Bath & North East Somerset Council

Improving People's Lives

Planning Committee

Date: **Wednesday, 18th November, 2020**
Time: **2.00 pm**
Venue: **Virtual Meeting – Public Access via YouTube https://www.youtube.com/bathnescouncil**

Agenda

To: All Members of the Planning Committee

Councillors:- Matt McCabe (Chair), Sally Davis (Vice Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby
Permanent Substitutes:- Councillors: Rob Appleyard, Alison Born, Gerry Curran, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Brian Simmons and Ryan Wills

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.

Marie Todd
Democratic Services
Lewis House, Manvers Street, Bath, BA1 1JG
Telephone: 01225 394414
Web-site - http://www.bathnes.gov.uk
E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

1. Inspection of Papers: Papers are available for inspection as follows:

Council's website: https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1

2. Details of decisions taken at this meeting can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. Recording at Meetings

The Council will broadcast the images and sounds live via the internet https://youtube.com/bathnescouncil

The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. Public Speaking at Meetings

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

Advance notice is required not less than two working days before the meeting. This means that for Planning Committee meetings held on Wednesdays, notice must be received in Democratic Services by 5.00pm the previous Monday.

Further details of the scheme can be found at:

https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942

5. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505

Planning Committee- Wednesday, 18th November, 2020

at 2.00 pm in the Virtual Meeting - Zoom - Public Access via YouTube https://www.youtube.com/bathnescouncil

A G E N D A

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2. DECLARATIONS OF INTEREST

   At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

   (a) The agenda item number and site in which they have an interest to declare.

   (b) The nature of their interest.

   (c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

   Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

3. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

4. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

   (1) At the time of publication, no items had been submitted.

   (2) To note that, regarding planning applications to be considered, members of the public who have given the requisite notice to the Committee Administrator will be able to make a statement to the Committee immediately before their respective applications are considered. There will be a time limit of 3 minutes for each proposal, i.e. 3 minutes for the Parish and Town Councils, 3 minutes for the objectors to the proposal and 3 minutes for the applicant, agent and supporters. This allows a maximum of 9 minutes per proposal.

5. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 44)

   To confirm the minutes of the meeting held on 21 October 2020.

6. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 45 - 66)

7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 67 - 214)

8. POLICY DEVELOPMENT

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 215 - 218)

The Committee is asked to note the appeals report.

The Democratic Services Officer for this meeting is Marie Todd who can be contacted on 01225 394414.

Delegated List Web Link: http://www.bathnes.gov.uk/services/planning-and-building-control/view-and-comment-planning-applications/delegated-report

Bath and North East Somerset Council

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 21st October, 2020, 2.00 pm

Councillors: Matt McCabe (Chair), Sally Davis (Vice-Chair), Vic Clarke, Sue Craig, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Hal MacFie and Manda Rigby

48 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

49 DECLARATIONS OF INTEREST

The following members made declarations of interest:

- Cllr Manda Rigby declared an interest in planning application no. 20/01893/LBA – Cleveland Bridge, Bathwick, Bath. Cllr Rigby stated that she would not take part in the debate or vote on this item. She would be addressing the committee in her capacity as a local ward member.
- Cllr Manda Rigby declared an interest in planning application no. 20/02921/FUL – Site of Former Ministry of Defence Offices, Warminster Road, Bathwick, Bath. Cllr Rigby stated that she had attended the exhibitions relating to this development along with the Planning Case Officer.
- Cllr Eleanor Jackson declared an interest in planning application no. 18/05623/OUT – Co-operative Store A, Wells Road, Westfield as she is a member of the co-operative and holds a very small number of shares. She stated that she would not take part in the debate or vote on this item.

50 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

51 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

52 MEMBER/OFFICER PROTOCOL

Cllr Jackson apologised for an inadvertent breach of the member/officer protocol following a comment she made at the August Planning Committee meeting.

53 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 23 September 2020 were confirmed and signed as a correct record.

54 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

- A report by the Head of Planning on various planning applications.
- An update report by the Head of Planning on items 1, 2 and 6 attached as *Appendix 1* to these minutes.
- Oral statements by members of the public and representatives. A copy of the speakers' list is attached as *Appendix 2* to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the decisions list attached as *Appendix 3* to these minutes.

Item No. 1
Application No. 20/02854/FUL
Site Location: 43 Elliston Drive, Southdown, Bath – Change of use from a 4-bedroom dwelling (Use Class C3) to a 6-bedroom House in Multiple Occupation (HMO) (Use Class C4).

The Case Officer reported on the application and her recommendation to permit.

The applicant spoke in favour of the application.

Cllr Dine Romero, Local Ward Member, spoke against the application. She felt that it would have an adverse impact on the local area. She also stated that parking is already difficult in this area and an HMO property was likely to exacerbate this. It would also undermine the viability of schools and community facilities due to the loss of a family home.

Cllr Paul Crossley, Local Ward Member, spoke against the application. He highlighted the negative impact of the spread of HMO properties on the functioning of the city leading to the loss of family homes. Students do not pay Council Tax and the increase in student accommodation would have an adverse economic impact and could result in the loss of community facilities.

Officers then responded to questions as follows:

- The application passes stage 1 of the test for HMO properties and is acceptable and in line with policy H2 of the Placemaking Plan (2017) and the HMO SPD (2017).
- The provision of double yellow lines in the area would be a matter for the Highways Team.
- A footpath upgrade can be secured by a legal agreement where it is

necessary and relevant to the development, however, this development does not generate a need for such work.

- Very little weight, if any, can be given to emerging policies.
- An HMO property would not necessarily be occupied by students.
- The room sizes for the property would be 8.7sqm, 8.6sqm, 6.54sqm,7.1sqm, 6.9sqm and 9sqm. The communal space would be 23.71sqm and the kitchen would be 12.66sqm. These measurements are in line with the HMO space standards.
- There would be parking for 2 cars using the garage and the driveway.
- There is a need in Bath for both HMO properties and family homes.

Cllr Jackson moved the officer recommendation to permit stating that there was no policy reason to refuse. She pointed out that there would be no external changes to the property. Cllr Davis seconded the motion and stated that the application was policy compliant and that a refusal would be difficult to defend on appeal.

Cllr Hodge felt that the application represented the unacceptable loss of a family property and was incompatible with the character and amenity of the area which consists of family housing. This was contrary to Policy H2.

The Deputy Head of Planning explained that, if the Committee was minded to refuse the application they should specify how the proposal would be harmful.

Cllr Rigby stated that more data would be helpful when assessing the need for HMO properties. She acknowledged that the application was policy compliant.

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 2 votes against and 1 abstention to PERMIT the application subject to the conditions set out in the report.

Item No. 2
Application No. 20/01893/LBA
Site Location: Cleveland Bridge, Bathwick, Bath – The refurbishment, repair and strengthening of a Grade II* listed structure.

The Chair noted that there were widespread public concerns about the use of this bridge for traffic and how this proposal fits into the wider context of the management of the road network. He clarified that the committee's remit was relatively limited. The application was for listed building consent and the law states that the Committee's focus has to be on the desirability of preserving the bridge or its setting or any features of special architectural or historic interest which it possesses. In law, members had to concentrate on the effect of the proposed works on the historic bridge and this was not the forum in which to have a wider debate about the highways network. That was not to say that such issues were unimportant, but simply that the Committee had to follow the law and these matters were not before members at this meeting. However, there were other Council forums in which they could be debated.

The Case Officer reported on the application and her recommendation to grant consent. She referred members to the responses to questions submitted by Cllr Dine Romero and by Bath Preservation Trust which were set out in the update

report. She confirmed that the application could be determined at this meeting.

A representative of Pulteney Estates Residents' Association, Cleveland Bridge Residents and the Federation of Bath Residents' Associations spoke against the application. A local resident also spoke against the application.

Cllr Yukteshwar Kumar, local ward member, spoke against the application. Local residents did not want heavy goods vehicles to use the bridge and allowing this would appear to be at odds with the Council policy regarding the Clean Air Zone. There were concerns for the health and wellbeing of people in this area. He stated that a weight limit should be imposed on the bridge.

Cllr Tom Davies, local ward member, spoke against the application. He stated that a number of residents were concerned about this proposal. He noted that additional information had been provided at the last minute including the engineering assessment. He was keen to conserve and enhance the structure of the bridge and was concerned at the potential return of heavy goods vehicles which could cause further damage.

Cllr Manda Rigby, pointed out that there are residential dwellings on Cleveland Bridge and that the proposed repairs were no longer like for like. The kerbs had been extended to prevent water ingress but this was also to allow the use of the bridge by heavy goods vehicles rather than to conserve and enhance this Grade II* listed bridge. She was concerned that people, including Historic England, had not had sufficient opportunity to comment on the new information provided in the update report. She felt that this was a highways application and that highways matters should be taken into consideration. She asked the Committee to either refuse or defer the application to enable external expert legal advice to be provided.

(Note: At this point Cllr Rigby was moved to the virtual waiting room).

Cllr Hounsell stated that it was not for the Planning Committee to decide on the weight limit for the bridge. Not all the repairs would be like for like but the works would strengthen the bridge. Just because the bridge would be able to take greater weight did not necessarily mean that it would be compelled to do so. He moved the officer recommendation to grant listed building consent. This was seconded by Cllr Jackson.

Cllr Craig stressed the difficulties of weighing the public benefit against the harm in this case. She queried the approach that was being taken and felt that the asset could be repaired for long-term light use to avoid any further damage.

Cllr Jackson pointed out that, whilst it was right to raise transport issues, this was a listed building application. It was important to save the bridge, and the concerns relating to the use of the bridge by lorries and the need for a weight restriction could be considered at other forums. If only general repairs were carried out, then further work may still be required at a later date.

