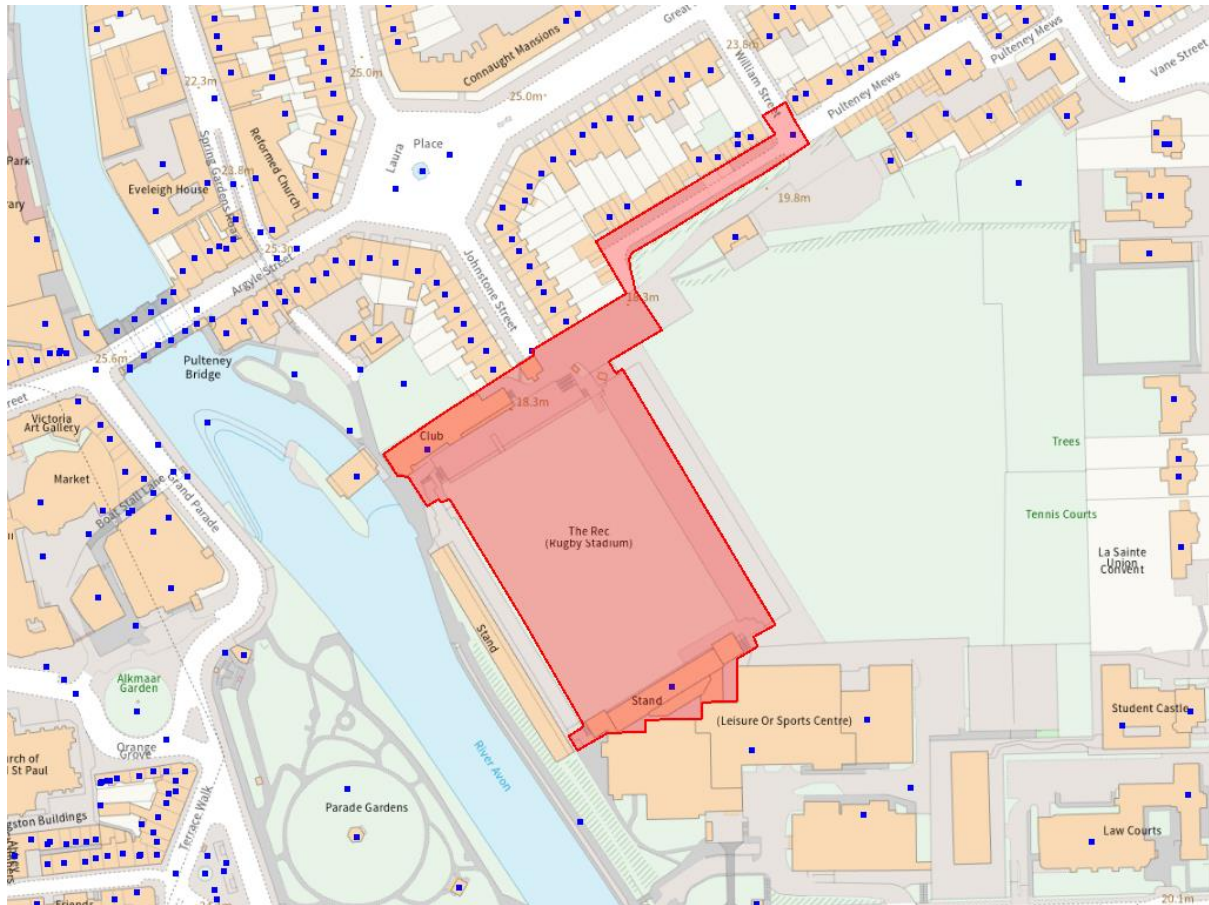
ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	25/00791/VAR 30 May 2025	Bath Rugby Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath Variation of condition 1 and removal of condition 2 of application 24/01261/VAR to facilitate the retention of the existing temporary stands in situ through to May 2027 and facilitate the retention of the East Stand during both summer 2025 and 2026 (Variation of condition 2 of application 21/05530/VAR (Variation of condition 1 of application 20/00137/VAR (Variation of condition 1 of application 15/05237/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years)).)	Bathwick	Danielle Milsom	PERMIT

02	25/00790/VAR 25 April 2025	<p>Bath Rugby Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath</p> <p>Variation of condition 1 of application 21/05529/VAR to facilitate the retention of the existing temporary stands in situ through to May 2027 (Variation of condition 1 of application 20/00136/VAR (Variation of condition 1 of application 15/05235/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).)).)</p>	Bathwick	Danielle Milsom	PERMIT
03	25/00789/VAR 25 April 2025	<p>Bath Rugby Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath</p> <p>Variation of condition 1 of application 21/05528/VAR to facilitate the retention of the existing temporary stands in situ through to May 2027 (Variation of condition 1 of application 20/00135/VAR (Variation of conditions 1 and 2 of application 17/01637/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) and the retention of the east stand during summer 2020 (Erection of temporary spectator stand along the eastern side of the playing field including associated works and ancillary facilities comprising floodlighting, toilets, food and bar facilities within structure. (Amended location 3 metres to the east of stand granted planning permission 12th February 2016 (LPA ref. 15/05237/FUL). Structure and capacity to remain as approved.))).))</p>	Bathwick	Danielle Milsom	PERMIT
04	24/03941/FUL 21 March 2025	<p>Mr & Mrs Hanna & Isaeva Ravenswell Lodge , Access Road To Ravenswell House, Charlcombe, Bath, Bath And North East Somerset</p> <p>Erection of replacement rear extensions, landscaping and associated works to follow the partial demolition of Ravenswell Lodge.</p>	Lansdown	Christopher Masters	PERMIT

05	25/01724/TCA 12 June 2025	Hodge Audley House , Park Gardens, Lower Weston, Bath, Bath And North East Somerset Bay T1 - reduce by up to 0.3m below previously trimmed height (as shown in annotated photograph) - amended description	Weston	Jane Brewer	NO OBJECTION
06	25/01692/TCA 10 June 2025	Hodge Audley House , Park Gardens, Lower Weston, Bath, Bath And North East Somerset T1 triple stemmed Redwood tree - Section fell one stem to ground level. Crown reduce x2 remaining stems height by approx 3m. Blend upper lateral branches to create a natural shape. T2 cedar tree - Remove broken branch.	Weston	Jane Brewer	NO OBJECTION

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 25/00791/VAR
Site Location: Bath Rugby Club Bath Recreation Ground Pulteney Mews Bathwick Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Manda Rigby Councillor Toby Simon
Application Type: Application for Variation of Condition
Proposal: Variation of condition 1 and removal of condition 2 of application 24/01261/VAR to facilitate the retention of the existing temporary stands in situ through to May 2027 and facilitate the retention of the East Stand during both summer 2025 and 2026 (Variation of condition 2 of application 21/05530/VAR (Variation of condition 1 of application 20/00137/VAR (Variation of condition 1 of application 15/05237/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands

including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years)).)

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 B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, 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 Woodland Strategic Networ Policy NE5, NRN Wetland Strategic Network Policy NE5, Placemaking Plan Allocated Sites, Public Right of Way, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant:

Bath Rugby

Expiry Date:

30th May 2025

Case Officer:

Danielle Milsom

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

REPORT

The application has been called to committee by Cllr Manda Rigby. Comments are as follows:

'Having read the three separate applications to keep the temporary stand up on the Rec for the next 2 years i am a bit confused as to why they are being done in this way.

For the avoidance of doubt, id like to request any and all of the applications to vary the permission currently in force on Bath Recreation Ground and allow the temporary stands to remain up to be heard at committee were it to be minded to be approved as an officer decision. This is in line with the public interest in these applications which has meant all previous ones have been determined at committee.'

Cllr Ian Halsall:

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Cllr Lucy Hodge:

Noting the call-in request from the ward councillor, the consultation comments and the level of public interest, I recommend that this application is debated in public by the Planning Committee to consider the relevant policy areas, as has been the case for similar applications in previous years.

The application is therefore to be determined at Planning Committee.

This application relates to the east temporary stand of Bath Rugby Club. The site is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. The site is identified as part of safeguarded sports and recreational facilities designation. The site lies adjacent to the River Avon which is a

designated Site of Nature Conservation Interest (SNCI) which is also used as functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The Recreation Ground is framed by and contributes to the setting of a number of listed building/heritage assets in the vicinity including:

- o Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north
- o Parade Gardens (Registered Park and Garden of Special Historic Interest), Grand Parade
- o (Grade II listed) and Bath Abbey to the west
- o North Parade bridge (Grade II listed) to the south
- o Villas along Pulteney Road (Grade II listed) to the east

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

Relevant Planning History

There is a significant and lengthy history of applications related to Bath Rugby's use of the Recreation Ground including a number for temporary Stands and structures over the last 10-15 years.

The most relevant history to this application is :--

20/00135/VAR - application to allow for the East Stand to remain in situ during the summer of 2020 due to the exceptional circumstances of the Covid pandemic. PERMITTED

21/00962/VAR - application to delete Condition 2 and allow for the East Stand to remain in situ permanently. WITHDRAWN

24/01261/VAR - Variation of condition 2 of application 21/05530/VAR (Variation of condition 1 of application 20/00137/VAR (Variation of condition 1 of application 15/05237/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years)). PERMITTED.

It should be noted that in 2021 the Club failed to comply with Condition 2 and the East Stand remained in situ during the summer of that year. No enforcement action taken.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Environmental Protection: No objection

Historic England: No response

Building Control: No objection

The application seeks to retain the temporary stands for a further 2 years. There is a concern that if the stands remain in place any corrosion or deterioration to the structure would not be picked up in the way that would have happened when the stands were dismantled or erected on an annual basis. There is however a requirement for an annual inspection of the grounds including structure to take place under safety of sports grounds legislation and any concerns regarding the above would be covered by this

Representations Received :

43 Objections received. A summary is as follows:

- Last time this was allowed 'to prevent pollution from construction traffic' yet the council considers
- a construction site on the same area lasting several years with no reference to carbon footprint. Condition to remove the east stand over the summer was imposed to ensure that the stand would not interfere with views across the Rec
- Incorrect that the stand is required for other purposes during summer
- Removal has not taken place for the last several years
- Removing condition would significantly change the starting point for consideration of the current application
- Should be remove in the interests of character and appearance of the site as a recreational open space, the Conservation Area and WHS and setting of listed buildings.
- No justification given to outweigh the harm caused by leaving the east stand in situ
- Adverse impact caused to WHS
- Detracts from views into and out of the historic centre of Bath.
- Justification for leaving the stand changes every application so no fundamental case
- This application is not a material consideration for the full application
- East stand is demonstrably more harmful
- Condition 2 should be retained if permission extended for two years
- Stadium should go out of town
- Removal of east stand provides great relief for residents
- Flood lights are an eyesore and should be removed
- Condition remains necessary for the community
- Heritage aspect of the planning approval cannot be sacrificed for commercial gain
- All conditions should remain in place until new stadium is resolved
- Not removing the east stand threatens the tranquillity and peaceful occupation of residents as there is a undefined status of events throughout the year
- Events can take place without the east stand
- Views to the hillsides are an important aspect of the heritage listing which are damaged by the east stand
- Application is an attempt for the rugby club to establish their footprint
- The assertion that the east stand is required for summer events is untrue
- Critical to be taken down for the use of playing fields and parkland

- Residents are ignored when it is reported that dismantling is less nuisance than the retaining of the stands
- Not exceptional circumstances such as COVID previously relied on
- Public use should be encouraged by the removal of the east stand
- Expense of dismantling is not a material consideration
- By stealth of applications the stands have got larger
- Lavatory facilities for Rec users denied by Bath Recreation Limited, breaching "change of use approval"
- there are lavatories in the Victorian Cricket Pavilion, managed by Bath Rec Ltd but open access is not advertised or encouraged.
- Additional Summer Events in 2024 facilitated by the East Stand retention exaggerated.
- Construction vehicles never use North Parade
- Emissions could be controlled by condition for only clean vehicles to be used
- Clearly the Rec. is too small for their ambitions so they should move elsewhere in or near Bath.
- Temporary toilets can be delivered on site when, and if, required
- Tourists come to see the skyline and the views from the Grand Parade and elsewhere and to marvel at the World Heritage Assets set in the green and open spaces. They do not come to see ugly scaffolding in place.
- Bath Rugby are attempting to set aside these issues and are suggesting that this is a new baseline. The baseline is a green and open space.
- Previous reasons for conditions have been ignored
- No change to conservation policies when conditions were imposed
- No legitimate reason to disregard the policies
- Do the Co2 emissions form a material consideration to outweigh the harm
- Mission creep of other temporary stands

Support

- Until application for full development is made, it is disruptive and a waste of resource to take down and reconstruct
- Bath Spa graduation celebration events held annually in July with last two summers at The Rec
- Presence of events in the city contributes to the local economy
- Bath uni graduation could not take place without the stand so would have to be elsewhere
- Due to timings of removal, graduation events could not take place
- Taking stand down is 10 days of noise
- Sports have not expanded into area when east stand is removed

NOTE: The above represents a summary only. Comments have been reviewed and considered in full and are available to view 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:

B4: The World Heritage Site and its Setting
 CP5: Flood Risk Management
 CP6: Environmental Quality
 SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy

D1: General urban design principles
 D2: Local character and distinctiveness
 D3: Urban fabric
 D4: Streets and spaces
 D6: Amenity
 HE1: Historic environment
 NE2A: Landscape setting of settlements
 PCS1: Pollution and nuisance
 PCS3: Air quality
 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
 ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

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

NATIONAL POLICY:

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

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 and 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.

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

S.73 of the Town & Country Planning Act (1990) states that, "on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted". A wider reassessment of the scheme as a whole is therefore unnecessary and beyond the scope of this application. The only matters that may be considered in respect of the current application therefore are those planning issues raised by the variation of condition 1 and 2.

BACKGROUND:

This application seeks the variation of condition 1 to allow for the east stand of the Rugby Club to remain in situ until May 2027. The application also seeks removal of condition 2 which requires the east stand to be removed during the summer months of 2025 and 2026. The application therefore would allow for the stand to remain continuously until May 2027.

Temporary permissions for the East stand have been in place since 2005. The consents have always included a condition for removal during the summer. The stand was permitted to remain through the summer of 2020 due to exception circumstances relating to the COVID-19 pandemic.

A further application was then approved by committee members in 2024 for the east stand to remain through the summer of 2024.

