

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

22nd October 2025

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE
PREPARATION OF THE MAIN AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
1	22/03025/FUL	Site of Former Folly Inn Brewery Bathwick

Clarification

"Self-build definition BNG" refers to the legal exemption for small self-build and custom-build housing developments from the Biodiversity Net Gain (BNG) planning requirement, which mandates a minimum 10% increase in biodiversity for many development projects. The definition of self-build is where the initial owner of the home will have primary input into its final design and layout.

The current application is for a self-build home.

Sustainable Construction

Policy SCR6 sets out the sustainable construction policy for all new build residential development and requires it to meet the standards set out below:

New build residential development will aim to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Through the submission of an appropriate energy assessment, having regard to the Sustainable Construction Checklist SPD, proposed new residential development will demonstrate the following;

- *Space heating demand less than 30kWh/m²/annum;*
- *Total energy use less than 40kWh/m²/annum; and*
- *On site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV...*

As stated in the report the application is accompanied by the sustainable construction checklist which demonstrates that it will achieve an emissions reduction of at least 21.84%. The application shows the off-grid nature of the development means all energy use will be 100% renewable. This is achieved through being a car free

development and using ecological construction techniques and materials reducing the energy use of the building.

- Construction including groundworks will be by hand with the minimum of plant and machinery. The Construction Management plan is seen to be acceptable.
- The pitched roof facing south will maximize solar energy. The celestial window will provide light.
- The development has a private water supply and water will be collected into 2000l storage tanks and UV treated.
- The compost toilet will follow no-water design principles and runoff will be collected in water butts and soakaways on site.
- The proposed development is seen to comply with the requirements of Policy SCR6.

Site Location Plan

Please note the extent of the house and curtilage are shown incorrectly on the plan at the start of the report. The officer's presentation will confirm the extent of the house and curtilage.

Character and appearance

There is an error in this section which error refers to the ridgeline of the property sitting 5m above the level of the footpath. A correction is set out below:

The property is set into the site by 2.5m and the ridgeline will sit 5m above the level of the adjacent land. Due to the ground sloping down from the tow path the roof line will sit approx. 1.75m above the height of the tow path.

Further matters raised by the applicant

A further letter was received from the applicant.

The applicant wishes to stress their willingness to provide a LEMP for the site, addressing conservation, ecology and tree concerns. However, the report addresses the concerns in respect of such a management plan.

The applicant wishes to stress the sustainability of the proposed materials as addressed above in respect of Policy SCR6. The applicant wishes to flag up the use of hempcrete in the locality (application ref. 22/04910/LBA).

The Applicant has questioned if car-free development is enforceable along with affordable homes in private ownership. This matter is addressed in the report and attention is drawn to the five tests which must be applied to planning conditions. The applicants have confirmed they would be willing to enter into a section 106 agreement to secure restrictions on the site.

In respect of the design of the property the applicant wishes to draw attention to the fact that the building will be isolated from other properties. The issue of the local context is addressed within the report.

Natural England

Whilst referred to within the report, the full comments from Natural England (dated 23/10/24) were not included in the representations section. These are produced below for information.

“Bath and Bradford on Avon Bats SAC – No Objection Subject to Securing Mitigation

Habitats Regulations Assessment

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

An appropriate assessment of the proposal has been undertaken in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that it can be ascertained that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Lighting

We note that an updated lighting report has been provided for the proposals (The Lighting Bee, June 2023). As per the recommendations in this report, the following mitigation measures should be secured:

- Recessed downlight luminaires to be provided instead of pendant lighting to all rooms.
- Within first floor rooms where there are sloping ceilings, it is assumed that scoop downlights will be installed so that lights can be angled towards the floor. Typically, downlight luminaires used, and sold for use, in residential properties will have beam angles of 30-40 degrees. The recessed nature of downlights, and smaller beam angles reduces light spill, compared with pendant luminaires.
- The Visible Light Transmittance of all the window glazing will be limited to 40% or less.
- No external lighting will be provided as part of the proposals. Covenants may need to be put in place to prevent external lighting being added in the future.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.”

Update:

The final paragraph of the 'Design, Character and Appearance section is amended as follows:

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the desirability of preservation or enhancing the character and appearance of the surrounding conservation area. As discussed above, the development does not preserve or enhance the special interests of the Conservation Area as set out with the Conservation Area character Appraisal. The development is as such considered to result in less than substantial harm to the Conservation Area. 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. Public benefits of the proposal are considered within the planning balance section of this report.

Additional section to be included within the report, following the 'Sustainable Construction and Renewable Energy' section, as follows:

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 grant 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.

Additional paragraph to be included within the 'Planning Balance' section, as follows:

The site benefits from extant permission for the erection of a single, detached dwelling, sited in a similar position to the dwelling proposed. Both the extant and proposed include three bedrooms. The design of the dwellings is substantially different. The

previous proposal was approved as no harm was identified to the character and appearance of the site, or the character and appearance of the Conservation Area. As this report discusses, harm has been identified in both regards.

Benefits of the proposed development do exist in comparison to the extant permission with regards to sustainable construction. Both the permission and proposed achieve policy compliance with policy SCR6. However, the proposed would achieve marginally better standards in relation to space heating and total energy use. The proposed would also generate an additional 2.3 kWh/m²/annum. The benefits of energy efficiency are given moderate weight in this regard as it is noted as a slight betterment in comparison to the extant permission, which also exceeds policy requirements.

Less than substantial harm is identified in relation to the Conservation Area which is a designated heritage asset. Paragraph 212 of the NPPF specifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective to the level of harm identified.

When giving great weight to the less than substantial harm caused to the Conservation Area, in addition to the harm identified through conflict with design policies D2, D3 and D5, it is considered that the benefits would not outweigh the harms identified. The permission granted for the previous scheme is therefore considered to be less harmful than the proposed scheme. The fallback position of the extant permission is as such given limited weight.

Reason for refusal 2 amended as follows:

The proposal by reason of its design, siting, scale, massing and layout fails to preserve or enhance the character and appearance of the Conservation Area, resulting in less than substantial harm. The harm identified is considered not to be outweighed by public benefits. The proposal is as such contrary to policy HE1 of the Placemaking Plan (2017) and part 16 of the NPPF.