Cllr Hodge stated that this matter must be considered in context taking into account the future-proofing of the bridge. She was concerned that members were being put under pressure not to consider certain issues. It was important to consider the concrete elements of the repair which go beyond conservation. She felt that the

application should come back to the Committee at a later date with a clear future use of the bridge in mind.

Cllr Davis pointed out that this was a listed building application and that the Committee has a clear remit with regard to this decision.

Cllr McCabe stated that heavy goods vehicles were not desirable on the bridge but that there were other forums where the weight limit and use of the bridge can be debated. Any proposals would then need to be considered by the Secretary of State.

The motion was then put to the vote and it was RESOLVED by 7 votes in favour and 2 votes against to GRANT listed building consent subject to the conditions set out in the report.

(Note: At this point Cllr Rigby returned to the meeting).

Item No. 3
Application No. 20/02921/FUL
Site Location: Site of former Ministry of Defence Offices, Warminster Road, Bath – Proposed construction of 42 new dwellings and 2 new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (Resubmission of ref: 19/03838/FUL).

The Case Officer reported on the application and his recommendation to permit. He clarified that the delegation to enter into a legal agreement should be to the Director of Legal and Democratic Services, that the reference to a Deed of Variation should be changed to a s106 agreement, and that the legal agreement should include all obligations from the original s106 agreement with the exception of the original affordable housing obligations which would be replaced.

A representative from the Bath Preservation Trust spoke against the application.

The agent spoke in favour of the application.

Officers responded to questions as follows:

- Under the current policy 14 visitor parking spaces are required and this application provides 8 spaces. The existing development was approved prior to the adoption of the minimum standards in the Placemaking Plan and the difference is marginal and is therefore considered to be adequate.
- There is not a specific policy relating to building height, but the development must preserve and enhance the area and landscape character of the city. The design has been reviewed by the landscape officer who considers this to be an improvement over the existing approved scheme.
- The area is considered to be a suburban location. The site has been allocated for at least 150 dwellings which dictates the density required. The style of dwellings in this area has already been accepted and some building has already taken place.
- The site is on the main A36 road and is well served by bus services.
- The area will be enhanced through the inclusion of landscaping conditions. If

additional trees were included in the development, then this would have to be at the expense of dwellings or parking spaces.

- If required, the Committee could add a condition requiring electric car charging points.
- The affordable housing would encompass a range of products. This would include rental properties and the social discount market/shared ownership. In the context of the viability statement the current offer of 20 discount market units was in excess of what is considered to be viable.
- The affordable housing would be contained within a single apartment block and the building would be of a similar quality to the other blocks.
- The discounted properties would be available to those people on the home-search register for affordable housing.

Cllr Rigby, local ward member on the committee, stated that the application has now attempted to obtain a more acceptable target for affordable housing. It was disappointing that the expansion of the local primary school had not happened and that the proposed shop was now considered to be unviable. The development was originally intended to be a mixed community. The development is already part-built but she felt that the developer could have followed the contours of the hill.

Cllr Jackson stated that this was the best proposal that could be obtained and moved the officer recommendation to permit. This was seconded by Cllr Hounsell.

Cllr MacFie proposed the inclusion of a condition requiring electric car charging points and the mover and seconder of the motion accepted this proposal. The motion would therefore be to delegate to permit the application.

Cllr Clarke supported the proposal for the affordable units to be located in one place rather than spread throughout the development.

Cllr McCabe hoped that the lack of visitor parking could be addressed in the next application for this site and that more trees could be included on site.

Cllr Rigby stated that the viability assessment had been completed and that 25% affordable housing would be better than none, however, this was still a good deal less than the policy requirement of 40%.

Cllr Hodge noted that this was a crucial site in the city and hoped that the Council would not have to keep compromising on developments in this way.

The motion was put to the vote and it was RESOLVED by 8 votes in favour, 1 vote against and 1 abstention to DELEGATE TO PERMIT the application subject to:

- the conditions set out in the report
- entering into a s106 Agreement as set out in the report (and subsequently clarified by the case officer)
- the inclusion of a condition to provide electric car charging points for the apartments
- Holding further discussions to attempt to increase the number of trees on the site.

Item No. 4
Application No. 18/05623/OUT
Site Location: Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising – 1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure.
2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale and landscaping determined; all other matters reserved).

The Case Officer reported on the application and his recommendation to delegate to permit.

A representative from Radstock Town Council spoke in favour of the application.

The applicant spoke in favour of the application.

Cllr Eleanor Jackson, local ward member and Westfield Parish Councillor, spoke in favour of the application. She stated that local residents were keen for the development of this site to progress. There is a demand for housing in the area, the development accords with the Local Plan and this is also a crucial employment site. The Co-op answers to its shareholders and new modern premises are crucial for its viability. She also declared an interest regarding donations made by Radco staff to Radstock in Bloom, of which, she is Secretary.

(Note: Having declared an interest in this application Cllr Jackson took no further part in the debate and did not vote).

Cllr Davis moved the officer recommendation to delegate to permit. This was seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application as per the officer recommendation.

Item No. 5
Application No. 20/02727/FUL
Site Location: 24 Broadway, Widcombe, Bath, BA2 4JA – Change of use from a three-bed dwelling house (Use Class C3) to a five-bed House in Multiple Occupation (HMO) (Use Class C4).

The Case Officer reported on the application and his recommendation to permit.

Cllr Alison Born, local ward member, spoke against the application. Cllr Born raised concerns regarding the number of HMO properties in this area, the adverse impact on the local community and the suitability of this particular house for the purpose of an HMO.

Officers then responded to questions as follows:

- The Supplementary Planning Document (SPD) guidance states that the central point of the property must be used when calculating the number of HMOs within a particular radius. There is no level of tolerance or discretion when carrying out this calculation.
- The Stage 2 Test regarding HMO properties refers to more than 10% of households within a 100-metre radius of the application property.
- An HMO property would not necessarily be occupied by students.
- There are a number of HMO properties in this vicinity, however, guidance must be taken from the SPD, and the trigger has not been reached, although the numbers are very close.

Cllr Hounsell noted that 9.6% of properties within the specified radius were HMOs and was surprised that there was no tolerance level as it was so close to the 10% figure specified in the policy.

Cllr MacFie felt that the spirit of the 10% threshold was clear and that the amount of HMOs in the area would have a disruptive effect. He pointed out that there were a number of such properties on the edge of the area covered by the radius.

Cllr McCabe pointed out that, in this case, the application was only 0.5% away from triggering the policy.

Cllr Hodge felt that the HMO use was unacceptable as it would lead to the loss of a family home in an area close to schools and community facilities. She felt that this was not compliant with Policy H2. She moved refusal for this reason. This was seconded by Cllr MacFie.

Cllr Jackson stated that she did not believe that there were grounds to refuse this application.

Cllr Clarke felt that the HMO policy was relevant in this case because the application was so close to the necessary trigger for refusal. The property would be cramped if it were to become an HMO and it would be detrimental to lose another family home in the area.

The motion was put to the vote and it was RESOLVED by 5 votes in favour, 4 against and 1 abstention to REFUSE the application for the following reasons:

- The application is close to the trigger of 10% set out in the HMO Supplementary Planning Document.
- The proposal is contrary to Policy H2, criterion 5.

Item No. 6
Application No. 20/01408/VAR
Site Location: Building between The House and Old Orchard, The Street, Ubley – Variation of condition 2 of application 17/00295/FUL (Erection of detached dwelling house and detached garage).

The Case Officer reported on the application and her recommendation to permit.

A representative from Ubley Parish Council spoke against the application.

Two local residents spoke against the application.

The applicant spoke in favour of the application.

Cllr Vic Pritchard spoke against the application stating that this was a complex site. He explained that there were concerns as to whether the correct plan had been used when considering the variation application and its footprint. The development would have a major impact on The House, which was the neighbouring property.

Officers then responded to questions as follows:

- An application cannot be made under section 73 of the Town and Country Planning Act 1990 if the proposal constitutes a fundamental alteration to the development which was originally permitted, or if it results in a change to the description of the development in the original planning permission. Officers have considered this application and accepted that, in their professional view, it can be made under s73.
- The application is for a 3-bedroom property. It is limited by the scale and envelope of the building.
- The Legal Advisor stated that there appears to be nothing to suggest that this application should not have been made under s73. He advised members to determine the application on its planning merits, otherwise the only other option was to defer.

Cllr MacFie stated that claims have been made that the original plans were different from the plans that have been used in the variation application. It was also important to look at the floor areas.

Cllr MacFie moved that consideration of the application be deferred pending a site visit. This was seconded by Cllr Jackson.

Members also asked that the following issues be clarified prior to the next meeting:

- Whether the correct plans had been used when considering this application.
- Clarification of the floor plans.
- Would it be open to the committee to refuse on the basis that this was not a valid s73 application?

The motion was put to the vote and it was RESOLVED by 8 votes in favour and 1 abstention to DEFER consideration of the application pending a SITE VISIT.

(Note: Cllr Hounsell did not vote on the above application as he lost connection and missed part of the debate).

(Note: At this point Cllr Jackson left the meeting).

Item No. 7
Application No. 20/02738/FUL
Site Location: 91 Fairfield Park Road, Fairfield Park, Bath, BA1 6JR – Proposed off street parking.

The Case Officer reported on the application and her recommendation to refuse.

The agent spoke in favour of the application.

Cllr Appleyard, local ward member, spoke in favour of the application. He explained that there were lots of requests for off-street parking in this area. The wall is substantial and does not enhance the street scene. The area has a mix of properties and frontages and a number of other properties have created off-street parking areas.