The current temporary permission expires on the 30th May 2025. The east stand is required to be removed no later than 3 weeks after the last home game of the rugby premiership season. The final home game of the premiership is to take place on the 7th June 2025. The east stand would therefore need to be removed by the 28th June. There is currently no further provision for the east stand to be re-erected or be retained for an additional period.

Variation of condition 1 - extension of time to May 2027

The NPPG provides guidance on the use of temporary permissions and states:

"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently."

The reason attached to condition 1 is as follows:

The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

Previous extensions to the temporary permissions have had regard to the potential planning application for the redevelopment of the Rugby Ground to provide a permanent stadium. During application 21/05530/VAR, it was determined to be reasonable that an application could be submitted and determined within two years, and that an additional two years of the temporary stands was reasonable to allow to support the objectives of policy SB2 by allowing time for the permanent redevelopment proposals to come forward without causing significant disruption to the current operations taking place on site.

An application is now live for the redevelopment of the rugby ground (23/03558/EFUL). It is reasonable to be considered that the application could reach determination by the end of

2025. Whilst the outcome is not confirmed, the progress of the application does provide an indication of time frame for development.

Policy SB2 of the placemaking plan sets objectives for the development of Bath Rugby Club and seeks to develop a permanent stadium and to enhance and intensify the leisure offer with more variety and year round use. As the live application however is yet to be determined, limited weight can be given potential permission being granted. This application cannot also provide any pre-determination for the live application. Policy SB2 itself does not require existing stands to be temporary for a fixed period, but it also does not endorse the continuation and extension of time for the stands to remain.

The reason given to the temporary permission does not provide a limit to the temporary permission. The overall aim for the site is to provide a permanent stadium to fulfil the policy objectives of SB2. This reason is still of relevance as an application continues to progress. Whilst the previous extension anticipated that a decision would have been reached by this point, this has not been the case. It is reasonable however, given the progress made on the application that a decision is to be determined in the near foreseeable future. The continued provision of the stands would allow for the use of the site to continue until work can commence on site. Should planning permission be refused, the stands would still require removal at the end of the temporary period.

At this stage, it is reasonable to conclude that the live application will be determined. Whether the application be permitted or refused, the extended time for the temporary permission would still fulfil the reason for the condition in that it would provide the club with the time required for a permanent solution to be sought. The temporary nature, albeit extended, would be enforceable should a permanent solution not be achieved.

The extended timeframe would also avoid any disruption to the operation of the use. The NPPG states:

'A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use')

It is recognised that if the stands were to be removed as per the current condition, there would likely be considerable disruption to the operation of the Rugby Club. To avoid uncertainty in relation to the continued use of the club itself created by disruption, it is considered that the temporary consent can be considered as a 'meanwhile' use. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

LANDSCAPE AND VISUAL IMPACT:

The site is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. The site is identified as part of safeguarded sports and recreational facilities designation. The site lies adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) which is also used as functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The Recreation Ground is framed by and contributes to the setting of a number of listed building/heritage assets in the vicinity including:

- o Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north
- o Parade Gardens (Registered Park and Garden of Special Historic Interest), Grand Parade
- o (Grade II listed) and Bath Abbey to the west
- o North Parade bridge (Grade II listed) to the south
- o Villas along Pulteney Road (Grade II listed) to the east

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

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.

As with previous permission for the stands, the temporary development currently in situ is considered to result in less than substantial harm to the OUV of the World Heritage Site, character and appearance of the Conservation Area and the setting of listed buildings in the immediate area.

The east stand particularly is highly prominent in its location and the difference between the stand being in situ and removed is considerable with key views towards the city centre being obscured. There are elements to the eastern stand which attempt to lessen its appearance such as the green colouring which aims to blend with the green park setting. It is however considered that the east stand does create less than substantial harm to its setting.

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.

The extension to the temporary permission relates to the as approved development. This application does not propose to alter the permission in relation to the stands themselves. The level of harm is therefore considered to be the same as previously established.

Furthermore, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

The less than substantial harm identified is afforded great weight.

Previous consents, including 15/05237/FUL, 20/00137/VAR and 21/05530/VAR have established that public benefits exist which then outweighed the harm identified.

Consideration is given to the whether the public benefits still apply and whether the balance of harm is still comparable.

Primarily, the use of the rugby club makes a contribution to the local economy, not least through the use of the club by visitors, but also for wider benefit to the city through visitor use of surrounding facilities. The continued use would allow for the contributions to continue whereas this would be lost should the stands require removal. The former is as such preferred and regarded as a benefit to the economy of the city. Prolonged use of the temporary stands does prolong the harm. However it is considered that this would not be a significant increase in relation to the weight afforded in the balance. It is as such considered that the public benefits of the site would outweigh the less than substantial harm identified.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance, the less than substantial harm is outweighed by public benefits.

Removal of condition 2

Application 24/01261/VAR considered the variation of condition 2, to allow the east stand to remain through the summer of 2024. Consideration was given to the level of harm which would arise from the east stand remaining in situ for an additional 9-10 weeks. This was calculated as 20% of the year. The assessment was concluded that the east stand result in less than substantial harm which is outweighed by public benefits. Whilst it was considered that the degree of harm would normally be mitigated through the removal of the stand for the summer, the Council considered that the additional harm of the 20% of the year would still be outweighed by public benefits. The application was as such approved and the east stand remained through the summer of 2024.

Consideration to the level of harm that retention of the east stand would cause is again considered as part of this application. Whilst the previous assessment and decision does form a material planning consideration which is afforded weight, it is recognised that a further two years of the east stand remaining in situ, without removal, does require assessment regarding additional harm which may be caused, in addition to any potential benefits.

With regards to the time frame, Bath Rugby Club have a confirmed match at the site as they have reached the semi-finals of the premiership. As such, the stand would be required to be removed by the 28th June. The fixtures have not yet been released for the 25/26 season; however it is assumed that the first game would take place at the end of September. The east stand would therefore be in situ for around an additional 12 weeks, approximately 23% of the year.

Having regard for the statutory requirement under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, where a development would affect the setting of a listed building, special regard must be given for the desirability of preserving the setting or any features of special architectural or historical interest in which it possesses.

The reason for the condition is as follows:

In the interests of the use, character and appearance of the site as recreational open space within the Conservation Area and World Heritage Site and the setting of listed buildings.

The east stand whilst in situ does cause an impact upon the setting of the listed buildings within the centre of Bath, impacting important views towards the west from The Rec. The harm caused by the east stand has been discussed above and would result in less than substantial harm to the setting of the Conservation Area and setting of the listed buildings.

It therefore turns to determine whether the level of harm identified which would arise from the stand remaining in situ for the summer months would be outweighed by any public benefits.

The removal of the condition would remove the benefits derived from the summer months where views towards to the centre of Bath are enjoyed, and where the use of The Rec as an open space are enhanced. The harms resulting from the retention of the summer months, an additional 23% of the year, would as such last for 2 more years.

Consideration of the east stand is assessed in isolation from the retention of the other temporary stands due to its increased level of harm in which it presents given its scale and sensitive location.

The dismantling and erecting of the east stand would lead to disruption through noise to residential neighbouring properties. There would as such be a benefit to the retention to remove this temporary impact. However, the benefit of removing the east stand would also derive public benefits given the ability to use the open space which would be a more positive experience of the site in its sensitive location. This is weighed to be a negligible impact.

The dismantling and re-erecting of the east stand would have inevitable impacts regarding the generation of carbon. The works would require vehicles and machinery to enter and exit the site which would otherwise not exist if the east stand were to be retained. The CO₂ emissions have not been quantified and therefore the level of impact is unknown. In any case, it is considered that additional vehicle movement, likely large vehicles would generate CO₂ and this is afforded moderate weight in light of the declared climate emergency.

Following the grant of consent to retain the stand through the summer of 2024, the charity Bath Recreation Limited (LTD) identified benefits which arose during this period. The retention of the east stand was stated to enable events to continue through the summer. Community events were held through the summer which is considered to be achieved due to the site not being impacted by vehicle movements associated with the removal of the

stand. The total time required for the stand to be removed and then replaced equates to approximately 7 weeks. During this period, the site opens for construction traffic and building material required for operations to take place. Whilst it is understood that community events can take place once the east stand is removed, and that they would not be reliant on the east stand being in situ, the required time for removal does restrict events taking place.

As per the approved construction management plan, the existing car park is to be used by contractors during the dismantling and buildings times which limits and restricts use by third parties or event holders.

The east stand also provides services which would otherwise not be available due to previous provisions within the pavilion now not being as accessible as other uses operating from the pavilion. The east stand provides toilets and access to refreshments and access to these services is considered to be in the most convenient location for wider use of The Rec.

In this regard, the dismantling and construction period would limit the use of the car park during summer, reducing accessibility to community events. The removal of the east stand would also take away key facilities which support the community events.

It is considered to be in the public interest that there is support for community facilities to continue through the summer and to allow this for an additional period can be weighed positively. This includes direct benefits for those attending events, but also indirect benefits to the City Centre, contributing to vitality of the area.

The balance of harm to public benefits is finely weighted. The less than substantial harm continues to be identified and this harm would be extended through the additional period of the year. The harm would therefore be experienced continually for an additional 2 years. Benefits however are as identified. Moderate weight is given to the impact upon climate change (whilst not quantified) and the opportunity to decrease this impact through removal of requiring large vehicles coming to and from the site. There would also be benefits specific to the summer period through provision of facilities required for community events.

It is as such considered that whilst the harm would increase due to the time period extension, the retention of the east stand does present additional benefits which are afforded significant weight when them considering as a whole.

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 cause less than substantial harm to the character and appearance of this part of the Conservation Area and its setting. Considering against the public benefits of the scheme, the harm identified is outweighed. The proposal accords with policy CP6 of the Core Strategy, policy HE1 of the Placemaking Plan and Part 16 of the NPPF.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance, the less than substantial harm is outweighed by public benefits.

HIGHWAYS AND TRANSPORT:

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.

This application does not propose to alter the transport plan associated with the temporary development. The continuation of the temporary use is unlikely to result in a change in day to day operations of the site or adjust vehicle trips associated with visitors. The impacts have previously been found acceptable and this is also applied to this application.

The site is located within the centre of Bath which is regarded as a sustainable location, accessible by a range of public transport methods, including by bus and train. The site is also accessible by bike and foot.

AIR QUALITY:

The impact upon air quality has previously been considered within permissions for temporary consents. The conclusion was that the limited number of games per year, and the dispersal of road activity, this would not result in a significant impact upon air quality.

In addition, the retention of the east stand would remove need for construction vehicles which would have an inherent impact upon air quality during periods of construction.

RESIDENTIAL AMENITY:

The use of the site is controlled by crowd management measures and this is not subject to change as part of the application. During match days, including the match itself and visitors entering and leaving the site does and will cause disruption to residential neighbouring sites. Match days are limited each year and therefore the impact is temporary and not continuous. The level of harm associated is considered to not increase for the additional 2 years beyond what has previously been considered as acceptable.

The retention of the east stand would also limit disturbance to residential amenity as construction traffic would not be present to dismantle and re-erect the east stand.

FLOOD RISK:

The Recreation Ground falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. In the NPPG (Table 2: Flood risk vulnerability classification) the proposed Stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. The Flood Risk Assessment originally submitted (ref: 15/05237/FUL) was considered to be acceptable and current application does not propose to alter this.

In addition, officers have reviewed the flood risk assessment undertaken in 2015 for the temporary stands, and have also reviewed the floor risk assessment of the redevelopment application. It is considered that as there is no change to the temporary stands, and that agreed measures will stay in place, the approved flood risk assessment would cover the proposed further 2 years of retention of the stands.

ENVIRONMENT IMPACT ASSESSMENT:

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 during the 2024 application and it was determined that the application does not represent EIA development and that an Environmental Statement is not required. This is still considered to be applicable to the current application.

OTHER MATTERS:

Consultation has taken place with the Council's building control team to ensure that the retention of the stands for an addition two years would be a safe operation in regards to the stands construction. There is a concern that if the stands remain in place any corrosion or deterioration to the structure would not be picked up when the stands were dismantled or erected on an annual basis. There is however a requirement for an annual inspection of the grounds including structure to take place under safety of sports grounds legislation and any concerns regarding the above would be covered by this.

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 and it is therefore recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Temporary Planning Permission (Compliance)

This permission shall expire on 30th May 2027 after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 Reinstatement (Bespoke Trigger)

The reinstatement scheme for the grass underneath the East Stand shall be implemented in accordance with the details approved under application references 16/02012/COND.

The reinstatement scheme shall be implemented as approved within 14 days of the stand being removed, following the cease of temporary use pursuant to condition 1.

Reason: In order to ensure that the land under the area covered by the stand is capable of being reinstated to an appropriate condition in order to ensure the continued use of the Recreation Ground for all of its users and in the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

3 North and East Stand (Compliance)

The North and East Stand hereby approved shall only be used with the green double layered screen fabric in place on the rear of the stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 Seat Colour (Compliance)

Only green coloured seating shall be installed in the temporary Stands hereby approved.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 Construction Method Statement (Compliance)

Construction work associated with the erection and dismantling of the temporary Stands shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

6 Flood Risk Measures (Compliance)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, subsequent letter dated 12 January 2016, accompanying 'Bath Rugby 100T Crane Access' note dated 08 January 2016 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the Recreation ground.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency, to allow flood water to be stored and thereby ensuring flood risk downstream is not increased, to maintain conveyance flows next to the river during a flood.

7 Travel Plan (Compliance)

The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

8 Clarification of Permission (Compliance)

This permission relates only to the East Stand, North Stand, South Stand hospitality boxes, Control Room and TV Screen as shown on the submitted drawings and does not convey consent for any other development including any flags/advertising.

Reason: In order to clarify the terms of the permission.

9 Scoreboard (Compliance)

The screen/scoreboard hereby permitted shall only be operated on Home rugby Premiership match days. The screen/scoreboard shall be operated for a maximum of two hours before or after a rugby Premiership Home game and no later than 10-00pm.

Reason: To safeguard the amenities of nearby residents and in the interests of safeguarding the character and appearance of this part of the Conservation Area and the World Heritage Site.

10 TV Screen (Compliance)

The treatment of the rear of the TV screen shall be in accordance with the details approved under application reference 16/02012/COND.

The works shall be completed as approved prior to the first Home game of the rugby Premiership 2016/17 season.

Reason: To protect the amenities of nearby residents and in the interests of safeguarding the character and appearance of this part of the Conservation Area and the World Heritage Site.