Officers then responded to questions as follows:

- There were no highway objections to the application. There had initially been some concern regarding the gradient of the garden, but this has now been addressed. Visibility was acceptable.
- The front garden is raised, and the wall adds to the street scene. Removing half of the garden to provide parking is considered to be harmful. There are currently no off-street parking spaces in this block of houses.
- Under permitted development rights a hardstanding can be created, however, as this is considered to involve engineering operations, then a planning application is required.
- Double yellow lines would not be appropriate in front of the property but, if necessary, a white keep-clear line could be provided.

Cllr Hounsell stated that personal circumstances are not a material consideration. He would welcome the provision of an electric vehicle charging point if the application were permitted. He did not feel that this would set a precedent. He then moved that the Committee delegate to permit the application subject to appropriate conditions, a requirement to provide a charging point for an electric vehicle and a requirement to re-use the stone for the retaining wall, as appropriate. This was seconded by Cllr Rigby.

Cllr Clarke felt that this could set a precedent which could reduce the number of on street parking spaces available for both residents and visitors.

Cllr Hodge stated that the dwelling was a prominent house in this location and did not support the proposal.

Cllr McCabe pointed out that due to the gradient of the garden and the need for engineering works planning permission was required, however, if the garden was at street level then off-street parking could be created under permitted development rights.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 3 votes against to DELEGATE TO PERMIT the application subject to appropriate conditions to include a requirement to provide a charging point for an electric vehicle

and a requirement to re-use the stone from the existing wall for the retaining wall, as appropriate.

55 POLICY DEVELOPMENT

The Chair informed the committee that the recommended change to the Planning Scheme of Delegation will be considered at the Special Council Meeting to be held on 21 January 2021.

56 QUARTERLY PERFORMANCE REPORT - JULY TO SEPTEMBER 2020

The Committee considered the quarterly performance report for July to September 2020.

RESOLVED: To note the report.

57 NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES

The Committee considered the appeals report.

RESOLVED: To note the report.

The meeting ended at 7.40 pm

Chair .....

Date Confirmed and Signed .....

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

21 October 2020

OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN AGENDA

ITEM

Item No.	Application No.	Address
01.	20/02854/FUL	43 Elliston Drive, Southdown

The reference to the duty under Section 72 in relation to a conservation area at the end of the policy section and within the conclusion of the report should be removed as the site is not located within the conservation area.

02.	20/01893/LBA	Cleveland Bridge, Bathwick

The following further comments, in summary, have been received **Pulteney Residents Association** maintaining their objection to the proposals:

- Repositioning of the kerbs is not like for like repair. The reason given in the application for repositioning of the kerbs is a design fault leading to water ingress which is causing decay. The Departure from Standards document sets out a different reason relating to weight limits and to enable an Assessment Live Loading of 40 Tonnes to be achieved. The application therefore relates to traffic considerations.
- It is questioned whether Historic England were properly consulted.
- The true impact of the extension of the kerbs in front of the tollhouses is not shown.
- Neither the application nor the Departure from Standards mentions the question of whether repositioning of the kerbs would impact on their function of preventing vehicles striking the historically valuable but structurally weak parapets. If the repositioning of the kerbs exposes the original parapets to greater risk of destruction this should be addressed in the application.
- None of the technical assessment documents include anything beyond a superficial examination of the structural condition of the original abutments (which are subject to the same loading as the road slab).

Letter of 21/9/2020 received on 19/10/2020 from Mr P Turner addressed to all Members of the Development Management Committee entitled;
Examination of Conscience.

Response to Councillor Dine Romero 21/10/2020

1.In the departure from standards report (p 30-34) it is stated that the kerb stones are being moved to facilitate an allowable weight to return to 44T, is this over-specification of the repair? In the covering report it does state that the kerb stones are not being moved for this purpose however the background report is still in the public domain and has not been corrected.

Planning Officer response;
The changes to the kerbs are part of the drainage strategy to deal with water ingress and reduce the associated degradation of the bridge. They are also to protect the lodges and pedestrian safety, and this is covered and assessed in the application committee report.

Moving the kerbs allows the waterproofing joint to be improved, it does not strengthen the bridge. The bridge could be refurbished with the kerbs remaining in their current position and on completion of the refurbishment, the weight restriction would be removed. However, this would result in a reduced effectiveness of the waterproofing and the kerb would not be extended to protect the lodges. This would be less beneficial in terms of the listed structure and it is not what is proposed by the application.

The 2017 assessment identified the ongoing deterioration and the deck started to fall below the structural level for the 40 tonnes ALL rating. Various mitigation options were listed, and it was concluded that the deck is adequate for continued use providing the road surfacing was kept in good order. One of the alternative mitigation options listed was to move the kerbs. This option would have made subtle changes to the loading pattern on the deck as vehicles location would have changed, this option was never progressed as maintaining the deck in good order was the preferred mitigation of the applicant.

The 2017 and earlier assessments have been superseded by the WSP more detailed analysis that has identified the extent of the refurbishment works that are required and are included in the current application. WSP Bridge Engineers have confirmed that moving the kerbs allows the waterproofing joint to be improved, it does not strengthen the Bridge.

The reports submitted are provided by the applicant and officers are satisfied that the information provided is sufficient to consider the effects of the proposal in listed building terms which is what is relevant here.

2. Restricting the width in this way will mean that a separate cycle path cannot be achieved across the bridge.

Planning Officer response;
The suitability of the width of road and path is not relevant to the listed building application.

3. The waterproofing measures direct excess water into the toll houses.

Planning officer response;
The waterproofing measures do not impact on the special historic and architectural interest of the listed structure in terms of physical alteration, as they are under the modern carriageway. They extend to the end of junction of the bridge structure and the 'normal' carriageway. The bridge abutments in effect house vaults beneath and the condition of these and any work needed will need to be reviewed when the repairs are undertaken. There is a modern concrete blockwork wall within the vaults that separates each of the toll houses from the remainder of the bridge. The applicant has confirmed that they will liaise with the owner of No. 4 where there appears to be a possible damp issue, however, this has no bearing on this decision.

4. There is also a legal point on ownership of a listed building. Is there a duty to impose any or all conditions on a listed structure as part of any consent that preserves or conserves that structure? The point here is can a weight limit be imposed in order that the repair lasts longer than the suggested 15 years currently likely to be the increase life span of the bridge before more repair is required if no weight restriction is imposed?

Planning Officer response;

Section16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a general power to impose conditions and under 16(2) in considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 17 of the same Act lists some particular conditions which can be imposed which are not relevant here. Officers advise that a weight limit condition would not be reasonable to impose given that the bridge has an established use as a traffic bridge and the works are at least partly to facilitate that use. A weight restriction condition would add unreasonable and unnecessary conditions given what has been applied for as works which are of benefit to the listed structure. In addition, such a condition would be unenforceable by the LPA and as a consequence of these factors it would not meet the conditions Tests.

5. There is also concern that this application is being rushed through without these concerns being fully addressed. Would you explain why this application must be taken now?

Planning Officer response;

An application for listed building consent may be made by any person, whether or not they are the owner of the building. Section 11 of the Planning (LB & CA) Act 1990 makes provision for requiring the notification of applications for listed building consent to owners of the building concerned so they can make representations to the LPA. This procedure has been correctly carried out in this case, being undertaken ahead of the application being registered on the 5/6/2020. The planning legislation requires

that all applications are determined without delay and in this case the application made is able and should be determined on its merits, on the basis of what the applicant has included in their application.

6. Finally should the statement from Cabinet members for transport be withdrawn?

Planning Officer response;
It is a matter for Cllr Wright if she wishes to withdraw her statement

Summary of Response from Bath Preservation Trust received 20/10/2020;

- Generally supportive of the proposed repair works to historic masonry and ironwork. Maintain that further details, such as the proposed painted finish of metalwork, stone cleaning methods, masonry samples, and the proposed mortar and shelter coating would need to be conditioned as part of the application.

- Consider that the extent of the proposed works are, in large, remedial, and deemed a necessary response to structural faults to ensure the continued structural stability of the bridge, within the context of its ongoing use.

- There would be some minor visual change due to the proposed thickening of the concrete trusses by 50mm as part of repairs, and the insertion of fibre reinforced polymer plates may have some limited visibility.

- Existing concrete trusses already provide a distinct visual contrast with the original ironwork; therefore, feel that the slight thickening of the early 20th trusses would constitute less than substantial harm to the architectural and historic interest of a listed building, and would be outweighed by the need for structural repairs to a significant load-bearing aspect of the bridge's structure.

- Surprised that there appears to be a lack of sufficient consideration of potential visual impact within the Heritage Statement.

- Retain concerns regarding reasons for certain changes, in particular the movement of the cast iron kerb and are of the view that this would be to *quoting BPT;* ["reduce[s] the eccentricity of the assessment live loading" to allow for an increase in Assessment Live Load from the current 18 tonnes restriction to the original 40 tonnes.]

- Despite the officer's claim that any weight restrictions or traffic routing are "not appropriate for consideration under this application", we would assert that this LBA proposes works in order to reinstate the 40 ton capacity from current 18 ton limit, without due consideration of the

impact this intensive vehicular use would have on the long-term conservation and preservation of a listed building.

- The historic abutment walls remain load-bearing due to their support of the concrete trusses, and continued use by heavier vehicles would continue to place these more historically and architecturally significant areas of the bridge under undue stress.

- The material changes proposed would facilitate the continued use of Cleveland Bridge but:

  - Assert that inadequate justification has been provided for the bridge's proposed use that would be consistent with its material and aesthetic conservation.
  - Increase in weight capacity would in their opinion exacerbate material deterioration.
  -It has not been explained as to why a permanent weight limit would be unfeasible.

06	20/01408/VAR	Land between The House and Old Orchard, The Street, Ubley.