11 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

15.1646.PL101, PL102, PL107, PL108, PL109, PL110, PL111, PL112, PL113, PL114, PL116, PL117, PL118, PL119

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 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.

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

Item No: 02
Application No: 25/00790/VAR
Site Location: Bath Rugby Club Bath Recreation Ground Pulteney Mews Bathwick Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Manda Rigby Councillor Toby Simon

Application Type: Application for Variation of Condition

Proposal: Variation of condition 1 of application 21/05529/VAR to facilitate the retention of the existing temporary stands in situ through to May 2027 (Variation of condition 1 of application 20/00136/VAR (Variation of condition 1 of application 15/05235/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path,

	provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).)).)
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 B2 Bath Central Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, Listed Building, 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, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, Placemaking Plan Allocated Sites, Public Right of Way, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Bath Rugby
Expiry Date:	25th April 2025
Case Officer:	Danielle Milsom
To view the case click on the link here .	

REPORT

The application has been called to committee by Cllr Manda Rigby. Comments are as follows:

'Having read the three separate applications to keep the temporary stand up on the Rec for the next 2 years i am a bit confused as to why they are being done in this way.

For the avoidance of doubt, id like to request any and all of the applications to vary the permission

currently in force on Bath Recreation Ground and allow the temporary stands to remain up to be

heard at committee were it to be minded to be approved as an officer decision.

This is in line with the public interest in these applications which has meant all previous ones have

been determined at committee.'

Cllr Ian Halsall:

Cllr Lucy Hodge:

Noting the call-in request from the ward councillor, the consultation comments and the level of public interest, I recommend that this application is debated in public by the Planning Committee to consider the relevant policy areas, as has been the case for similar applications in previous years.

This application is therefore to be determined by Planning Committee.

This application relates to the east temporary stand of Bath Rugby Club. The site is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. The site is identified as part of safeguarded sports and recreational facilities designation. The site lies adjacent to the River Avon which is a

designated Site of Nature Conservation Interest (SNCI) which is also used as functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The Recreation Ground is framed by and contributes to the setting of a number of listed building/heritage assets in the vicinity including:

- o Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north
- o Parade Gardens (Registered Park and Garden of Special Historic Interest), Grand Parade
- o (Grade II listed) and Bath Abbey to the west
- o North Parade bridge (Grade II listed) to the south
- o Villas along Pulteney Road (Grade II listed) to the east

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

Relevant Planning History

There is a significant and lengthy history of applications related to Bath Rugby's use of the Recreation Ground including a number for temporary Stands and structures over the last 10-15 years.

The most relevant history to this application is :--

20/00135/VAR - application to allow for the East Stand to remain in situ during the summer of 2020 due to the exceptional circumstances of the Covid pandemic. PERMITTED

21/00962/VAR - application to delete Condition 2 and allow for the East Stand to remain in situ permanently. WITHDRAWN

24/01261/VAR - Variation of condition 2 of application 21/05530/VAR (Variation of condition 1 of application 20/00137/VAR (Variation of condition 1 of application 15/05237/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years)). PERMITTED.

It should be noted that in 2021 the Club failed to comply with Condition 2 and the East Stand remained in situ during the summer of that year. No enforcement action taken.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Historic England: no response

Building control: no objection

Environmental protection: no objection

Representations Received :

Pulteney Estate Residents Association: Objection

- o Allowing the amendments proposed in the current applications would be contrary to planning policy.
- o Bath Rugby Ltd attempt to link the present application with a proposal for permanent development. The permanent stadium application is undetermined and irrelevant, it is not a material consideration for this application.
- o It is clear that leaving the East Stand in situ would result in harm, and the applicant has provided no clear and convincing justification to outweigh that harm.
- o B&NES as Planning Authority must resist being drawn into condoning actions which serve to conceal from public view the planning baseline Local Plan Policy SB2 was conceived and designed to ensure would be the subject of objective determination properly done within a permanent planning application.
- o The Applicant's assertion that the impact on heritage and views is comparable with the other three stands at the Rec is clearly incorrect - the East Stand is demonstrably far more prominent in heritage views (including acknowledged WHS OUV views) than the other stands entirely justifying the different treatment of the East Stand by Planning Officers and the Planning Committee in previous Decisions.
- o The consultation Comments submitted by University of Bath are in themselves evidence that the removal of the Stand would make no difference whatsoever to the University Graduation Reception arrangements, with the East Stand having been present in 2024 and absent in 2023, both claimed as a big success.
- o The application seeks to remove Condition 2 to leave the stand in situ during the summers of 2025 and 2026 in entirely unexceptional circumstances and as such this should clearly be refused.
- o With regard to variation of Condition 1 of these applications, the request for two years extension is unjustified, following as it does well over a decade of prevarication, changes of plan, and repeated attempts to erode Planning Conditions attached to Consents that were generously granted by B&NES over a decade ago now to preserve the status quo to allow Bath Rugby Ltd time to submit a permanent application; PERA would not object to the extension of the time period for one year instead of the two years requested provided that Condition 2 is retained.
- o Condition 2 imposed linked to heritage, in accordance with condition tests
- o SB2 does not predetermine the application
- o There needs to be an end to the delays which are of the applicants making
- o Previous reasons for conditions have been ignored
- o No change to conservation policies when conditions were imposed
- o No legitimate reason to disregard the policies
- o Do the Co2 emissions form a material consideration to outweigh the harm
- o Mission creep of other temporary stands

Full comments are available to view on the public website, all of which have been considered.

5 objections received. A summary is as follows:

- o Temporary planning consents cannot be allowed to be repeatedly granted year after year.
- o When Bath Rugby wants to break rules this Council could for once apply them properly, and refuse this application
- o Last time this was allowed 'to prevent pollution from construction traffic' yet the council considers
- o a construction site on the same area lasting several years with no reference to carbon footprint.
- o What is the purpose of the BaNES planning department if they set conditions which they then allow rich customers to avoid with the most feeble reasoning?
- o The planning considerations which supported the imposition of the condition require its maintenance now and its enforcement rather than it being overridden in a further temporary manner.
- o Whilst the request for two years extension is in our view unjustified, I would not object to the extension of the time period for one year instead of the two years requested provided that Condition 2 is retained under application 25/00791/VAR
- o Tourists come to see the skyline and the views from the Grand Parade and elsewhere and to marvel at the World Heritage Assets set in the green and open spaces. They do not come to see ugly scaffolding in place.
- o Bath Rugby are attempting to set aside these issues and are suggesting that this is a new baseline. The baseline is a green and open space.
- o Due to the late submission of this application and the determination date, Bath Rugby will argue that it is too late to instruct contractors to undertake the work.
- o The application fails to take account of the impact on the Heritage Assets in the area and ignores the very reasons that the conditions about the dismantling of the East and North stands

Comments relating to the east stand are found within accompanying application 25/00791/VAR

1 support comment received:

Annual removal and reconstruction is a waste of resources and disruptive.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting
CP5: Flood Risk Management
CP6: Environmental Quality
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
HE1: Historic environment
NE2A: Landscape setting of settlements
PCS1: Pollution and nuisance
PCS3: Air quality
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
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

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

NATIONAL POLICY:

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

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 and 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.

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

S.73 of the Town & Country Planning Act (1990) states that, "on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted". A wider reassessment of the scheme as a whole is therefore unnecessary and beyond the scope of this application. The only matters that may be considered in respect of the current application therefore are those planning issues raised by the variation of condition 1.

BACKGROUND:

Planning permission 15/05235/FUL was granted in 2016 for the part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating;

erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).

Condition 1 of 15/05235/FUL relates to the west stand within the 1.58 hectare ground and states the following:

This permission shall expire four years from commencement of the development hereby approved or 30th May 2020 whichever is the earlier after which the temporary seating and other structures hereby approved shall be removed from the site.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

A variation to the temporary planning permission was granted in May 2020 (ref: 20/00136/VAR) which extended the date in condition 1 until May 2022 to allow the temporary stand to stay in-situ for a further two years. A further application (21/05529/VAR) was granted for the stands and related development to be in situ for a further 4 years - until May 2026.

This application seeks to vary condition 1 of application 21/05529/VAR to facilitate the retention of the existing temporary stands in situ through to May 2027, relating to the west stand.

Temporary permissions for the west stand have been in place over a significant number of years due to the on going development proposals anticipated for the permanent redevelopment of the Recreation Ground.

The NPPG provides guidance on the use of temporary permissions and states:

"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently."

The reason attached to condition 1 is as follows:

The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

Previous extensions to the temporary permissions have had regard to the potential planning application for the redevelopment of the Rugby Ground to provide a permanent stadium. During application 21/05529/VAR, it was determined to be reasonable that an application could be submitted and determined within two years, and that an additional two years of the temporary stands was reasonable to allow to support the objectives of

policy SB2 by allowing time for the permanent redevelopment proposals to come forward without causing significant disruption to the current operations taking place on site.

An application is now live for the redevelopment of the rugby ground (23/03558/EFUL). It is reasonable to consider that the application could reach determination by the end of 2025. Whilst the outcome is not confirmed, the progress of the application does provide an indication of time frame for development.

Policy SB2 of the placemaking plan sets objectives for the development of Bath Rugby Club and seeks to develop a permanent stadium and to enhance and intensify the leisure offer with more variety and year round use. As the live application however is yet to be determined, limited weight can be given potential permission being granted. This application cannot also provide any pre-determination for the live application. Policy SB2 itself does not require existing stands to be temporary for a fix period, but it also does not endorse the continuation and extension of time for the stands to remain.

The reason given to the temporary permission does not provide a limit to the temporary permission. The overall aim for the site is to provide a permanent stadium to fulfil the policy objectives of SB2. This reason is still of relevance as an application continues to progress. Whilst the previous extension anticipated that a decision would have been reached by this point, this has not been the case. It is reasonable however, given the progress made on the application that a decision is to be determined in the foreseeable future. The continued provision of the stands would allow for the use of the site to continue until work can commence on site. Should planning permission be refused, the stands would still require removal at the end of the temporary period.

At this stage, it is reasonable to conclude that the live application will be determined. Whether the application be permitted or refused, the extended time for the temporary permission would still fulfil the reason for the condition in that it would provide the club with the time required for a permanent solution to be sought. The temporary nature, albeit extended, would be enforceable should a permanent solution not be achieved.

The extended timeframe would also avoid any disruption to the operation of the use. The NPPG states:

'A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use')

It is recognised that if the stands were to be removed as per the current condition, there would likely be considerable disruption to the operation of the Rugby Club. To avoid uncertainty in relation to the continued use of the club itself created by disruption, it is considered that the temporary consent can be considered as a 'meanwhile' use. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

LANDSCAPE AND VISUAL IMPACT:

The site is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. The site is identified as part of safeguarded sports and

recreational facilities designation. The site lies adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) which is also used as functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The Recreation Ground is framed by and contributes to the setting of a number of listed building/heritage assets in the vicinity including:

- o Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north
- o Parade Gardens (Registered Park and Garden of Special Historic Interest), Grand Parade (Grade II listed) and Bath Abbey to the west
- o North Parade bridge (Grade II listed) to the south
- o Villas along Pulteney Road (Grade II listed) to the east

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

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.

As with previous permission for the stands, the temporary development currently in situ is considered to result in less than substantial harm to the OUV of the World Heritage Site, character and appearance of the Conservation Area and the setting of listed buildings in the immediate area.

The extension to the temporary permission relates to the as approved development. This application does not propose to alter the permission in relation to the stands themselves. The level of harm is therefore considered to be the same as previously established.

Furthermore, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character or appearance of the surrounding conservation area.

The less than substantial harm identified is afforded great weight.

Previous consents, including 15/05235/FUL, 20/00136/VAR and 21/05529/VAR has established that public benefits exist which then outweighed the harm identified. Consideration is given to the whether the public benefits still apply and whether the balance of harm is still comparable.

Primarily, the use of the rugby club makes a contribution to the local economy, not least through the use of the club by visitors, but also for wider benefit to the city through visitor use of surrounding facilities. The continued use would allow for the contributions to continue whereas this would be lost should the stands require removal. The former is as

such preferred and regarded as a benefit to the economy of the city. Prolonged use of the temporary stands does prolong the harm. However it is considered that this would not be a significant increase in relation to the weight afforded in the balance. It is as such considered that the public benefits of the site would outweigh the less than substantial harm identified.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above and in this instance, the less than substantial harm is outweighed by public benefits.

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 use of the site is controlled by crowd management measures and this is not subject to change as part of the application. During match days, including the match itself and visitors entering and leaving the site does and will cause disruption to residential neighbouring sites. Match days are limited each year and therefore the impact is temporary and not continuous. The level of harm associated is considered to not increase for the additional 2 years beyond what has previously been considered as acceptable.

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.

This application does not propose to alter the transport plan associated with the temporary development. The continuation of the temporary use is unlikely to result in a change in day to day operations of the site or adjust vehicle trips associated with visitors. The impacts have previously been found acceptable and this is also applied to this application.

The site is located within the centre of Bath which is regarded as a sustainable location, accessible by a range of public transport methods, including by bus and train. The site is also accessible by bike and foot.

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.

AIR QUALITY:

The impact upon air quality has previously been considered within permissions for temporary consents. The conclusion was that the limited number of games per year, and the dispersal of road activity, this would not result in a significant impact upon air quality.

FLOOD RISK:

The Recreation Ground falls within Zone 3 of the Environment Agency Flood Zone Map, with part designated as Zone 3b 'functional floodplain'. In the NPPG (Table 2: Flood risk vulnerability classification) the proposed Stands represent sports and recreation and essential or ancillary facilities and are considered to be 'water compatible' development. The Flood Risk Assessment originally submitted (ref: 15/05237/FUL) was considered to be acceptable and current application does not propose to alter this.

In addition, officers have reviewed the flood risk assessment undertaken in 2015 for the temporary stands, and have also reviewed the flood risk assessment of the redevelopment application. It is considered that as there is no change to the temporary stands, and that agreed measures will stay in place, the approved flood risk assessment would cover the proposed further 2 years of retention of the stands.

ENVIRONMENT IMPACT ASSESSMENT:

This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 during the 2024 application and it was determined that the application does not represent EIA development and that an Environmental Statement is not required. This is still considered to be applicable to the current application.

OTHER MATTERS:

Consultation has taken place with the Council's building control team to ensure that the retention of the stands for an addition two years would be a safe operation in regards to the stands construction. There is a concern that if the stands remain in place any corrosion or deterioration to the structure would not be picked up when the stands were dismantled or erected on an annual basis. There is however a requirement for an annual inspection of the grounds including structure to take place under safety of sports grounds legislation and any concerns regarding the above would be covered by this.

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 "any other material considerations". Further, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

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 Temporary Planning Permission (Compliance)

This permission shall expire on 30th May 2027 after which the temporary seating and other structures hereby approved shall be removed from the site.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 Materials Sample Panel (Compliance)

The development shall be constructed in accordance with the sample panel of all external wall and roofing materials approved under application reference 16/01303/COND.

Reason: To ensure that the details of the building preserve or enhance the character and appearance of the Conservation Area.

3 Material Details (Compliance)

The materials approved under application reference 16/01303/COND shall be used in the construction of the Temporary Stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 Seating Colour (Compliance)

The colour of the temporary seating hereby approved shall be dark grey or match the existing green seating which is in use elsewhere on the site.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

5 Construction Method Statement (Compliance)

Construction work associated with the erection and dismantling of the temporary Stand shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

6 Flood Risk Measures (Compliance)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, subsequent letter dated 12 January 2016, accompanying 'Bath Rugby 100T Crane Access' note dated 08 January 2016 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the new West stand.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency, to allow flood water to be stored and thereby ensuring flood risk downstream is not increased, to maintain conveyance flows next to the river during a flood.

7 Construction Environmental Management Plan (Compliance)

The works shall be carried out in accordance with the Construction and Environmental Management Plan (Construction Management Plan - West Stand Redevelopment January 2016 Revision 04) approved under application reference 16/01303/COND..

Reason: To protect the environment from construction activities.

8 Travel Plan (Compliance)

The development hereby permitted shall be occupied only in accordance with the submitted Travel Plan dated August 2014, the measures set out in correspondence from IMA Transport Planning dated 25 January 2016 or such other measures submitted to and approved in writing by the Local Planning Authority arising from the implementation of the Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

9 Arboricultural Compliance Certificate (Compliance)

No development or other operations shall take place except in complete accordance with the Detailed Arboricultural Method Statement (Greenman ref. BRWS_DAMS_17032016_JP_v1 received 30th March 2016) approved under application reference 16/01303/COND.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

10 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

PL101, PL102, PL104, PL105, PL106, PL107, PL108, PL110, PL111, PL112, PL113B, PL114, PL116, PL117

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 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.

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

Item No: 03
Application No: 25/00789/VAR
Site Location: Bath Rugby Club Bath Recreation Ground Pulteney Mews Bathwick Bath



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Manda Rigby Councillor Toby Simon

Application Type: Application for Variation of Condition

Proposal: Variation of condition 1 of application 21/05528/VAR to facilitate the retention of the existing temporary stands in situ through to May 2027 (Variation of condition 1 of application 20/00135/VAR (Variation of conditions 1 and 2 of application 17/01637/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) and the retention of the east stand during summer 2020 (Erection of temporary spectator stand along the eastern side of the playing field including associated works and ancillary facilities comprising floodlighting, toilets, food and bar facilities within structure. (Amended location 3 metres to the east of stand granted planning permission 12th February 2016 (LPA ref. 15/05237/FUL). Structure and capacity to remain as approved.)))).))

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, Contaminated Land, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, Placemaking Plan Allocated Sites, Public Right of Way, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: Bath Rugby
Expiry Date: 25th April 2025
Case Officer: Danielle Milsom

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

REPORT

The application has been called to committee by Cllr Manda Rigby. Comments are as follows:

'Having read the three separate applications to keep the temporary stand up on the Rec for the next 2 years i am a bit confused as to why they are being done in this way.

For the avoidance of doubt, id like to request any and all of the applications to vary the permission

currently in force on Bath Recreation Ground and allow the temporary stands to remain up to be

heard at committee were it to be minded to be approved as an officer decision.

This is in line with the public interest in these applications which has meant all previous ones have

been determined at committee.'

Cllr Ian Halsall:

Cllr Lucy Hodge:

Noting the call-in request from the ward councillor, the consultation comments and the level of public interest, I recommend that this application is debated in public by the Planning Committee to consider the relevant policy areas, as has been the case for similar applications in previous years.

The application is therefore to be determined at Planning Committee.

This application relates to the north and south temporary stand of Bath Rugby Club. The site is located in the heart of the city, within the City of Bath Conservation Area and the UNESCO World Heritage Site. The site is identified as part of safeguarded sports and recreational facilities designation. The site lies adjacent to the River Avon which is a designated Site of Nature Conservation Interest (SNCI) which is also used as functional habitat for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC).

The Recreation Ground is framed by and contributes to the setting of a number of listed building/heritage assets in the vicinity including:

- o Pulteney Bridge, Johnstone Street and Great Pulteney Street (all Grade I listed) to the north
- o Parade Gardens (Registered Park and Garden of Special Historic Interest), Grand Parade
- o (Grade II listed) and Bath Abbey to the west
- o North Parade bridge (Grade II listed) to the south
- o Villas along Pulteney Road (Grade II listed) to the east

The Recreation Ground itself contains three Grade II listed buildings, a former lime kiln that is located within the Club's operational area (referred to as 'The President's Lounge'), an Entrance Kiosk and gates to the Recreation Ground at the end of William Street, and the Pavilion on North Parade Road. The Recreation Ground may also contain archaeological features of interest.

Relevant Planning History

There is a significant and lengthy history of applications related to Bath Rugby's use of the Recreation Ground including a number for temporary Stands and structures over the last 10-15 years.

The most relevant history to this application is :--

20/00135/VAR - application to allow for the East Stand to remain in situ during the summer of 2020 due to the exceptional circumstances of the Covid pandemic. PERMITTED

21/00962/VAR - application to delete Condition 2 and allow for the East Stand to remain in situ permanently. WITHDRAWN

24/01261/VAR - Variation of condition 2 of application 21/05530/VAR (Variation of condition 1 of application 20/00137/VAR (Variation of condition 1 of application 15/05237/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Erection of temporary spectator stands along the north and eastern sides of the playing field; erection of hospitality boxes to either side of the retained south stand; erection of control box and screen/scoreboard between north and east stands including fence enclosure. Associated works and ancillary facilities comprising floodlighting, and toilets, food and bar facilities within temporary north and east stands (temporary application for period of up to four years)). PERMITTED.

It should be noted that in 2021 the Club failed to comply with Condition 2 and the East Stand remained in situ during the summer of that year. No enforcement action taken.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Environmental Protection: No objection

Historic England: No response

Building Control: No objection

The application seeks to retain the temporary stands for a further 2 years. There is a concern that if the stands remain in place any corrosion or deterioration to the structure would not be picked up when the stands were dismantled or erected on an annual basis. There is however a requirement for an annual inspection of the grounds including structure to take place under safety of sports grounds legislation and any concerns regarding the above would be covered by this

Representations Received :

Pulteney Estate Residents Association: Objection

- o Allowing the amendments proposed in the current applications would be contrary to planning policy.
- o Bath Rugby Ltd attempt to link the present application with a proposal for permanent development. The permanent stadium application is undetermined and irrelevant, it is not a material consideration for this application.
- o It is clear that leaving the East Stand in situ would result in harm, and the applicant has provided no clear and convincing justification to outweigh that harm.
- o B&NES as Planning Authority must resist being drawn into condoning actions which serve to conceal from public view the planning baseline Local Plan Policy SB2 was conceived and designed to ensure would be the subject of objective determination properly done within a permanent planning application.
- o The Applicant's assertion that the impact on heritage and views is comparable with the other three stands at the Rec is clearly incorrect - the East Stand is demonstrably far more prominent in heritage views (including acknowledged WHS OUV views) than the other stands entirely justifying the different treatment of the East Stand by Planning Officers and the Planning Committee in previous Decisions.
- o The consultation Comments submitted by University of Bath are in themselves evidence that the removal of the Stand would make no difference whatsoever to the University Graduation Reception arrangements, with the East Stand having been present in 2024 and absent in 2023, both claimed as a big success.
- o The application seeks to remove Condition 2 to leave the stand in situ during the summers of 2025 and 2026 in entirely unexceptional circumstances and as such this should clearly be refused.
- o With regard to variation of Condition 1 of these applications, the request for two years extension is unjustified, following as it does well over a decade of prevarication, changes of plan, and repeated attempts to erode Planning Conditions attached to Consents that were generously granted by B&NES over a decade ago now to preserve the status quo to allow Bath Rugby Ltd time to submit a permanent application; PERA would not object to the extension of the time period for one year instead of the two years requested provided that Condition 2 is retained.
- o Condition 2 imposed linked to heritage, in accordance with condition tests
- o SB2 does not predetermine the application
- o There needs to be an end to the delays which are of the applicants making
- o Previous reasons for conditions have been ignored
- o No change to conservation policies when conditions were imposed
- o No legitimate reason to disregard the policies
- o Do the Co2 emissions form a material consideration to outweigh the harm
- o Mission creep of other temporary stands

Full comments are available to view on the public website, all of which have been considered.

13 objections received. A summary is as follows:

- o Temporary planning consents cannot be allowed to be repeatedly granted year after year.
- o When Bath Rugby wants to break rules this Council could for once apply them properly, and refuse this application
- o Last time this was allowed 'to prevent pollution from construction traffic' yet the council considers
- o a construction site on the same area lasting several years with no reference to carbon footprint.
- o What is the purpose of the BaNES planning department if they set conditions which they then allow rich customers to avoid with the most feeble reasoning?
- o The planning considerations which supported the imposition of the condition require its maintenance now and its enforcement rather than it being overridden in a further temporary manner.
- o Whilst the request for two years extension is in our view unjustified, I would not object to the extension of the time period for one year instead of the two years requested provided that Condition 2 is retained under application 25/00791/VAR
- o Tourists come to see the skyline and the views from the Grand Parade and elsewhere and to marvel at the World Heritage Assets set in the green and open spaces. They do not come to see ugly scaffolding in place.
- o Bath Rugby are attempting to set aside these issues and are suggesting that this is a new baseline. The baseline is a green and open space.
- o Due to the late submission of this application and the determination date, Bath Rugby will argue that it is too late to instruct contractors to undertake the work.
- o The application fails to take account of the impact on the Heritage Assets in the area and ignores the very reasons that the conditions about the dismantling of the East and North stands

Comments relating to the east stand are found within accompanying application 25/00791/VAR

1 letter of support received:

- Sensible application

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o Bath & North East Somerset Local Plan Partial Update (2023)
- o West of England Joint Waste Core Strategy (2011)
- o Made Neighbourhood Plans

CORE STRATEGY:

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

B4: The World Heritage Site and its Setting
CP5: Flood Risk Management
CP6: Environmental Quality
SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

B1: Bath Spatial Strategy

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and spaces
D6: Amenity
HE1: Historic environment
NE2A: Landscape setting of settlements
PCS1: Pollution and nuisance
PCS3: Air quality
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
ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

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

NATIONAL POLICY:

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

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 and 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.

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

S.73 of the Town & Country Planning Act (1990) states that, "on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted". A wider reassessment of the scheme as a whole is therefore unnecessary and beyond the scope of this application. The only matters that may be considered in respect of the current application therefore are those planning issues raised by the variation of condition 1.

BACKGROUND:

Planning permission 17/01637/FUL was granted in 2017 for the erection of a temporary spectator stand along the eastern side of the playing field including associated works and ancillary facilities comprising floodlighting, toilets, food and bar facilities within structure. (Amended location 3 metres to the east of stand granted planning permission 12th February 2016 (LPA ref. 15/05237/FUL). Structure and capacity to remain as approved.) It was a resubmission of 15/05237/FUL which had been granted in 2016 but sought to move the siting of the east stand 3m to the east.

Condition 1 of 17/01637/FUL relates to the east stand within the 1.58 hectare ground and states the following:

This permission shall expire on 30th May 2020 after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

A variation to the temporary planning permission was granted in May 2020 (ref: 20/00135/VAR) which extended the date in condition 1 until May 2022 to allow the temporary stand to stay in-situ for a further two years. A further extension was also granted under 21/05528/VAR for the stands to remain in situ until May 2026.

This application seeks to vary condition 1 of application 21/05528/VAR to facilitate the retention of the existing temporary stands in situ through to May 2027, relating to the north and south stands.

Temporary permissions for the west stand have been in place over a significant number of years due to the on going development proposals anticipated for the permanent redevelopment of the Recreation Ground.

The NPPG provides guidance on the use of temporary permissions and states:

"It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently."

The reason attached to condition 1 is as follows:

The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

Previous extensions to the temporary permissions have had regard to the potential planning application for the redevelopment of the Rugby Ground to provide a permanent stadium. During application 21/05528/VAR, it was determined to be reasonable that an application could be submitted and determined within two years, and that an additional two years of the temporary stands was reasonable to allow to support the objectives of policy SB2 by allowing time for the permanent redevelopment proposals to come forward without causing significant disruption to the current operations taking place on site.

An application is now live for the redevelopment of the rugby ground (23/03558/EFUL). It is reasonable to consider that the application could reach determination by the end of 2025. Whilst the outcome is not confirmed, the progress of the application does provide an indication of time frame for development.

Policy SB2 of the placemaking plan sets objectives for the development of Bath Rugby Club and seeks to develop a permanent stadium and to enhance and intensify the leisure offer with more variety and year round use. As the live application however is yet to be determined, limited weight can be given potential permission being granted. This application cannot also provide any pre-determination for the live application. Policy SB2 itself does not require existing stands to be temporary for a fixed period, but it also does not endorse the continuation and extension of time for the stands to remain.

The reason given to the temporary permission does not provide a limit to the temporary permission. The overall aim for the site is to provide a permanent stadium to fulfil the policy objectives of SB2. This reason is still of relevance as an application continues to progress. Whilst the previous extension anticipated that a decision would have been reached by this point, this has not been the case. It is reasonable however, given the progress made on the application that a decision is to be determined in the foreseeable future. The continued provision of the stands would allow for the use of the site to continue until work can commence on site. Should planning permission be refused, the stands would still require removal at the end of the temporary period.

At this stage, it is reasonable to conclude that the live application will be determined. Whether the application be permitted or refused, the extended time for the temporary permission would still fulfil the reason for the condition in that it would provide the club with the time required for a permanent solution to be sought. The temporary nature, albeit extended, would be enforceable should a permanent solution not be achieved.