To clarify this site is not within the Conservation Area and s72 only applies to sites within Conservation Areas (CA).

The setting of the CA is a material consideration and this proposal due to its mass bulk siting and design is not seen to have a detrimental impact on the setting of the Conservation Area.

A further letter of objection has been received:

Points raised in summary:
-Development too large in the AONB, out of character and is a 5 bedroomed house.
-Contrary to the mission statement, aims and objectives set out in the CVNP.
-The application is not a variation.

These points have been raised in the committee report.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
The list of main issues raised should include
-Inaccurate site boundary
-loss of amenity for neighbours due to flue.
-Noise disturbance particularly during construction

Concerns have been raised in respect of noise disturbance. It is recognised that a three bedroomed house will be likely to have a higher number of occupants than a two bedroomed house but once built it is not considered that the proposed 3 bed house would result in an unacceptable level of noise disturbance to the neighbours

There will be a period of disturbance, particularly from noise, during the construction period for neighbours, however this matter would not justify refusal of this application.

The flue that was shown on the submitted plans and was a concern raised by an interested party has been removed from the proposal.

Additional notes and the removal of the flue have been shown on amended plans submitted.

The approved plan numbers are as follows:

A 101 Rev F and A 102 Rev A both dated 13th October 2020.

In the section Impact on the character and appearance of the locality and AONB and Impact on amenity it should read 300mm.

A letter has been received from applicant in support of the scheme:
Main issues raised:
In principle residential is acceptable in this RA2 village outside the greenbelt and conservation area.
This application description is the same as that permitted in 2017.
This variation application seeks to amend the approved plans and as a s73 application goes through a thorough and robust consideration process.
The amendments are relatively small
The garage remains as permitted
The materials are stone render and timber
The roof is raised by 300mm
The property proposed is a 3 bed dwelling
The distances to the boundaries east west remain as permitted
The proposal is neighbourhood plan compliant
Parking access and drainage agreed by Consultees
No objections raised by Council Consultees
The modest proposal has been amended to reflect concerns raised.

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES SUBMITTING A WRITTEN STATEMENT AT THE VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 21 OCTOBER 2020

MAIN PLANS LIST			
ITEM NO.	**SITE NAME**	**NAME**	**FOR/AGAINST**
1	43 Elliston Drive, Southdown, Bath	Matthew Ashton (Applicant)	For
		Cllr Dine Romero (Local Ward Member)	Against
		Cllr Paul Crossley (Local Ward Member)	Against
2	Cleveland Bridge, Bathwick, Bath	Alison Peach Ceris Humphreys (on behalf of Pulteney Estates Residents' Association, Cleveland Bridge Residents, Federation of Bath Residents' Associations)	Against (To share 5 minutes)
		Cllr Dr Yukteshwar Kumar (Local Ward Member)	Against
		Cllr Tom Davies (Local Ward Member)	Against
		Cllr Manda Rigby (Local Ward Member)	Against
3	Site of Former Ministry of Defence Offices, Warminster Road, Bath	Joanna Robinson (Bath Preservation Trust)	Against
		Charlotte Taylor-Drake (Agent)	For

4	Co-Operative Store A, Wells Road, Westfield, BA3 3RQ	Cllr Rupert Bevan (Radstock Town Council)	For
		Jonathan Orton (Agent)	For
		Cllr Eleanor Jackson (Local Ward Member and Westfield Parish Councillor)	For
5	24 Broadway, Widcombe, Bath, BA2 4JA	Cllr Alison Born (Local Ward Member)	Against
6	Building between The House and Old Orchard, The Street, Ubley	Cllr Phil Collins (Ubley Parish Council)	Against
		Nick Aspinall Richard Gordon-Smith	Against (To share 3 minutes)
		Anna Honeyfield (Applicant)	For
		Cllr Vic Pritchard (Local Ward Member)	Against
7	91 Fairfield Park Road, Fairfield Park, Bath, BA1 6JR	Martin Blake (Agent)	For
		Cllr Rob Appleyard (Local Ward Member)	For

Bath & North East Somerset Council

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

21st October 2020

DECISIONS

Item No:	01
Application No:	20/02854/FUL
Site Location:	43 Elliston Drive, Southdown, Bath, Bath And North East Somerset
Ward: Southdown	**Parish:** N/A **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Change of use from a 4 bedroom dwelling (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4).
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant:	Mr M Ashton
Expiry Date:	6th October 2020
Case Officer:	Chloe Buckingham

DECISION PERMIT

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 **Number of Occupants (Compliance)**
The development hereby permitted shall not be occupied by (rented to) more than 6 unrelated occupants without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 and H2 of the Bath and North East Somerset Placemaking Plan.

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

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan 2017.

4 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

This decision relates to the plan references;

Location Plan, Existing Plans and Proposed Plans received 10th August 2020.

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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.

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.

Item No:	02
Application No:	20/01893/LBA
Site Location:	Cleveland Bridge, Cleveland Bridge, Bathwick, Bath
Ward: Bathwick	**Parish:** N/A **LB Grade:** IISTAR
Application Type:	Listed Building Consent (Alts/exts)
Proposal:	The refurbishment, repair and strengthening of a Grade II* listed structure.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), 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, Policy NE5 Ecological Networks, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	WSP
Expiry Date:	28th October 2020
Case Officer:	Caroline Power

DECISION CONSENT

1 **Time Limit - Listed Building Consent (Compliance)**
The works hereby approved shall be begun before the expiration of three years from the date of this consent.

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

2 **Construction Environmental Management Plan (CEMP)(Pre-commencement)**
No development shall take place (including demolition, ground works, 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 the following;
A) Risk assessment of potentially damaging construction activities and identification of "biodiversity protection zones".
B) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including on nesting birds, bats and otter and the adjacent Site of Nature Conservation Interest.
C) The location and timings of sensitive works to avoid harm to biodiversity features.
D) The times during which construction when specialist ecologists need to be present on site to oversee works.
E) Responsible persons and lines of communication.
F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
G) Use of protective fences, exclusion barriers and warning signs if applicable.
H) Details of any construction lighting.
I) A specification for the installation of bird nesting prevention mesh.
The approved CEMP shall be ahead 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 comply with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to ensure no net loss of biodiversity in accordance with Bath and North East Somerset Placemaking Policy NE3.

3 **Implementation of Compliance Report (Compliance)**
Within six months of the completion of works, a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the recommendations detailed in Section 4 of Combined Technical Report for Bat, Otter and Water Vole (WSP, June 2020) and the approved Construction Environmental Management Plan (CEMP: Biodiversity) in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of ecological recommendations and commitments, to prevent ecological harm and to provide biodiversity gain in accordance with UK law, the NPPF and policy NE3 of the Bath and North East Somerset Local Plan.

4 **Protecting Architectural Features (Pre-commencement)**
No development shall commence until detailed drawings identifying how each of the 4no. toll houses and any associated architectural features and land which belong to them and the method by which these parts of the bridge will be safeguarded during the carrying out of the approved development have been submitted to and approved in writing by the Local Planning Authority. The approved protective measures shall be implemented and kept in

place in accordance with the details so approved for the duration of the development works.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

5 **Stone and Iron Cleaning Samples (Pre-commencement)**
No work shall commence on the stone cleaning of the bridge abutments or the iron work of the balustrade and arches; until sample panels have been provided in-situ to establish the final parameters of the stone cleaning and approved in writing by the Local Planning Authority. The approved panels shall be kept on site for reference until the development is completed. Thereafter the work shall only be carried out in accordance with the approved sample panels.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

6 **Mortar Mix (Bespoke Trigger)**
No re-pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have be provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

7 **Schedule of Repairs (Bespoke Trigger)**
Following the cleaning of the bridge stone abutments; in accordance with the approved method and prior to any further works being undertaken a detailed schedule of any repair work, including methods and materials to be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

8 Submission of Schedule of Work and Samples (Pre-commencement)
No works shall commence until a schedule of works setting of the phasing, construction techniques, materials and finishes, and samples of the materials and colour to be used in the construction of the external surfaces has been submitted to and approved in writing by

the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, D3, D5, D6 and HE1 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

9 **Paint Sample (Compliance)**
No work shall commence on the repainting of the bridge parapet features and iron work until paint samples have been taken to establish the historic paint scheme and to establish final parameters of the proposed paint constituents and colours and approved in writing by the Local Planning Authority. The approved panel shall be kept on site for reference until the development is completed. Thereafter the redecoration shall only be carried out in accordance with the approved sample panel.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

10 **Cast Iron Repair Details (Bespoke Trigger)**
No repairs to the historic iron structure shall commence until full details comprising 1:20 drawings and a schedule of work have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

11 **Kerb Details (Bespoke Trigger)**
No installation of the extended kerb shall commence until full details comprising 1:20 drawings in plan and section, showing the base of the toll house columns and paving slabs and how they will be treated have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy and Policy HE1 of the Bath and North East Somerset Placemaking Plan.