The extended timeframe would also avoid any disruption to the operation of the use. The NPPG states:

'A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use')

It is recognised that if the stands were to be removed as per the current condition, there would likely be considerable disruption to the operation of the Rugby Club. To avoid uncertainty in relation to the continued use of the club itself created by disruption, it is considered that the temporary consent can be considered as a 'meanwhile' use. It is therefore considered that an extension to the grant of temporary permission for a period of four years is considered acceptable in these circumstances.

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 Temporary Planning Permission (Compliance)

This permission shall expire on 30th May 2027 after which the temporary seating and other structures hereby approved shall be removed from the site and the land/premises reinstated on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority prior to the expiry date.

Reason: The proposed development is of a design and construction that the Council will permit only for a limited period to allow for a permanent solution for the future of the Recreation Ground to be resolved.

2 Fabric Screen (Compliance)

The East Stand hereby approved shall only be used with the green double layered screen fabric in place on the rear of the stand.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

3 Seating Colour (Compliance)

Only green coloured seating shall be installed in the temporary Stands hereby approved.

Reason: In the interests of the character and appearance of this part of the Conservation Area and the World Heritage Site.

4 Construction Work (Compliance)

Construction work associated with the erection and dismantling of the temporary Stands shall be in accordance with the submitted Construction Method Statement (Revision 03 December 2015). Works will only be carried out between the hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturday with no works undertaken on Sundays or Bank Holidays. No noisy operations shall take place other than between the hours of 8am and 4pm Monday to Friday and 8am to 1pm on Saturday and not on Sundays or on Bank Holidays.

Reason: In order to protect the amenity of adjoining properties and ensure that site access and management arrangements are satisfactory.

5 Flood Risk Assessment (Compliance)

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Black and Veatch, and AWW Technical Note dated March 2017 and in particular the following mitigation measures:

- Access shall be provided to the Environment Agency for a crane (up to 100T) to access Pulteney Radial Gate through the recreation ground in an emergency.
- Ground levels and structures allowing the flow of flood water between the river and the ground are to remain unchanged.
- There are no structures or changes to ground levels between the river and the new West stand.

Reason: To ensure unimpeded access for the Environment Agency to the Pulteney Gate structure in the event of an emergency; to allow flood water to be stored and thereby ensuring flood risk downstream is not increased; and to maintain conveyance flows next to the river during a flood.

6 Travel Plan (Bespoke Trigger)

Within 4 months of the date of this permission an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be occupied only in accordance with the approved Travel Plan.

Reason: In the interests of promoting the take up of sustainable transport methods and to minimise impacts on the highway network.

7 Unexpected Contamination (Compliance)

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

Reason: In order to ensure that there are no unacceptable risks in relation to contamination and that the land is suitable for the intended use and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 of the National Planning Policy Framework.

8 Archaeology Watching Brief (Compliance)

The development shall take place in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief (Cotswold Archaeology dated 17 June 2010).

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered

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:

This decision relates to drawing nos 1865_98 / 10, 11 and 12 received 4th April 2017.

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 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.

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**.

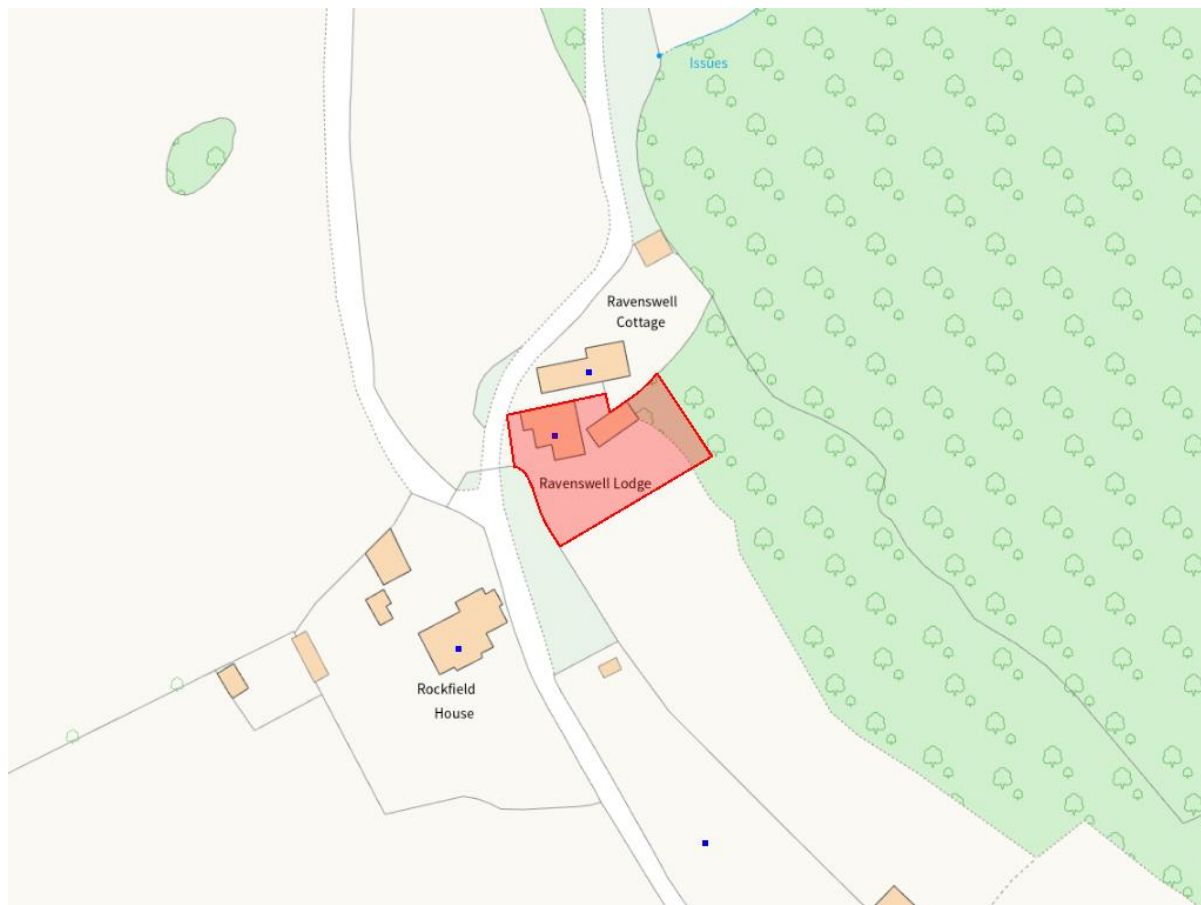
Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs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

Item No: 04
Application No: 24/03941/FUL
Site Location: Ravenswell Lodge Access Road To Ravenswell House Charlcombe Bath Bath And North East Somerset



Ward: Lansdown **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Mark Elliott Councillor Lucy Hodge
Application Type: Full Application
Proposal: Erection of replacement rear extensions, landscaping and associated works to follow the partial demolition of Ravenswell Lodge.
Constraints: Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP3 Solar and Wind Landscape Pote, Policy CP8 Green Belt, Policy CP9 Affordable Housing, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE3 SNCI 200m Buffer, Ecological Networks Policy NE5, Strategic Nature Areas Policy NE5, NRN Woodland Core Existing Policy NE5, NRN Woodland Strategic Networ Policy NE5, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Mr & Mrs Hanna & Isaeva
Expiry Date: 21st March 2025
Case Officer: Christopher Masters

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

REPORT

The application refers to Ravenswell Lodge, a detached single storey dwelling located within the Bath World Heritage Site, Bristol-Bath Green Belt, Cotswolds National Landscape and adjacent to the Langridge - Woolley Complex A Site of Nature Conservation Interest (SNCI).

Planning permission is sought for the erection of replacement rear extensions, landscaping and associated works to follow the partial demolition of Ravenswell Lodge.

Reasons for Reporting to Committee

The application has been reported to Committee as the application has been called in by the Ward Councillor and the Officer's recommendation is contrary to comments provided by the adjoining Parish Council. In line with the Council's Scheme of Delegation the application was therefore referred to the Chair and Vice Chair of the Planning Committee. In this instance, comments have not been received from the Chair as they have been unavailable. The comments of the Vice Chair therefore take precedence. The Vice Chair has considered that the application should be determined by the Committee, stating:

"Noting the objection from Charlcombe Parish Council and the ward councillor and divided opinions arising from third party consultations, I recommend that this application is decided in public by the Planning Committee. The proposal engages a number of policy areas including scale and mass, amenity, ecology and arboricultural considerations as well as the question of whether very special circumstance apply given the proposal is found to be inappropriate development within the Green Belt."

Relevant Planning History:

64855 - additions to Ravenswell Lodge

64955/A - extension to Ravenswell Lodge

23/04642/FUL - WITHDRAWN - 14 March 2024 - Erection of replacement rear extensions, landscaping and associated works, to follow the partial demolition of Ravenswell Lodge.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

Arboriculture - Object - The proposed addition is sited within the Root Protection Area of T1 - Pine tree. Over time its close proximity will likely cause the tree to be resented which will create pressure for additional works or felling.

Charlcombe Parish Council - Object - The site is not within Charlcombe Parish but directly abuts its border. Charlcombe Parish Council notes that this planning application has gone some way to address the many issues and objections raised by the previous application, which

was withdrawn. However, it is considered the changes made have not fully overcome the concerns previously raised. The Parish's concerns are as follows:

The proposal represents inappropriate development within the green belt.

The architectural style remains visually jarring in this sensitive area of Green Belt and Cotswold National Landscape.

Detailed and substantial objections to the proposals have been submitted by both immediate neighbours.

The impact on the residential amenity of neighbours at Ravenswell Cottage is substantial.

The proposal shall cause major light spill.

Cllr. Mark Elliott - I would also like to request that, if you're minded to permit, this is referred to the planning committee. Whilst some adjustments have been made since the previous (withdrawn) application in January, this seems to be a very similar application. I support work being done to this property to update it and turn it into a viable family home, but I have concerns about the specific design being proposed. I believe the volume calculations need close examination and scrutiny. The original property has already been significantly extended, so this would be very significant increase in size compared to the original building. The applicant also seems to be including some sheds in the current volume calculation which until very recently did not even have roofs. Claiming these as part of the existing building volume seems unreasonable. I'm concerned about the proximity to Soper's Wood. This is an ancient woodland, and the property will now encroach upon it quite significantly. I think the scale and mass of the building from the perspective of the residents of Ravenswell Cottage next door seriously affects their residential amenity. Whilst the angle of this part of the build has been altered on the new plans, it still seems that Ravenswell Cottage will have a wall of some 5m height along the edge of their garden, which seems unreasonable.

Cotswolds National Landscape Board - In reaching its planning decision, the local planning authority (LPA) has a duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape. Due to current development management consultation workload, the Board will not be providing a detailed response on this revised scheme (this does not imply support for, or objection to, the proposed development). However we wish to highlight our policies and guidance regarding light spill and dark skies and ask for them to be given detailed consideration in the determination of this application. If the local authority is minded to grant planning permission, planning conditions should be imposed which seek to mitigate any adverse impact and ensure that all lighting meets the standards outlined above and will be limited to low-level, down-facing lights to preserve the landscape character of the Cotswolds National Landscape and seek to further the purpose of its designation in respect of the s.85 duty referred to above.

Ecology - Insufficient information has been submitted to demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Bath and North East Somerset Placemaking Plan Policies NE1, NE3 and D5e in relation to nature conservation/protected species.

Landscape - Input from a professional landscape architect is required to provide a suitably robust LVIA or LVA in accordance with Policy NE2 and to provide details of hard and soft landscape design proposals. The applicant should engage with the Cotswold Conservation Board with a view to seeking its support for a scheme of restoration for the

stone boundary walls. A holding objection is made, pending receipt of additional information. A further response can be provided when the required information is made available.

Representations Received :

Letters of support have been received from 15 contributors whilst objections have been made by 9 individuals.

The points made in support of the application can be summarised as follows:

- o The current house is in need of serious redevelopment.
- o The proposals will restore and better reveal the historic lodge building and the proposed extensions would preserve its special character and appearance.
- o The design of the rear extensions has been carefully considered so that they do not detract from the lodge, and also to reduce the visual impact of the new elements into the countryside setting.
- o The proposals are consistent with the relevant Green Belt policies.
- o The additions are respectful of the landscape and will be almost entirely hidden from public views.
- o The proposal will create a far more environmentally sustainable home allowing it to be occupied as a fit for purpose family home.
- o The house needs to be renovated to improve ventilation and thermal efficiency and extending to be fit for family living.
- o The application includes extensive measures to protect and enhance the area, with detailed tree preservation efforts, ecology assessments, and bat emergence studies. There's also a comprehensive visual impact analysis, a sunlight impact study, and plans to enrich local ecology.
- o The design properly addresses ecology issues.
- o Reorientating the extension away from the neighbouring property's two-storey development, currently under construction, is a positive change to the original application. This adjustment is sympathetic to the living environment for both properties, also reducing any visual impact from the larger building next door.
- o The proposal represents sensitive, well-considered architecture and good high-quality design.
- o The proposal to demolish the poor-quality dilapidated extension and outbuildings offer significant opportunities to enhance the wider built environment.
- o The proposal will create work for tradespeople.
- o The setting of the building is characterised by hundreds of modern houses on the former MOD Endsleigh Site.

The areas of concern raised by those objecting to the proposal are as follows:

- o The design and architectural style is discordant with the Lodge and its surroundings.
- o The proposal will result in light-spill in a rural setting. The cumulative impact of light spill and 'sky glow' detracts from the special qualities of the World Heritage Site landscape setting and Cotswolds National Landscape at night, diminishes the human experience of dark skies, and has potential to harm ecology.
- o The addition is of an overly large scale.

- o The site is within a traditional assembly of dwellings and the development will set a precedent for the style of future developments in this area.
- o Turning and passing of vehicles on the access lane is difficult and the scheme would increase vehicular traffic exacerbating these problems.
- o The proposal represents inappropriate development within the green belt.
- o It is not evident that the 'very special circumstances' required to justify inappropriate development in the green belt have been comprehensively demonstrated.
- o The submitted Visual Impact Assessment is not considered to be sufficient. Given the potential light-spill from the proposed development, the potential night-time impact needs to be properly assessed and understood in order to inform a full consideration.
- o The proposal is harmful to the historic character of the area.
- o The light spill is harmful to the adjacent ancient woodland.
- o The scale, density and design of the proposed development is harmful to the character of the National Landscape.
- o The proposal does not reflect the character of the surrounding context.
- o The scale of the proposal is tantamount to the creation of a new house.
- o It is not clear how the north facing courtyards are to be accessed and concern is raised that this compromises privacy for adjoining dwelling.
- o Hedgerow planting should comprise of a native species mix.
- o Hedgerow planting on the northern boundary would cause overshadowing and have potential to compromise the structural integrity of the boundary wall and septic tank.
- o The siting and scale of the building shall result in it appearing overbearing for adjoining residential occupiers.
- o The proposal results in harm to / loss of trees.
- o The proposed parking to the north of the property would harm the residential amenity of adjoining occupiers.
- o The proposal extends the curtilage of the dwelling and therefore constitutes a change of use.
- o Comments within the submitted Design and Access Statement are misleading.