12 **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:

Drawing 05 Jun 2020 0001 T03 LOCATION PLAN AND GENERAL ARRANGEMENT PL...
Drawing 05 Jun 2020 0007 T03 EXISTING STEEL PORTAL BEAM DETAILS
Drawing 05 Jun 2020 0008 T03 EXISTING CAST IRON ARCH DETAILS
Drawing 05 Jun 2020 0009 T03 ABUTMENT GALLERY DETAILS
Drawing 05 Jun 2020 0010 T03 PROPOSED LONGITUDINAL JOINT
Drawing 05 Jun 2020 0011 T03 INDICATIVE STEEL AND CAST IRON REPAIR DE...
Drawing 05 Jun 2020 0012 T03 CONCRETE REPAIR DETAILS
Drawing 05 Jun 2020 0013 T03 TESTING RESULTS SUMMARY CHLORIDE ION CON...
Drawing 05 Jun 2020 0015 T03 PROPOSED DECK JOINTS, DRAINAGE AND WATER...
Drawing 05 Jun 2020 0017 T03 RESURFACING DETAILS
Drawing 05 Jun 2020 0018 T03 TRANSVERSE METALWORK AND CONCRETE DEFECT...
Drawing 05 Jun 2020 0019 T03 LOCATION OF CONCRETE DEFECTS - TRUSSES 1...
Drawing 05 Jun 2020 0020 T03 LOCATION OF CAST IRON DEFECTS - ARCHES 1...
Drawing 05 Jun 2020 0021 T03 LOCATION OF CAST IRON DEFECTS - ARCHES 5...
Drawing 05 Jun 2020 0022 T03 MAINTENANCE OF PAINTWORK
Drawing 05 Jun 2020 0023 T04 PAINT SYSTEM FOR STEELWORK ELEMENTS
Drawing 05 Jun 2020 0024 T03 PAINT SYSTEM FOR CAST IRON ELEMENTS
Drawing 05 Jun 2020 0027 T03 SCHEDULE OF DEFECTS AND REMEDIAL ACTIONS...
Drawing 05 Jun 2020 0028 T03 SCHEDULE OF DEFECTS AND REMEDIAL ACTIONS...
Drawing 05 Jun 2020 0029 T03 EXISTING GENERAL ATTANGEMENT AND SITE CL...
Drawing 05 Jun 2020 0030 T03 ABUTMENT DEFECT LOCATIONS, SCHEDULE OF D...
Drawing 05 Jun 2020 0033 T03 LOCATION OF CONCRETE DEFECT CONSTRAINT: ...
Drawing 05 Jun 2020 0034 T03 LOCATION OF CONCRETE DEFECT CONSTRAINTS:...
Drawing 05 Jun 2020 0035 T03 LOCATION OF CONCRETE DEFECT CONSTRAINTS:...
Drawing 05 Jun 2020 0036 T03 GENERAL BREAKOUT CONSTRAINTS FOR TRUSS M...
Drawing 05 Jun 2020 0037 T03 GENERAL BREAKOUT CONSTRAINTS FOR TRUSS M...
Drawing 05 Jun 2020 0038 T03 BAR BENDING SCHEDULE MEMBER REFERENCES A...
Drawing 05 Jun 2020 0039 T03 METHODOLOGIES FOR THE REPLACEMENT OF LIN...
Drawing 05 Jun 2020 0040 T03 DECK AND SOFFITT GALVANIC ANODE ARRANGEM...

Drawing 05 Jun 2020 0041 T03 TRUSS GALVANIC ANODES: GENERAL ARRANGEME...
Drawing 05 Jun 2020 0042 T04 TRUSS GALVANIC ANODES: DETAIL Public
Drawing 05 Jun 2020 0043 T04 HANGER BAR PROTECTION AND AUXILIARY DETA...
Drawing 05 Jun 2020 0050 T04 DECK STRENGTHENING: GENERAL
Drawing 05 Jun 2020 SIG1 T03 LOCATION PLAN AND DECK REINFORCEMENT ARR...
Drawing 05 Jun 2020 SIG2 T03 ABUTMENT GALLERY - CONCRETE REPAIRS AND ...
OS Extract 05 Jun 2020 LOCATION PLAN
31 JULY 2020 76007-WSP-DWG-BR-00P1P02-PROPOSED GENERAL ARRANGEMENT
31 JULY 2020- KERB DETAILS

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

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

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

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

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

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

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

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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.

Submission of Samples

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

If the works of the proposal contained within the application require access scaffolding to be erected it is incumbent on all interested parties to ensure that it is undertaken adopting conservation best practice. Methods of erection which entail bolting scaffolding to the building using anchor ties will require listed building consent and are unlikely to be acceptable.

Item No:	03
Application No:	20/02921/FUL
Site Location:	Site Of Former Ministry Of Defence Offices, Warminster Road, Bathwick, Bath
Ward: Bathwick	**Parish:** N/A **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (Resubmission of ref. 19/03838/FUL).
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure

	Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Hardrock Developments Ltd
Expiry Date:	12th November 2020
Case Officer:	Chris Griggs-Trevarthen

DECISION Delegate to permit

PLANS LIST:

153300-STL-XX-ZZ-DR-A-01001 PL01 PHASE 3A-1 - GA PLANS
153300-STL-XX-ZZ-DR-A-01002 PL01 PHASE 3A-2 - GA PLANS
153300-STL-XX-ZZ-DR-A-01004 PL01 PHASE 5 LOWER TERRACE - GA PLANS
153300-STL-XX-ZZ-DR-A-01005 PL01 PHASE 5 UPPER TERRACE - GA PLANS
153300-STL-XX-ZZ-DR-A-01006 PL02 BF13 & BF14 - GA PLANS
153300-STL-XX-ZZ-DR-A-02001 PL01 PHASE 3A-1 ELEVATIONS
153300-STL-XX-ZZ-DR-A-02002 PL01 PHASE 3A-2 ELEVATIONS
153300-STL-XX-ZZ-DR-A-02004 PL01 PHASE 5 ELEVATIONS - 1 OF 2
153300-STL-XX-ZZ-DR-A-02005 PL01 PHASE 5 ELEVATIONS - 2 OF 2
153300-STL-XX-ZZ-DR-A-02006 PL01 BF13 BF14 ELEVATIONS
153300-STL-XX-ZZ-DR-A-02006 PL02 BF13 & BF14 ELEVATIONS
153300-STL-XX-ZZ-DR-A-03001 PL02 LONG SECTIONS 1
153300-STL-XX-ZZ-DR-A-03002 PL02 LONG SECTIONS 2
153300-STL-XX-ZZ-DR-A-09001 PL02 LOCATION PLAN - EASTERN PARCEL
153300-STL-XX-ZZ-DR-A-09002 PL02 SITE PLAN
153300-STL-XX-ZZ-DR-A-09006 PL02 SITE PLAN - EASTERN PARCEL
1902-MWA-00-XX-DR-L-0001A_11 C STRATEGIC LANDSCAPE PLAN
1902-MWA-00-XX-DR-L-0020_05 P HARD LANDSCAPE PLAN 1 OF 3
1902-MWA-00-XX-DR-L-0025_06 P SOFT LANDSCAPE PLAN 1 OF 3
153300-STL-XX-ZZ-DR-A-09003 PL02 BF13 & BF14 CYCLES, REFUSE AND RECYCLING

Permit/Consent Decision Making Statement

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

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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.

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.

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Item No:	04
Application No:	18/05623/OUT
Site Location:	Co-Operative Store A, Wells Road, Westfield, BA3 3RQ
Ward: Westfield	**Parish:** Westfield **LB Grade:** II
Application Type:	Outline Application
Proposal:	Hybrid planning application for the mixed-use redevelopment of the Co-Operative store and associated car park in Radstock comprising -

	1. Full planning permission for the demolition of existing store and construction of 1795sqm retail floorspace including replacement store (Class A1), 722sqm office floorspace (Class B1) and 28 dwellings (Class C3) with associated car and cycle parking, works to existing access, landscaping, public realm, drainage and infrastructure.
2. Outline planning permission for 26 dwellings with associated car parking, landscaping, drainage and infrastructure (access, scale, and landscaping determined, all other matters reserved).	
Constraints:	Agric Land Class 3b,4,5, Coal - Standing Advice Area, Conservation Area, Contaminated Land, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Policy CR3 Primary Shopping Frontages, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Listed Building, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Neighbourhood Plan, SSSI - Impact Risk Zones,
Applicant:	The Radstock Co-Operative Society
Expiry Date:	25th September 2019
Case Officer:	Chris Gomm

DECISION Delegate to permit

PLANS LIST:

The plans/drawings hereby approved are as follows:

o L(00)001_Site Location Plan_revA
o L(00)005_Existing Site Plan_revC
o L(00)006_Existing Site Plan_revB
o L(00)010_Existing Store
o L(00)050_Proposed Site Plan_revU
o L(00)051_Proposed Site Plan_Mixed Use_revU
o L(00)052_Proposed Site Plan_Residential_revJ
o L(00)054_Proposed Ground Plan_Mixed Use_revC
o L(00)060_Site Sections_Elevations_revJ
o L(00)061_Site Sections_Elevations_revB
o SK.002_View From Across Roundabout_revD
o SK.003_View From Across Roundabout_revD
o SK.004_Views From Fortescue Road_revD
o SK.005_View Along The Street_revD
o SK.006_View From The Street_revD
o SK.012_View From The Shambles_revA
o SK.013_View North Along Wells Road_revA
o L(00)100_General Arrangement Ground Floor Plan_revF
o L(00)101_General Arrangement First Floor Plan_revF

o L(00)102_General Arrangement Second Floor Plan_revG
o L(00)110_General Arrangement Elevations_revI
o L(00)111_General Arrangement Elevations_revI
o L(00)112_Bay Study_revA
o L(00)113_Bay Study_revB
o L(00)200_General Arrangement Ground Floor Plan_revF
o L(00)201_General Arrangement First Floor Plan_revG
o L(00)202_General Arrangement Second Floor Plan_revG
o L(00)210_General Arrangement Elevations_revF
o L(00)211_General Arrangement Elevations_revF
o 173290_G_07_Swept Path Analysis
o 173290_G_06_General Arrangement and Visibility
o 173290_G_08_B_General Arrangement and Visibility
o 173290_G_09_B_Swept Path Analysis
o 173290_G_10_B_Swept Path Analysis
o 709-3-100-rev06_General Arrangement Mixed Use
o 709-3-101-rev04_General Arrangement Residential
o 709-3-200-rev04_Tree Plan
o 709-3-201-rev06_Planting Plan Mixed Use
o 709-3-202-rev03_Planting Plan Residential
o 709-3-500_Tree Pit Details
o 709-3-501_Planter and Slope Section
o 709-3-502_SUDs Basin and Steps
o 709-3-Illustrated Masterplan_rev03
o D14_354_P3_East_AIA Plan
o D14_354_P3_West_AIA Plan_revE
o D14_354_P4_Tree Protection Plan revF

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

Coal Mining - Low Risk Area (but within coalfield)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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.