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

CP8: Green Belt

SD1: Presumption in favour of sustainable development

PLACEMAKING PLAN:

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

- D1: General urban design principles
- D2: Local character and distinctiveness
- D3: Urban fabric
- D4: Streets and spaces
- D6: Amenity
- GB1: Visual amenities of the Green Belt
- HE1: Historic environment
- NE2A: Landscape setting of settlements

LOCAL PLAN PARTIAL UPDATE:

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

- DW1: District Wide Spatial Strategy
- D5: Building design
- GB3: Extensions and alterations to buildings in the Green Belt
- NE2: Conserving and enhancing the landscape and landscape character
- NE3: Sites, species, and habitats
- NE5: Ecological networks
- NE6: Trees and woodland conservation
- ST7: Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS:

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

Transport and Development Supplementary Planning Document (January 2023)

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

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

NATIONAL POLICY:

The updated National Planning Policy Framework (NPPF) was published in December 2024 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Green Belt
- Design Character and Appearance
- Landscape Impacts
- Residential Amenity
- Highways Impacts
- Arboriculture
- Ecology
- Other Matters
- Public Sector Equality Duty

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The proposal site is located within the Bath and Bristol Green Belt. The primary issue to consider is therefore whether the proposal represents inappropriate development in the Green Belt.

The property currently comprises a single detached residential dwelling house and ancillary outbuildings. The proposal is to replace the existing mid 20th century extension and outbuildings with a single storey rear extension. The scheme also includes associated landscaping works.

Paragraph 153 of the National Planning Policy Framework 2024 (NPPF) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The NPPF continues at paragraph 154 by indicating that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The extension of a building provided that it does not result

in disproportionate additions over and above the size of the original building, is listed as one of the exceptions.

Policy GB3 of the Bath and North East Somerset Local Plan Partial Update mirrors the above, stating that proposals to extend or alter a building in the Green Belt will only be permitted provided they do not represent a disproportionate addition over and above the size of the original building. Policy CP8 of the Bath and North East Somerset Core Strategy also provides that the Green Belt will be protected from inappropriate development.

Further guidance is set out in the Existing Dwellings in the Green Belt - Supplementary Planning Document (the SPD). Amongst other guidance, this sets out that an addition is more likely to be considered disproportionate if it would increase the volume of the original building by more than a third.

For the purposes of the assessment 'original building' is taken to mean the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. It is understood that in this instance the original building comprises Ravenswell Lodge as it stood in 1948 which had a volume of 154.9m³.

It is noted that since 1948 the volume of the original building has increased by 425.3m³ through cumulative provision of extensions and outbuildings. This equates to a volume increase of 275% over the original dwelling.

Notably this includes a number of outbuildings which are located in close proximity to the existing dwelling. Third parties have suggested that these were constructed recently and therefore should not be included in the volume calculations. Having considered the situation in detail, the buildings appear to have been constructed lawfully utilising permitted development rights and are both permanent and substantial. It follows that it is entirely appropriate for them to be considered as existing structures which contribute towards the volume of the existing built form.

Regard has been given in considering this application as to whether the proposal results in any volumetric increase over the existing situation. A number of amendments have been made to the scheme accordingly. To demonstrate that the proposal does not increase the volume of the building beyond that of the existing situation the applicant has provided green belt volume figures which are based on two measured building surveys, from which point-cloud data was derived and 2D information produced. A 3D survey has also been undertaken to supplement the data produced by the 2D surveys. The survey information is understood to be accurate to within 50mm.

The volume figures provided broadly align with the volume calculations undertaken by Officers. It is therefore considered that the volume calculations provided are an accurate reflection of the existing and proposed building's physical volume given the high level of accuracy with which the applicant could make their calculations and the measuring software available to them.

It is however important to note that the calculations provided by the applicant do not appear to include the void spaces beneath the proposed addition where it is raised above ground level or the area beneath canopies which would also typically be included within

volume calculations as per the principles established in *Richmond-upon-Thames LB v SOS and J.Neale 1991*, which set out that the correct approach when calculating volume is to include void space where structures have the effect of enclosing space (such as under a car port or porch), but not to do so where they do not (such as for an area only enclosed by fencing or balustrading).

Given that the building has already been significantly extended it is considered that the absence of the void areas from the applicant's calculations is immaterial. This is because the degree to which the building has been extended already means that whilst the applicant has shown through their calculations that the volume of built form is not increasing, the proposal must inherently still be considered to constitute a disproportionate addition which is inappropriate development and harmful by definition. It follows that the impacts of the development on the openness of the green belt must be taken into account more holistically alongside the other merits and impacts of the development in considering whether very special circumstances exist. The NPPF sets out that very special circumstances will not exist unless the potential harm to the Green Belt (which must be given substantial weight) by reason of inappropriateness and any other harm arising from the proposal is clearly outweighed by other considerations. An assessment of this will be made in the Planning Balance section of this report but it is relevant to note that the proposed addition shall be lower in height than the existing extension, will principally be read against the built form of Ravenswell Cottage from many vantage points, and well screened within the landscape such that its impact on the openness of the green belt over the existing situation is negligible.

DESIGN, CHARACTER AND APPEARANCE (Including Landscape impact):

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.

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

Section 245 of the Levelling Up and Regeneration Act (LURA) 2023 and Section 85 of the Countryside and Rights of Way (CROW) Act place a duty on the Local Planning Authority to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape.

The proposal is for a replacement single storey rear extension, landscaping and associated works to an existing residential dwelling.

It is noted that the design of the scheme has divided the opinion of third parties with numerous representations commending what they consider to be a sensitive, well-considered architectural approach representing good high-quality design whilst others suggest the architectural style and scale of the addition is discordant with the existing Lodge and its surrounding context.

The site is located within the Cotswold National Landscape and sits within an enclave of three detached dwellings which vary in their design, character and appearance. All three of the dwellings have previously undergone enlargement and alteration. The wider context is characterised by open countryside, and notably the contemporary forms of the dwellings recently constructed on the former MOD Endsleigh site.

The host dwelling itself comprises a former lodge building which was substantially enlarged in the 20th Century. Neither the host dwelling, nor the other two dwellings within the enclave are currently considered to be of any particular heritage value due to the alterations which have been made to them over the years.

The addition comprises a series of single storey flat roofed 'pods' joined to each other and the original lodge building by lightweight links. The juxtaposition of old and new is a common architectural design choice which is considered to work well in this context as it reveals the character and form of the former lodge building whilst providing a good standard of accommodation for occupiers of the dwelling. The addition shall principally be formed of local ashlar and rubble stone with areas of glazing beneath green sedum roofs. These materials are prevalent in the surrounding context and respond positively to the character of the host building and local vernacular. As evidenced by the submitted green belt calculations the overall scale of the building would be comparable to the existing built form on site as whilst it would cover a larger footprint it would have a lower height. The addition is single storey and not materially larger than the existing building and therefore is not considered to be of an excessive or overly large scale.

At present the main component of the dwelling which can be seen from the public realm is the upper part of the existing rear extension, which is read against the southern roofslope of Ravenswell Cottage which is taller than the host building. The proposed addition being flat roofed would be of a comparable height to the eaves of the dwelling to the north and would therefore still be read against the backdrop of surrounding built form. Given the elements to be removed are of poor quality and little architectural merit there is no objection to their removal, which would also have the benefit of better revealing the original lodge structure and reducing the visual impact of the building from the principal viewpoints.

The application is accompanied by a basic visual impact assessment which is considered to be proportionate to the scale of the development and satisfy the aims of policy NE2. The submitted visuals indicate that given its siting and scale the addition shall be well screened by landscape features which aligns with site observations.

Specifically, the proposed addition would be screened from public views due to the addition's siting, limited height, the topography of the site and surrounding land as well as

by the existing rubble stone boundary walls and mature vegetation which shall be retained. Its prominence and visual impact within the National Landscape would therefore be negligible.

The proposal relates to an established residential dwelling and is in close proximity to a large urban area. It is also noted that the adjoining property Ravenswell Cottage contains numerous rooflights and glazed areas of walling particularly in its eastern elevation. Additionally, installation of rooflights and conservatory additions to domestic properties which would create a greater amount of upward light spill than would occur from the current proposal are ordinarily permitted development. Taking a reasonable and proportionate approach, it is therefore considered that the fenestration of the proposed development would not cause unacceptable levels of light spill which would warrant refusal of the application.

Accordingly, whilst the scheme does include areas of glazing, given the siting and design of the addition which includes features such as canopies to minimise upward light spill, it is not considered that internal lighting associated with the development shall cause unacceptable levels of light spill. The proposal furthers the purposes of the National Landscape by maintaining the dark sky which is a special quality of the Cotswold National landscape.

In line with the comments made by the Cotswold Conservation Board it is considered appropriate to attach a condition requiring details of any future external lighting to be approved as such lighting if inappropriately designed could cause excessive light spill which would significantly diminish the special qualities of the National landscape.

In summary, the proposed development comprises a single storey addition to an existing dwelling. Given its context, siting, design, materials, scale and the extent to which it is screened by surrounding landscape features the proposal shall contribute positively to the character and appearance of the host dwelling, its context and shall preserve the natural beauty of this part of the Cotswold Hills thereby furthering the purposes of the National Landscape given its statutory purpose is to conserve and enhance the natural beauty of the area.

Given the scale and nature of the development it is considered that full details of the landscaping scheme can 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 (2014), policies D1, D2, D3, D4 and NE2A of the Placemaking Plan (2017), Policies D5 and NE2 of the Local Plan Partial Update (2023) and parts 12 and 15 of the NPPF.

WORLD HERITAGE SITE:

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

In this instance, given the nature, design, siting and scale of the proposal 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, 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.

Rockfield house is located approximately 30m south west of the host dwelling and is separated from the site by the access lane, a wide grass verge and boundary features. Given the relationship of the properties, the siting and scale of the addition, and the degree of separation between the proposal and Rockfield House the proposed development cannot be considered to adversely impact the residential amenity of Rockfield House.

Ravenswell Cottage is situated approximately 3m north of the host dwelling and contains a number of windows and rooflights in its southern elevation and roofslope. It is noted that at present occupiers of the host dwelling have a right of access over the land between the dwellinghouses and that the existing rear addition to Ravenswell Lodge overshadows and would appear overbearing from various windows in the south elevation of Ravenswell Cottage. Additionally, the existing addition to the host dwelling contains a ground floor window in its northern elevation (fronting the southern windows of Ravenswell Cottage) which presently serves a bedroom. The relationship of this window and those in the southern elevation of Ravenswell Cottage currently results in an unsatisfactory level of privacy and overlooking for occupiers of both dwellings.

The proposed development addresses these issues by pulling the built form of the host dwelling away from the northern boundary of the site and by being lower than the existing addition by utilising a flat roof rather than the existing pitched roof arrangement, which as demonstrated by the submitted sunlight tracking model shall afford occupiers of the adjoining dwelling with more natural light and reduce the existing overbearing impact. Furthermore, by omitting all windows from the northern elevation of the host dwelling the proposed development ensures that privacy is increased and overlooking is reduced.

As such, the design of the proposal represents considerable betterment over the existing situation by ensuring there will be no overshadowing or overlooking issues for neighbouring occupiers. The scheme by virtue of its siting and height shall be less overbearing than the existing arrangement. Furthermore, the proposal will provide occupiers of both dwellings with improved privacy.

The applicant has omitted hedgerow planting along the northern boundary from the proposal in response to the concerns raised by third parties.

Whilst concerns have been raised by third parties who suggest access to the northern courtyards would harm privacy, as noted above the applicant already has a right of access over the land between the properties. Additionally, third party representations have referred to a garage at the rear of the host dwelling which could only be accessed from

between the dwellings. As such the use of the land between the dwellings for pedestrian or vehicular access to Ravenswell Lodge and its curtilage would remain as per the existing situation and is therefore not prejudicial to the residential amenity or safety of adjoining occupiers.

Overall, given the design, scale, massing and siting of the proposed development, the proposal would improve the residential amenity of occupiers and adjacent occupiers over the existing situation by affording occupiers of both Ravenswell Lodge and Ravenswell Cottage with greater levels of natural light, reducing overshadowing and the existing overbearing impact, improving privacy and avoiding any unacceptable increase in noise, smell, traffic or other disturbance. The enhancement to residential amenity weighs strongly in favour of the scheme. 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 proposal relates to an existing dwelling and its access from the public highway remains unchanged. The manoeuvres made by vehicles and patterns of traffic on the public highway and the public right of way would be unchanged as a result of the proposal. It has been suggested by third parties that turning and passing of vehicles on the access lane is difficult and the scheme would increase vehicular traffic exacerbating these problems. The submitted drawings illustrate that the property shall remain as a three bedroomed dwelling. The third party suggestion that the proposal would increase traffic is entirely unfounded.

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

TREES:

Local Plan Partial Update policy NE6 has regard to trees and woodland 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.

It is acknowledged that the woodland beyond the applicant's ownership to the east of the site (Soper's Wood) comprises part of the Langridge - Woolley Complex A Site of Nature

Conservation Interest (SNCI) and is afforded protection under Tree Preservation Order 506/ACC/4. It is important to note that the site boundary does not extend up to the boundary of the land owned by the applicant (as denoted by the respective red and blue lines shown on the submitted site location plan, and instead is set back from the boundary of the TPO and SNCI by approximately 15m -17m. Following amendment, the development itself is at its closest point 1.5m from the eastern boundary of the application site meaning there is a good degree of separation between the proposed addition and the protected woodland.

This is reflected in the submitted Arboricultural Method Statement which highlights that "It is proposed to retain all healthy trees on the site, as most of the trees are growing on the boundaries they will be straightforward to protect during construction work."

The one tree proposed for removal (T2) is an Ash tree, identified as displaying a low level of vitality, likely due to Ash dieback. The tree is located close to the western extent of the proposed extension and as a number of the Ash on site have succumbed to Ash dieback it is proposed for the tree to be removed. It is not within the SNCI or the area covered by the TPO. Given its condition its loss is considered acceptable.