Decision Making Statement

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

Demolition Notice

Please note that notice must be given to the Local Planning Authority under ss.80 and 81 of the Building Act 1984 at least six weeks before demolition work commences.

S.106 Agreement

This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Environmental Permitting Regulations

This development may require an Environmental Permit fom the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits

Item No:	05
Application No:	20/02727/FUL
Site Location:	24 Broadway, Widcombe, Bath, Bath And North East Somerset
Ward: Widcombe And Lyncombe	**Parish:** N/A **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Change of use from a three bed dwelling house (Use Class C3) to a five bed House in Multiple Occupation (HMO) (Use Class C4).
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Flood Zone 3, HMO Stage 1 Test Area (Stage 2 Test Req), LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network,

	Policy NE5 Ecological Networks, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Thevathasan
Expiry Date:	22nd October 2020
Case Officer:	Hayden Foster

DECISION REFUSE

1 The proposed House in Multiple Occupation (HMO) Use would result in the unacceptable loss of accommodation in a locality in terms of mix, size and type. The proposal is therefore, contrary to policy H2(v) of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This decision relates to the Proposed Site Plan, and Floor Plans received 31st July 2020.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Whilst the application was recommended for permission by Officers the Development Management Committee considered the proposal to be unacceptable for the stated reasons.

Community Infrastructure Levy

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

Item No:	07
Application No:	20/02738/FUL
Site Location:	91 Fairfield Park Road, Fairfield Park, Bath, Bath And North East Somerset
Ward: Lambridge	**Parish:** N/A **LB Grade:** N/A
Application Type:	Full Application
Proposal:	Proposed off street parking
Constraints:	Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant:	Mr and Mrs Malcolm
Expiry Date:	23rd October 2020

Case Officer: Danielle Milsom

DECISION PERMIT

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 **Electric charging point (Compliance)**
The off-street parking spaces hereby permitted shall not be brought in to use until the electric car charging point shown on plan 561/P/02 has been installed and is fully operational.

Reason: To secure the use of the electric car charging point to promote sustainable transport in accordance with policy ST7 of the Bath and North East Somerset Placemaking Plan.

3 **Retaining wall materials**
The proposed retaining walls shown on plan 561/P/02 shall reuse the stone from the existing retaining wall to be demolished, or an alternative stone with a similar appearance details of which have been submitted to and approved in writing by the Local Planning Authority.

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

4 **Parking (Compliance)**
The area allocated for parking, as indicated on submitted plan reference 561/P/02 Revision A, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

5 **Driveway Gradient (Compliance)**
The gradient of the access shall not at any point be steeper than 12.5% (1 in 8) fall towards the highway, for a distance of 5-metres from its junction with the public highway.

Reason: In the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 **Bound/Compacted Vehicle Access (Compliance)**
The vehicular access shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

7 **Drainage (Compliance)**
The off-street parking spaces permitted shall not be brought in to use until the channel drain linked to new soakaway as shown on plan 561/P/02 has been installed.

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

8 **Visibility Splay (Compliance)**
The visibility splays of 2-metres by 2-metres, as indicated on submitted plan reference 561/P/02 Revision A, shall be provided and there shall be no on-site obstruction exceeding 900mm above ground level within the visibility splays. The visibility splays shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

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

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;

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

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

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:

This decision relates to the following plans:

Drawing - 30 July 2020 - 561-P-01 - Location Plan and Existing Plans

Drawing - 30 July 2020 - 561-P-02A - Proposed Plans

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:

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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.

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision. In considering whether to prepare a further application the applicant's attention is drawn to the original discussion/negotiation.

Community Infrastructure Levy

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against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

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Bath & North East Somerset Council

MEETING:	**Planning Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**18th November 2020**	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	**SITE VISIT AGENDA**	
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:
001	20/01408/VAR 20 November 2020	Mr & Mrs E Honeyfield Building Between The House And Old Orchard, The Street, Ubley, Bristol, Variation of condition 2 of application 17/00295/FUL (Erection of detached dwellinghouse & detached garage).	Chew Valley	Christine Moorfield	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001

Application No: 20/01408/VAR

Site Location: Building Between The House And Old Orchard The Street Ubley Bristol

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

Ward Members: Councillor Vic Pritchard Councillor Karen Warrington

Application Type:	Application for Variation of Condition
Proposal:	Variation of condition 2 of application 17/00295/FUL (Erection of detached dwellinghouse & detached garage).
Constraints:	Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, Policy NE2 AONB, Neighbourhood Plan, SSSI - Impact Risk Zones, Water Source Areas,
Applicant:	Mr & Mrs E Honeyfield
Expiry Date:	20th November 2020
Case Officer:	Christine Moorfield
To view the case click on the link here.	

REPORT

This application was considered by the Planning Committee on the 21st October 2020. The committee deferred the application pending a site visit.

The Committee members required clarification with regard to this application being a variation to the permission granted under reference number 17/00295/FUL which was permitted on the 31st May 2017.

In addition a site visit was considered necessary for members to fully understand the position of the proposed dwelling on the site and the impact it may have on the neighbours and locality.

This application has been brought before the planning committee as the Ubley Parish Council Objected to this proposal.

The Chair of the Planning Committee states:

I have considered this application and I am content that it is a variation of the original permission. However, the variation is large enough to warrant further consideration of the issues raised by Committee.

The Vice Chair of the planning committee states:

I have looked at this application and note the comments from third party and statutory consultees particularly regarding as to whether the change from 2 to 3 bedroom house, as now proposed, is a variation or full application.

Despite the Officer negotiating changes to reduce the initial variation requested I concur with the Ward Cllr that the proposal is 'far from the previous concept of a relatively small two-bedroom dwelling' & therefore I recommend the application be determined by the planning committee.

Application No: 17/00295/FUL was permitted on the 31st May 2017. The application was for the erection of a new two storey 2 bed dwelling and double garage between properties known as 'The House' and 'The Orchard' located at The Street, Ubley, Bristol.

This application seeks to vary the previous permission. This application seeks to vary condition 2 attached to the 2017 permission which requires compliance with the submitted plans.

This variation seeks permission for a marginally larger dwelling which is now shown to have 3 bedrooms rather than two as previously permitted.

The design of the dwelling has been altered primarily through the altering of the approved asymmetric roof and by extending the length of the dwelling. The width of the dwelling as now proposed remains as permitted and the side walls are in the same location as previously permitted.

The site is accessed via an existing gate from The Street which previously served the stables on the site.

The site is situated in the Mendip Hills AONB, the Ubley Housing Development Boundary and sits adjacent to the Ubley Conservation Area.

Application 17/00295/FUL was permitted subject to conditions in respect of:

1 Standard Time Limit (Compliance)
2 Plans List (Compliance)
3 Materials - Submission of Schedule and Samples (Bespoke Trigger)
4 Tree survey and impact assessment (Pre commencement)
5 Interests of ecology (Compliance)
6 Domestic ancillary use garage (Compliance)
7 Arboricultural method statement (Pre commencement)
8 Turning area kept clear (Compliance)
9 Visibility splays (Compliance)
10 Flood Risk and Drainage - Surface Water Discharge Rates (Pre-commencement)
11 Removal of Permitted Development Rights - No extensions or alterations (Compliance)
12 Obscure Glazing and Non-opening Window(s) (Compliance)
13 Building Regulation Document M (Compliance)
14 Water Efficiency (Compliance)
15 Water Efficiency - Rainwater Harvesting (Pre-occupation)

Under application 17/04203/COND conditions 4, 7 and 10 were discharged. These three conditions were all PRECOMMENCEMENT conditions. In order to retain their 2017 permission the agent has confirmed that works have commenced on site.

HISTORY
12/02436/FUL - PERMIT - 30 October 2012 - Provision of an additional access onto The Street from the property Streamside, replacement of existing collapsed boundary wall with a new stone wall curved inwards across a 6m section between the existing watercourse and electricity pole
13/01999/COND - DISCHG - 10 July 2013 - Discharge of conditions 4, 5 and 8 of application
12/02436/FUL (Provision of an additional access onto The Street from the property Streamside, replacement of existing collapsed boundary wall with a new stone wall curved inwards across a 6m section between the existing watercourse and electricity pole)

17/00295/FUL - PERMIT - 31 May 2017 - Erection of detached dwelling house & detached garage
17/04203/COND - DISCHG - 18 October 2017 - Discharge of conditions 4,7 and 10 of planning application 17/00295/FUL (Erection of detached dwelling house & detached garage)

The following applications relate to the property to the south of this application site which did own the application site at one time.

10/04014/COND- Discharge of condition 1 of application 09/04102/RES (Approval of reserved matters with regard to outline application 08/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling)- Discharge of Conditions: 24.11.2010.
10/01925/NMA- Non-Material Amendment to application 09/04102/RES (Approval of reserved matters with regard to outline application 08/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling)- Approve: 22.06.2010.
09/04102/RES- Approval of reserved matters with regard to outline application 18/04694/OUT allowed on appeal 22nd July 2009 for the erection of new dwelling and alterations to existing dwelling- Permit: 17.12.2009

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
5 different neighbours have objected to the proposal as originally submitted and as amended one neighbour having submitted 5 number letters.

Main issues raised:

-Application should not be a variation.
-The development is substantially different from the previous design of a relatively small two
bedroom dwelling.
-The proposal will impact on the water course in this area, an area that floods.
-A new, contemporary, modest sized dwelling on this site may be acceptable as previously approved.
-The raised roofline (1.9m) will impact on important views as defined in the Chew Valley Neighbourhood Plan (CVNP). In particular Mendip ridge view to the south
-No street elevation provided the adjacent properties sit on higher ground of around 1-1.5 metres.
-Larger footprint will impact on drainage particularly surface water run-off.
-Site sits directly adjacent to a natural dell and natural water springs which develop at times of high rainfall arising from proximity to The Mendips, does not support a natural flood management response.
-Over development of the site.
-Loss of privacy and over shadowing for neighbours
The development will harm the amenity of neighbours it will have an overbearing impact
-Proposal is out of scale and out of character with this part of the village.
-Harm to the setting of the Conservation Area.
-In adequate access for two units.
-Impact on traffic generation and highway safety.

PARISH COUNCIL
Comments in respect of the revised plans:
1. Design
This site is adjacent to the Conservation Area in the village. Whilst it has previously been acknowledged and accepted that Ubley has "an eclectic mix of housing in the village" this is not an acceptance that any design can be sited anywhere. Virtually all the properties along The Street have their ridge roof parallel to the road whereas this one is proposed to be at 90 degrees.
2. Scale and sight lines
The previously permitted property (17/00295/FUL) was already squeezed into a very narrow plot, unlike surrounding properties. To extend this from a 2 bedroom to a 4-bedroom property very significantly further fills the plot. The move to re-draw the proposed property as a 3-bedroom house is essentially cosmetic as it could easily be returned to a 4-bedroom one within that design given there is so little reduction in size.
There is very little space between this proposed property and the boundary and buildings at The House to the west. The scale and siting of the property will impact on the visual and light position of the neighbouring property to the west (The House). This is further exacerbated by the apparent incorrect positioning of the boundary fence.
In the delegated report from the previously permitted application (17/00295/FUL), the Conservation Officer noted that in their view "there is scope for a modest sized dwelling on the site provided a reasonable area of open garden space is left around the building in keeping with this character of this part of the village." It is clear that this variation to the original design does not meet this.
In this previous report the case officer noted the relevance of Policy HDE5a in the Neighbourhood Plan which refers to housing mix. They went on to note that "large detached houses would not be seen to meet the needs of residents as indicated by the housing need survey. The proposal is for a modest dwelling (2 bedroomed) which is considered to comply with Policy HDE5a."
3. Traffic and highways
The proposed application does not meet the parking requirements of either B&NES or the CVNP (HDE8b) policies, where three and a half spaces are required (excluding the garage). If there was an acceptance that this further revision was now for a three-bedroom house, then there would be a requirement for two and a half spaces (excluding the garage). This is still very tight.
Furthermore, previously the case officer was satisfied that cars could enter and exit in a forward gear. This is imperative in the location as allowing cars to reverse off this plot in such close proximity to the school is an accident waiting to happen. In this latest revision, diagrams for vehicle tracking have been submitted. It is still difficult to see how all the parked cars could independently manoeuvre to be able to leave in a forward gear.
As just noted, this access is virtually opposite the frontage of Ubley Village School, which is busy and thriving with an increased roll of children. There will be a clear increase in traffic and vehicles entering and leaving this site that would be very close to the parking used by school buses and for an informal disabled space, as well as ordinary teacher and parent parking.
We note that the siting of the garage has been adjusted to fit with the building work already
underway. This does not, now, match the position approved in the previously permitted application (17/00295/FUL).
4. Watercourse and surface water run-off

We acknowledge that recent inspection by B&NES Drainage Engineers has noted that building on the site does not represent an increased flood risk to properties or the road. However, it is also acknowledged that the water table is very high at this point which will make dealing with run-off water a major challenge. We are concerned that, whilst the overall volume of water running off the site will obviously not increase, the speed of run-off may well be significantly quicker. Thus, a detailed description of the revised calculations and proposed methods of alleviation is required.
This point on The Street has flooded quite regularly and excess surface water then runs down to the west towards the school. It is thus imperative that the surface water is dealt with in a way that can be demonstrably shown to work effectively.
5. Views of the neighbours
Members of the Parish Council have discussed this application with immediate neighbours, all of whom have substantial concerns about this proposed development. These concerns include the significant increase in mass, the extra height of the roofline (albeit this is a smaller increase in the revisions), the close proximity to The House to the west and the marked reduction in privacy for Cerisdell to the south. The Parish Council acknowledges these views and is supportive of the objections.

ECOLOGY
The submitted ecological report is well considered and addresses the previous concerns.
Appropriate proposals are made regarding avoidance of harm to existing habitat, in particular the stream (which the ecological report confirms provides valuable habitat and good water quality as indicated by the plant and invertebrate species diversity) and associated wildlife - including any possible use of the stream and associated habitats by amphibians (ref reports from local residents of amphibians including newts being present in the vicinity at similar sites / habitat nearby).
Subject to conditions to secure the implementation of the recommendations of the report and a follow-up report to demonstrate this, I have no objection to the proposal.

TREES
Originally concerns were expressed in relation to this proposal however following the submission of further details and discussions the councils arboriculturalist has commented that she has no objection to 20/01408/VAR subject to continual compliance with the previously approved tree protection plan.

HIGHWAYS
Amended plan reference A101 Revision D indicates that the proposed number of bedrooms has been reduced to three, which require the provision of two off-street, car parking spaces to accord with the authority's adopted parking standards. The required number of spaces are provided by the single garage and adjacent car port referred to above.

The swept path analysis indicated on submitted plan reference 1480/002 demonstrates that both the proposed garage and adjacent car port of fully accessible for a large car approaching from both directions, and that there is sufficient space to allow a large car to manoeuvre within application such, such that the driver is able to enter the adopted public highway in a forward gear, which is acceptable.

HDC officers therefore raise no highway objection to the variation of Condition 2 of application 17/00295/FUL, subject to Conditions being attached to any planning permission granted in respect of:

1. Garage / Car Port

2. Turning Area

3. Visibility splays

4. Bound/Compacted Vehicle Access

5. Bicycle Storage

DRAINAGE
While we have no objection to the variation of condition, we believe it would be sensible for the applicant to review finished ground levels and flood resilience around the garage area. In the event of the pond spilling, water may fall towards the garage area and pond here prior to spilling onto the highway. The applicant may therefore want to look at the resilience of the garage and analyse likely depths of water in the garage area in this scenario.
The figures quoted on the topo survey suggest depths in parts of the garage area could be up to around 0.3m. This could clearly impact on the fabric of the garage and any vehicles or equipment or furniture.
The applicant should also be aware that the owner of the property/ land will have 'riparian responsibilities' with regards to all above and below ground watercourse structures within or adjacent to the curtilage of the land. Sensible and regular watercourse and culvert maintenance will be an important aspect of owning this property. The applicant's attention is drawn to a website for advice in this respect.

POLICIES/LEGISLATION
On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

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

Core Strategy:
The Core Strategy for Bath and North East Somerset was formally adopted by the Council on
10th July 2014. The following policies of the Core Strategy are relevant to the determination of
this application:
DW1: District Wide Spatial Strategy

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:
RA2:Development in Villages outside the Green Belt
D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D.3: Urban Fabric
D.5: Building Design
D.6: Amenity
ST7: Transport requirements for managing development
H7: Housing Accessibility
SCR1: On-site Renewable Energy Requirement
STR5: Water Efficiency
SU1: Sustainable Drainage Policy
The National Planning Policy Framework (NPPF) was published in 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning
Practice Guidance (NPPG).
Relevant policies from the Chew Valley Neighbourhood Plan (2016).

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 application was submitted as a VARIATION application to Application No: 17/00295/FUL which was permitted and was for the 'Erection of detached dwelling house & detached garage'. The description of development permitted by permission 17/00295/FUL did not specify it would be a 2 bedroomed dwelling.

Section 73 Town and Country Planning Act 1990 allows for the determination of applications to develop land without compliance with conditions previously attached.

In this instance condition 2 attached to permission 17/00295/FUL was for compliance with the plans included within the Plans List.

Prior to 2009 when a developer wanted to make a change to a scheme that already has planning permission, it was often necessary to submit a further full planning application, which led to considerable delay, cost and uncertainty for the applicant. The Killian Pretty Review - Planning Applications: A Faster and More Responsive system 2008

recommended that a more proportionate approach should be explored. Further research revealed that one such option was to encourage the greater use of the existing sec.73 procedure, where a condition has been attached to the permission listing the drawings and particulars that have been approved. This approach of seeking a minor material amendment involving a variation of the relevant condition to refer to amended plans, is now acknowledged in the National Planning Practice Guidance 2016 (NPPG) advice on flexible options for planning permissions as one of the uses of a sec.73 application.

National PPG states there is no statutory definition of a 'minor material amendment' but suggests that any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved is likely to be included.

Development permitted must take place in accordance with the permission granted and the conditions attached to it, along with any associated legal agreements. However, circumstances may alter following grant of permission and an applicant may seek to revise their proposals. Where these changes are fundamental or substantial or raise new issues, a new planning application will need to be submitted. Where the changes are less substantial an application under section 73 is an alternative option to making a completely new application.

In this instance the permission granted under permission number 17/00295/FUL was for the 'Erection of detached dwelling house & detached garage and the application now being considered is for a detached dwelling house and detached garage. This proposal now being considered and as submitted is for a larger detached dwelling than that approved but the increase in size is not considered to be substantially different than that approved, and the changes were not fundamental to the principle of the development. The proposal as amended did not raise new issues which would warrant refusing to register the application as submitted under section 73.