The comments provided by the Council's Arboriculturalist raise no concerns regarding the loss of T2, nor do they consider there to be any potential for impacts on other trees abutting the site including those within the nearby woodland.

The Council's Arboriculturalist does state that whilst the intention is welcomed, they believe the feasibility of retaining the healthy Scots Pine identified as T1 tree is misguided and not realistic.

This is principally because of the potential for the tree to become perceived as a nuisance by causing shade, detritus, and the threat / fear of property damage. Particularly given the flat roofed form of the addition and large proportion of glass which is susceptible to becoming covered by algae, honeydew and sap.

These issues are acknowledged by Officer's. However, the applicant has strongly advocated that their intention is for the tree to be retained and that the integration of the tree as a focal point of the development has been a core aspiration of the scheme. It is notable that asides from this aspiration being reflected in the architectural design of the extension, it is also highlighted in the submitted Arboricultural Method Statement which explains how it is proposed for the addition to utilise cantilevered foundations which are designed to ensure the roots of the tree are protected.

Whilst the Scots Pine (T1) is in good health, given the surrounding woodland context officers do not consider the tree itself to be of particular wildlife, landscape, historic, amenity, productive or cultural value. Additionally, the proposal involves a considerable amount of additional planting which would offset the loss of the tree if it were to be removed in the future. As such, it is therefore considered that whilst additional pressure may occur in the future for removal of the tree, on balance this would not warrant withholding planning permission.

Overall, the proposal is therefore considered to accord 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.

An Ecological Impact Assessment (EclA) produced by Darwin Ecology dated October 2024 has been submitted and is welcomed.

The proposal falls immediately adjacent to woodland that is contiguous with a Site of Nature Conservation Interest (SNCI), Langridge - Woolley Complex A SNCI is located 25m north-east of the site. The SNCI is designated due to the ancient and semi-natural broadleaved woodland, calcareous grassland, neutral grassland, scrub, and running water with associated marginal habitats that it supports. The Council's Ecologist is satisfied that the SNCI can be protected from direct and indirect impacts of construction activities through securing a proportionate Construction & Environmental Management Plan (CEMP) which shall be secured by condition.

The EclA identifies that habitats on site comprise buildings, modified grassland, ornamental planting, fruit trees and a single ash tree and offsite habitats include woodland. The AMS demonstrates that all fruit trees will be retained, the loss of the ash tree is considered acceptable. Woodlands may qualify as Habitats of Principal Importance (HPI) under Section 41 of the NERC Act 2006 and may also support protected and notable species. Protection of HPI is required in the first instance to meet Bath and North East Somerset Placemaking Plan Policy NE3. This shall be achieved at construction stage by installation of Heras fencing as per Section 6 of the EclA and thereafter due to the degree of separation between the woodland and the extension.

The EclA demonstrates that the dwelling and outbuildings were subject to a full internal and external inspection by a bat-licensed ecologist. The outbuildings (B2, B3 & B4) were considered to offer negligible roost potential, and no evidence of night roosting/feeding perches was found. The ash tree (T2) to be removed was assessed from the ground and no potential roosting features were identified. The main building (B1) had two loft voids (LV1 and LV2) and droppings were identified scattered in two areas of LV1 in the modern extension. These were collected for DNA analysis and confirmed as Brandt's bat. A full suite of three emergence surveys were carried out in May and June 2024. No bats were identified emerging from the dwelling. However, the surveys confirmed the presence of an occasional day roost for Brandt's bat. The roost is likely to be located within external crevices under tiles, with droppings falling to the interior of the loft void via gaps in the roofing felt.

The proposals include demolition of the modern extension, where the bat roost is located. An EPS licence will be required for this proposal and therefore the local planning authority must consider the "three tests" of the Habitats Regulations and be satisfied that they would be met, and a licence would be likely to be obtained.

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

The public benefits should be commensurate with the level of impact. The building is a residential dwelling which requires maintenance and upgrade in order to ensure the building remains in good condition and is suitable for habitation. The dwelling contributes to the local housing supply and there are sustainability benefits in maintaining and upgrading the existing building. Furthermore, although modest in scale, the proposed works shall provide jobs in the construction phase, albeit only for a short period of time. The test can be said to be passed.

Test 2 - There is no satisfactory alternative.

The scheme proposes the erection of a single storey extension and the demolition of an existing extension. In this instance the removal of the existing extension (including its loft void) is required in order to facilitate the enhancement of the standard of accommodation provided within the dwelling. Alternative options which avoid removing the existing modern extension are not considered to be suitable alternatives as they would not provide an adequate standard of accommodation or would result in schemes which are unacceptable for other planning policy reasons.

It is also not feasible to install integrated features such as bat access tiles given the roof form of the proposed addition. The provision of bat boxes on nearby trees is considered sufficient given the nature of the building's construction.

It is therefore considered that there is no satisfactory alternative other than what is put forward as these works are necessary to enhance the standard of accommodation and alternative schemes would be unacceptable for other planning policy reasons.

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

The submitted EclA includes suitable details of bat mitigation and acknowledges the works may only proceed under a Bat Mitigation Licence. Section 6 of the EclA proposes works proceed under a Bat Mitigation Class Licence and provides a mitigation strategy including provision of bat boxes on trees. This is welcome and is considered acceptable given the form and construction of the extension does not lend itself to integrated bat boxes and that boxes located in trees are likely to be less disturbed than those affixed to the building being further from regular domestic activity.

It is also acknowledged that the woodland adjacent to the eastern boundary of the site may be used by light-sensitive bat species for foraging and commuting purposes and the habitat is contiguous with the trees in the garden to the south.

The recommendation at Section 6 of the EclA for sensitive external lighting are appropriate given the site's sensitive location near to woodland. External lighting must only be used where absolutely necessary and must be downward-facing, low level and fitted with PIR sensors and short-duration timers (< 2 minutes). A condition shall be attached requiring details of any external lighting to be submitted prior to being installed.

The scheme has incorporated a number of design features to prevent light spill onto nearby habitat including canopies and window recesses. Whilst the Council's Ecologist has suggested glazing on the eastern elevation should be further reduced to eliminate light spillage, officers are satisfied that the arrangement and proportion of glazing is sufficient to avoid unacceptable levels of light spill onto surrounding habitats.

In reaching this conclusion regard has been given to the scale and nature of this scheme which constitutes an extension to an established existing dwelling as well as the arrangement and proportions of the fenestration, degree of separation from the woodland and surrounding context.

Overall, the proposed mitigation measures are considered acceptable given the nature of the development and the context of the site. Based on the proposed mitigation the Council is satisfied that the proposal will not harm the conservation status of the affected species and that this test of the Habitats Regulations will be met. It is therefore considered that the third test of the habitats regulations is met i.e. that conservation status of the affected species will not be harmed.

In addition to bats, the habitats on site provide opportunities for a range of protected species, including nesting birds, reptiles, common amphibians, badger and hedgehog. There are a number of protected and notable species which use the SNCI including badger and common toad which have been recorded near to the site. The toad is a priority species in England or "Species of Principle Importance" and is listed under Section 41 of The Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 requires all public bodies to have regard for biodiversity conservation when carrying out their function - this includes taking measures to protect species of principle importance and due consideration to their needs in all decision making. The mitigation measures set out in Section 6 of the EclA including sensitive dismantling of deadwood/rock piles to protect amphibians are supported and could be secured by condition.

A full and final scheme of ecological compensation and enhancement shall be secured by condition given some of the measures proposed are not shown or are unclear on the Ecology Plan (Dwg no. 24024-00-309-P01).

Subject to the relevant details being secured by condition the proposal complies with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and Policies NE1 and NE3 of the the Bath and North East Somerset Placemaking Plan.

OTHER MATTERS:

It has been raised that the omission of repairs to the characteristic stone boundary walling of the property is a missed opportunity which would have significant landscape benefits. It is understood that the repairs to the boundary walls do not require planning permission and as such it is not necessary for these works to be included within this planning application.

It has also been suggested that the proposal in part relates to land which falls outside the residential curtilage of the host dwelling and therefore that the proposal involves a material change of use. Having reviewed the planning history of the site it is noted that the extent of the dwelling's curtilage has been debated previously. It is noted that within the planning history is an Enforcement Notice dating from the 1960s which relates to the stationing of a caravan within the field to the south of the dwellinghouse. At that time it was suggested that the lodge had no curtilage and therefore the stationing of the caravan in association with the dwelling was unlawful. However, after serving this notice it was subsequently accepted that the character of the northernmost part of the field materially differed from the rest in that it contained outbuildings and was cultivated as a vegetable garden in association with the dwelling. It was subsequently decided that it would not be appropriate to take further action provided the caravan remained within the northernmost part of the field and an annotated sketch plan was produced to illustrate the situation. Having reviewed the plan and aerial imagery it is clear that this area of land, which extends across the full width of the northern portion of the land parcel, has continued to be used in association with the host dwelling for a considerable period with no apparent intervening use and therefore comprises the dwelling's curtilage being the land with which it is most closely associated. As the development proposed falls wholly within this land it is concluded that the scheme does not involve a material change of use.

Concern was raised that the hedgerow planting to the northern boundary would compromise the septic tank serving the neighbouring property. The hedgerow planting has been omitted during the course of the application and as such the proposed development shall not compromise the neighbouring septic tank.

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.

PLANNING BALANCE:

As indicated in the report above, the proposal is inappropriate development in the Green Belt and in accordance with the NPPF should only be approved if very special circumstances exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the

proposal, is clearly outweighed by other considerations.' The NPPF says at paragraph 153 that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.' The harms identified by the proposal are as follows:

- o Due to the degree to which the original building has currently been enlarged any alteration must inherently be considered to constitute inappropriate development within the green belt which is harmful by definition. This harm must be afforded substantial weight.

OTHER CONSIDERATIONS:

The scheme proposed seeks to replace an existing single storey addition and outbuildings with a single storey extension. In this instance the following considerations are identified:

- o The scheme as proposed has a comparable volume to the existing situation given it involves the demolition and replacement of existing built form. Additionally, by virtue of its reduced height and screening the proposed addition would be less prominent within the wider landscape and within public views than the existing structure which is beneficial to the openness of the green belt. In any views which do exist the development would read against the built form of Ravenswell Cottage. On balance, it is considered that as the volume of built form is not materially increasing and the proposal would have a positive impact on the openness of the green belt this consideration attracts substantial weight.
- o The proposal shall significantly enhance the levels of residential amenity which currently exist for occupiers of the host dwelling and Ravenswell Cottage. This matter attracts substantial weight.
- o The proposal shall better reveal the original character of the lodge building. This matter attracts moderate weight.
- o The extension represents an improvement over the existing in terms of thermal efficiency and useability. This matter attracts moderate weight.
- o The development would create jobs for the duration of the construction phase. Given the scale of the development this consideration attracts very limited weight.

In addition, the development is found to be acceptable in all other respects. Given the significant weight which can cumulatively be attributed to the other considerations outlined above, it is considered the green belt harm would be clearly outweighed and therefore in this instance 'very special circumstances' exist which justify the development. As such, the proposal accords with policy CP8 of the Bath and North East Somerset Core Strategy and Section 13 of the NPPF.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

3 Construction Environmental Management Plan (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. The CEMP (Biodiversity) shall include, as applicable, details and specifications of all necessary measures to avoid or reduce ecological impacts during site clearance and construction; findings of updated surveys or pre-commencement checks of the site; and details of an ecological clerk of works (ECoW).

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 prevent ecological harm during construction in accordance with policy NE3 of the Bath and North East Somerset Local Plan Partial Update.

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

4 Landscape Design Proposals (Bespoke Trigger)

No development beyond slab level shall take place until full and final details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

1. Proposed finished levels or contours
2. Means of enclosure
3. Hard surfacing materials
4. Minor artefacts and structures (eg fixed outdoor seating, raised planters, etc.)

Soft landscape details shall be consistent with the submitted drawings and plans and shall include:

1. Planting plans
2. Written specifications (including cultivation and other operations associated with tree and hedgerow establishment)
3. Schedules of plants, noting species, planting sizes and proposed numbers / densities

All hard and soft landscape works shall be carried out in accordance with the approved details and 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 satisfactory environmental quality in accordance with Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and policies D5, NE2 and NE3 of the Bath and North East Somerset Local Plan Partial Update.

5 Materials - Submission of Materials Schedule (Bespoke Trigger)

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

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

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policies D1, D2 and D3 of the Bath and North East Somerset Placemaking Plan and Policies D5 and NE2 of the Bath and North Somerset Local Plan Partial Update.

6 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 the special qualities of the National Landscape and wildlife in accordance with policy CP6 of the Bath and North East Somerset Core Strategy and policies NE2, NE3 and D8 of the Bath and North East Somerset Local Plan Partial Update.

7 Arboricultural Method Statement and Tree Protection Plan (Compliance)

No development or other operations shall take place except in complete accordance with the submitted Arboricultural Method Statement (inclusive of the Tree Protection Plan) prepared by Sharples Tree Services in October 2024.

Reason: To ensure that the approved Method Statement and Tree Protection Plan is complied with for the duration of the development to protect the trees to be retained in accordance with Policies NE2, NE3 and NE6 of the Bath and North East Somerset Local Plan Partial Update.

8 Implementation of Wildlife Protection and Enhancement Scheme (Compliance)

The development shall be undertaken in full accordance with the proposed measures and recommendations set out in sections 6 and 7 of the submitted Ecological Impact Assessment (Darwin Ecology, October 2024).

Reason: To ensure the implementation of the Wildlife Protection and Enhancement Scheme to prevent ecological harm in accordance with policy CP6 of the Bath and North East Somerset Core Strategy, policy D5 of the Bath and North East Somerset Placemaking Plan and policies NE3 and NE5 of the Bath and North East Somerset Local Plan Partial Update.

PLANS LIST:

1 This decision relates to the following plans:

Received 18th March 2025

24024-00-300-P03 PROPOSED GROUND FLOOR PLAN
24024-00-301-P03 PROPOSED ROOF PLAN
24024-00-302-P03 PROPOSED NORTH ELEVATION
24024-00-303-P03 PROPOSED EAST ELEVATION
24024-00-304-P03 PROPOSED SOUTH ELEVATION
24024-00-305-P03 PROPOSED WEST ELEVATION
24024-00-308-P03 PROPOSED SECTION C-C
24024-00-350-P03 PROPOSED 1-500 BLOCK PLAN
24024-00-351-P03 PROPOSED 1-200 BLOCK PLAN

Received 18th October 2024

24024-00-100 P 01 GROUND FLOOR PLAN EXISTING
 24024-00-101 P 01 ROOF PLAN EXISTING
 24024-00-102 P 01 NORTH ELEVATION EXISTING
 24024-00-103 P 01 EAST ELEVATION EXISTING
 24024-00-104 P 01 SOUTH ELEVATION EXISTING
 24024-00-105 P 01 WEST ELEVATION EXISTING
 24024-00-106 P 01 SECTION A-A EXISTING
 24024-00-107 P 01 SECTION B-B EXISTING
 24024-00-108 P 01 SECTION C-C EXISTING
 24024-00-150-P01 EXISTING BLOCK PLAN 1:500
 24024-00-151-P01 EXISTING BLOCK PLAN 1:200
 24024-00-200 P 01 GROUND FLOOR PLAN DEMOLITION
 24024-00-201 P 01 ROOF PLAN DEMOLITION
 24024-00-202 P 01 NORTH ELEVATION DEMOLITION
 24024-00-203 P 01 EAST ELEVATION DEMOLITION
 24024-00-204 P 01 SOUTH ELEVATION DEMOLITION
 24024-00-205 P 01 WEST ELEVATION DEMOLITION
 24024-00-206 P 01 SECTION A-A DEMOLITION
 24024-00-206 P01 SECTION A-A DEMOLITION
 24024-00-207 P01 SECTION B-B DEMOLITION
 24024-00-208 P01 SECTION C-C DEMOLITION
 24024-00-309-P01 PROPOSED ECOLOGY PLAN (LOW RES)
 24024-00-352-P01 PROPOSED SITE LOCATION PLAN
 24024-00-152-P01 EXISTING SITE 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.

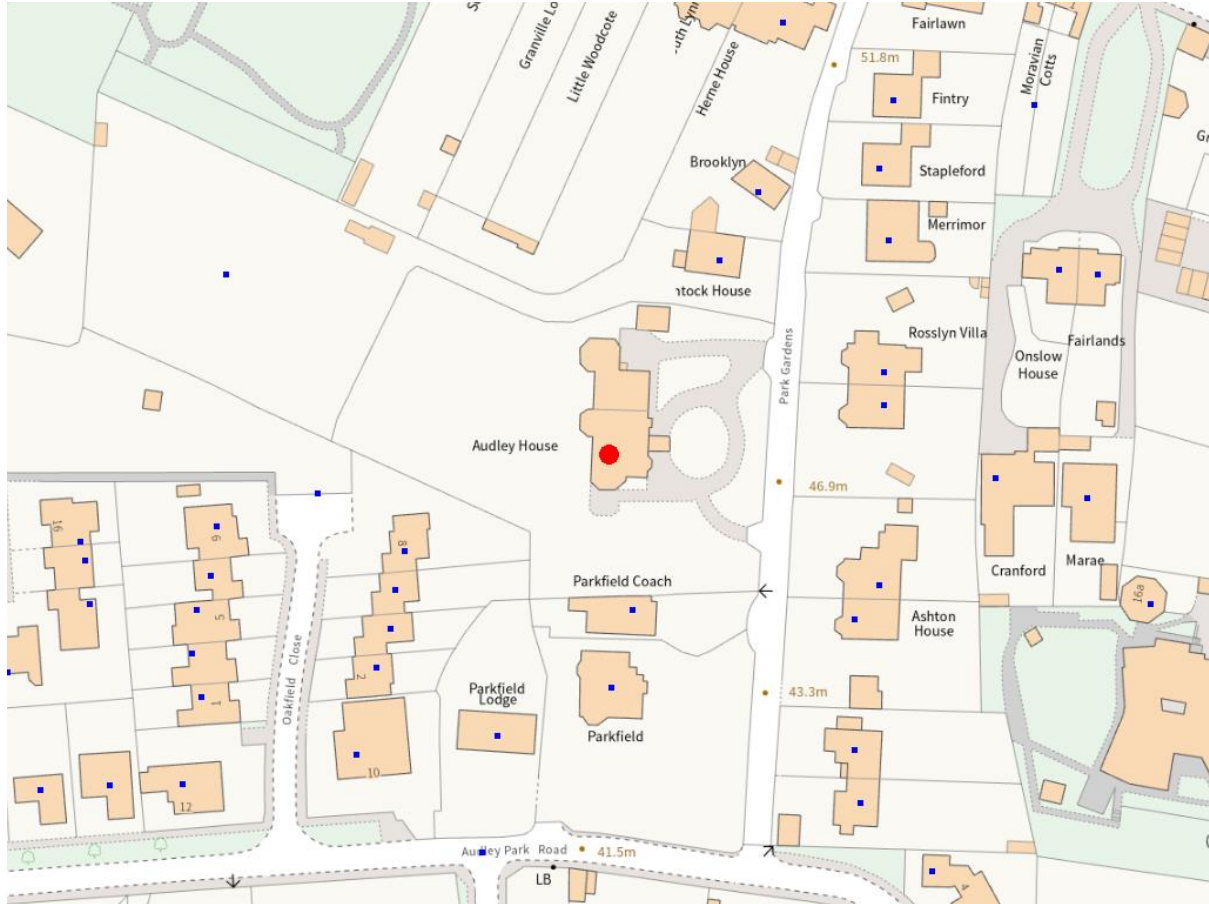
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 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: 25/01724/TCA
Site Location: Audley House Park Gardens Lower Weston Bath Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Ruth Malloy Councillor Malcolm Treby
Application Type: Tree Works Notification in Con Area
Proposal: Bay T1 - reduce by up to 0.3m below previously trimmed height (as shown in annotated photograph) - amended description
Constraints: Conservation Area,
Applicant: Hodge
Expiry Date: 12th June 2025
Case Officer: Jane Brewer
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING NOTIFICATION TO COMMITTEE:

The notification is associated with an elected Member.

DESCRIPTION:

This notification relates to a Bay tree located within the Bath Conservation Area.

The proposal relates to a regularly pruned Bay which is being treated as a hedge. The works are intended to reduce the height of the tree to the height and shape shown within the submitted annotated photograph with the intention to regularly manage any regrowth to the same height and width.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the trees.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No public comments have been received

POLICIES/LEGISLATION

Town and Country Planning Act 1990 (in particular sections 197-214 as amended)

Town and Country Planning (Tree Preservation)(England) Regulations 2012

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 minor works represent ongoing and regular management of a tree which is being treated as a screen or hedge. The tree is within the rear garden and is not visible to the public.

The work is considered to represent the normal management of a tree within a domestic garden setting and a TPO would not be a proportionate response to the tree notice.

The decision on a S211 tree notice lasts for two years from the date of issuing the decision. Since the works represent ongoing and regular management of a tree which is being treated as a screen or hedge it is reasonable to consider provision in the decision to include two pruning operations, one each year that the S211 remains extant.

Recommendation:

No objection

Advisory notes to be included in the Council's response:

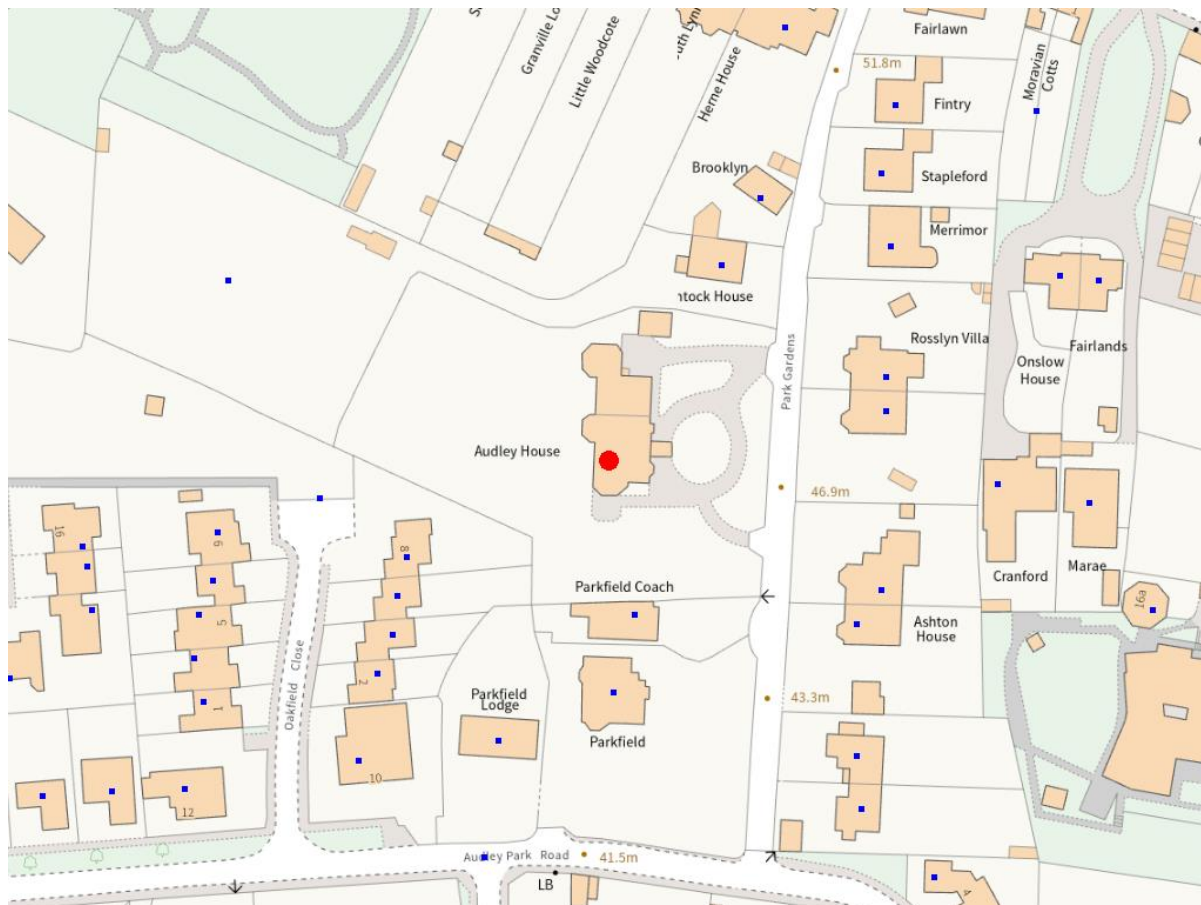
The works represent ongoing and regular management of a tree which is being treated as a screen or hedge. It is, therefore reasonable that the proposed works include annual pruning to maintain the height and width and allow one pruning operation each year that the S211 remains extant.

While this letter refers to planning controls, your attention is drawn to the Wildlife and Countryside Act 1981 as amended and the Countryside and Rights of Way Act 2000. Under these Acts all species of wild birds, their eggs, nests and chicks, are legally protected until the young have fledged. Tree work is best carried out outside the bird nesting season, which typically extends from March until September, although it may begin earlier than this. If work must be carried out within the bird nesting season, a qualified ecological consultant should carry out a detailed inspection to ensure that birds are not nesting in the trees that you are proposing to work on. If nesting birds are present the work must not proceed.

RECOMMENDATION

NO OBJECTION

Item No: 06
Application No: 25/01692/TCA
Site Location: Audley House Park Gardens Lower Weston Bath Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Ruth Malloy Councillor Malcolm Treby
Application Type: Tree Works Notification in Con Area
Proposal: T1 triple stemmed Redwood tree - Section fell one stem to ground level. Crown reduce x2 remaining stems height by approx 3m. Blend upper lateral branches to create a natural shape. T2 cedar tree - Remove broken branch.
Constraints: Conservation Area,
Applicant: Hodge
Expiry Date: 10th June 2025
Case Officer: Jane Brewer
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING NOTIFICATION TO COMMITTEE:

The notification is associated with an elected Member.

DESCRIPTION:

This notification relates to two trees located within the Bath Conservation Area.

Coast Redwood - The proposals are to remove the western most stem of the three stemmed tree growing against the southern boundary retaining wall. The proposal also includes the reduction of the crowns of the two remaining stems by a height of approximately 3m and to blend the upper lateral branches to create a natural shape

Cedar - the proposal is to remove a failed branch within the northern side of the canopy.

Six weeks notice must be submitted to the Council for tree works or tree felling within a conservation area if the tree has a trunk diameter of 7.5cm or over (when measured 1.5m above ground level) and where exceptions do not apply.

The proposal has been brought to Committee to ensure that the Planning Scheme of Delegation is complied with and that full transparency in decision making is demonstrated.

The purpose of a tree notification is to give the Council the opportunity to consider whether a Tree Preservation Order should be made to protect the trees.

The following criteria are used to assess whether trees are worthy of a Tree Preservation Order:

1. visibility to the general public
2. overall health, vigour and appearance
3. suitability of their location and anticipated future management
4. special factors such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of veteran trees.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No public comments have been received

POLICIES/LEGISLATION

Town and Country Planning Act 1990 (in particular sections 197-214 as amended)

Town and Country Planning (Tree Preservation)(England) Regulations 2012

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 western stem proposed for removal from the Coast Redwood is closest to and in direct contact with the retaining wall. The contact and continuing increase in girth has dislodged the top coping stone which is above the glazed roof of Parkfield Coach House. The neighbour has provided photographs to illustrate the dislodged stone and cracks within the plaster on the wall. The removal of the stem and reduction of the remaining two stems are considered a reasonable and proportionate response in light of the damage and proximity to the retaining wall.

The mature Cedar which is a significant tree forming the verdant character of Park Gardens and is considered to have a historic link with the property. The proposal is for the removal of a failed branch which from ground level appears to have subsided on to a fork where a stub has been left following a previous branch failure. The work is considered reasonable.

Recommendation:

No objection

Advisory notes to be included in the Council's response:

While this letter refers to planning controls, your attention is drawn to the Wildlife and Countryside Act 1981 as amended and the Countryside and Rights of Way Act 2000. Under these Acts all species of wild birds, their eggs, nests and chicks, are legally protected until the young have fledged. Tree work is best carried out outside the bird nesting season, which typically extends from March until September, although it may begin earlier than this. If work must be carried out within the bird nesting season, a qualified ecological consultant should carry out a detailed inspection to ensure that birds are not nesting in the trees that you are proposing to work on. If nesting birds are present the work must not proceed.

RECOMMENDATION

NO OBJECTION