When considering sec.73 applications for the purpose of a minor material amendment, planning authorities are advised to recognise that by definition the development will have already been found to be acceptable in principle. They are also advised to focus their attention on national, development plan policies or other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought.

In this instance a detached dwelling and garage on the site had been acceptable in principle and permitted in 2017. In the absence of any significant change in the development plan policies or other material considerations there was no justification for the Local Planning Authority to fundamentally change its view as to the acceptability of the principle of the development.

A section 73 application is subject to the same process of neighbour notification and scrutiny as a full planning application. Where an application under sec.73 is approved, the effect is to create a new grant of planning permission. A successful sec.73 application results in the grant of a new planning permission and therefore the original permission remains intact. The developer may then elect between them.

The main issues in relation to this proposed development are as follows:

- The principle of the proposed development.
- Impact on the character and appearance of the locality and AONB
- Access parking and turning
- Impact on amenity
- Drainage
- Trees and Ecology
- Other matters

The principle of a dwelling

The principle of this site being suitable for residential development was established when permission was granted in 2017- application number 17/00295/FUL. This is an infill site, located adjacent to the street and between 'The House' and 'Old Orchard'. The site previously contained a stable building and was formally part of the garden of 'The House' until sold in 2015 to the owners of 'Cerisdell' immediately to the south.

Placemaking Plan POLICY RA2-Development in villages outside the Green Belt not meeting Policy RA1 criteria states:

In villages outside the Green Belt with a housing development boundary defined on the Policies Map and not meeting the criteria of Policy RA1, proposals for some limited residential development will be acceptable where a. they are of a scale, character and appearance appropriate to the village.

Ubley is an 'RA2 village and the proposed development is within the housing development boundary and is considered to be of an appropriate scale for the village. Where development is appropriate in terms of its design and appearance the principle of development would be considered acceptable.

With regard to new residential development the neighbourhood plans Policy HDE5a refers to Housing mix and states that the Neighbourhood Plan will support residential development proposals where the housing mix is in accordance with the most recent Housing Needs Survey across the Individual Parish or whole Plan Area. In this respect the survey indicated that the population of the area is aging, with a majority of residents aged over 55 and almost half of chief income earners having been retired.

Respondents indicated a preference towards smaller homes in the area, such as 'downsizing homes,' 'sheltered housing' and 'flats/1-2-bedroom homes.' Therefore, large detached houses would not be seen to meet the needs of residents as indicated by the Housing need survey. This proposal has been reduced in scale from the scheme as first submitted originally a 4 bedroomed house was proposed but subject to discussions with the Case Officer the scheme is now for a 3 bedroomed house. In terms of its mass and bulk it is not substantially taller than the approved dwelling. It should be noted that the previous internal layout of the approved dwelling was unusual and within the built form there was an element of under used space in the form of storage space. Therefore, the additional bedroom has been created with modest alterations to the approved scheme.

Whilst the proposal seeks an increase in the number of bedrooms from 2 to 3 the dwelling is not an excessively large property and as such is seen to comply with the Placemaking

Plan Policy and not to conflict to an extent that refusal would be justified with the NHP Policy HDE5a.
The property is in a sustainable location having easy access to the facilities and services available in this village. The proposed dwelling as enlarged from the previously approved scheme is still modest in scale and is not therefore considered to conflict with the requirements of this policy.

Impact on the character and appearance of the locality and the AONB

The site is outside of the conservation area but is adjacent to the boundary and therefore, will have a limited impact on the character of the area. Both the village school and the Old Manor on the opposite side of The Street are traditional buildings built from local red sandstone and are within the conservation area.

Ubley is an architecturally diverse village with many traditional sandstone buildings as well as more recent development comprising detached houses set back from the road within generous garden plots. The large gardens generally contribute to the lower part of The Street having a verdant character. The diversity is reflected in the Ubley Village Plan which refers to the village having an eclectic mix of housing whilst noting that the houses are of similar scale with nothing over two stories. Both Old Orchard and The House fit the description of modern houses set back in large gardens.

The gap between the houses had previously been partly closed with a timber building and the 2017 permission allowed a modest sized dwelling on the site retaining a reasonable area of open garden space around the building. This proposal is for a dwelling with a marginally higher ridgeline. The proposed dwelling it now being shown to be approx. 400mm higher than the approved scheme. The original submission indicated a significantly greater rise in height. The amended plans now being considered have reduced this proposed amendment.

The asymmetrical roof form has been replaced by a symmetrical roof pitch. The dwelling having a gable frontage facing the street. The ridgeline has been moved away from the west boundary by approx. 1.5m and is therefore marginally closer to its neighbour on the western side. The two properties are shown to be just over 3m apart this distance being the same as the distance between the front section of the approved scheme and The House to the west. The side walls of the dwelling as now proposed have been kept in line with the approved front section of the approved scheme and therefore the rear section of the dwelling now proposed is closer to The House than the permitted scheme was. The amended roof form and the lengthening of the development has resulted in the dwelling now proposed having an enlarged footprint from that approved. The frontage of the proposed dwelling is the same width as the permitted dwelling on this site, but it does extend further into the site than the approved scheme. The two-storey element of the proposal is in line with the two-storey element of the adjacent property to the west. The single storey rear section of the proposed dwelling extends a further 3m. The house located to the west has a rear single storey extension which is not shown on the original plans as submitted. This single storey extension has a balcony are on its roof. The proposed single storey element of the house as now proposed will sit next to the neighbours single storey extension.

Concerns have been raised in respect of the appearance of the dwelling. The building sits perpendicular to the High Street however this coupled with the narrow front elevation of the building enables the site to retain its green appearance and to limit the impact that the dwelling has on the street scene by closing the gap between the buildings on either side. Placemaking Plan Policy D5 supports good, modern design. The proposal incorporates natural stone into the front elevation of the dwelling so that it reflects the appearance of the adjacent traditional dwellings. The roof is shown to be slate with the windows and doors being aluminium. Given the eclectic character of this part of village a contemporary design is considered appropriate and as amended the design and materials proposed, natural stone, render and timber cladding are seen not to harm the local character and distinctiveness of the area. The proposal has been designed to positively respond to the site context and local character in accordance with placemaking policy D2.

The proposed garage sits between the house and the road. This building has been amended and now comprises a single garage with car port. The previous scheme permitted a garage and car port in this location. The garage and car port are modest in scale and designed in keeping with the house and are considered acceptable.

The site is within the AONB and as such policy NE2 of the Council's Local Plan (2007) says that development will not be permitted where it is seen to adversely affect the natural beauty of the landscape. In this instance, given the location of the site within adjacent to the High Street within the village and given the vegetation within the locality a development of this scale is not considered to detract from the natural beauty of the area. Therefore, the design of this development as amended with the use of natural stone is considered to respect the character and appearance of the locality.

The site is not within the Conservation Area but sits adjacent to it. 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 setting of the adjacent conservation area. Here it is considered that the proposed development will preserve the character of the setting of the adjacent Conservation Area.

Access parking and turning

The scheme as amended has 3 bedrooms requiring the provision of two off-street, car parking spaces to accord with the authority's adopted parking standards.

This level of parking is the same as for the approved scheme and therefore, it is considered that as with the previous scheme the parking area should be made and kept available for parking the garage should be for ancillary use and the necessary visibility splays should be provided. In addition, it is considered necessary for a condition requiring a compacted surface at the entrance of the site to be the subject of a condition.

Concerns have been raised in respect of the discrepancy between the authority's adopted Placemaking Plan and the Chew Valley Neighbourhood Plan. The Highway Engineer assesses the highway implications of planning applications against the authority's adopted Placemaking Plan. On this basis, the proposed residential dwelling as originally submitted with 4 bedrooms required the provision of three off-street, car parking spaces. It is noted that the CVNP standard is for 0.5 spaces per dwelling for visitors, however, HDC officers would not be able to sustain an objection on highway grounds to a scheme which provides

off-street, car parking in accordance with the adopted Placemaking Plan parking standards.

Plan A103 indicates that the applicant now proposes a single garage with an adjacent car port. The plan shows that the internal dimensions of the garage accord with the minimum requirement of 3-metres by 6-metres and that the dimensions of the adjacent car port are of the required minimum of 2.4-metres by 4.8-metres. The swept path analysis indicated on submitted plan reference 1480/001 demonstrates that a large car is able to enter the application site from the east and access the car port before reversing into the area alongside the 'standard' space in order to enter the adopted public highway in a forward gear.

Impact on amenity

The increase in height of the dwelling by 400mm in relation to the neighbouring property is considered to have a limited increase in impact to the permitted scheme. The roof form will be closer to the adjacent property to the West. However, the two-storey element of the proposed new dwelling will be adjacent to the garage and gable elevation of the adjacent property and there is one first floor window on the eastern elevation of this property overlooking the site. The impact that the marginally larger roof form slightly closer to the elevation is likely to have on the light at present enjoyed by this window is seen to be minimal. The marginal difference in levels between the adjoining sites will also result in the impact of the new dwelling which is marginally set down having less of an impact.

Concerns have been raised by the adjacent neighbour in respect of their rear extension and the impact the proposal will have on their single storey rear extension with balcony area. The two-storey element of the proposed new house lines through with the rear elevation of the two-storey element of the adjacent property. The two-storey element of the new house is set back from the side elevation of the new house by approximately 1.25m resulting in it being set at approximately 4.25m from the neighbour's property. The single storey rear extension to the new house is adjacent to the extension of the neighbour's property. Given the slight difference in levels between the two gardens it is not considered that the new development would have a detrimental impact on the amenity at present enjoyed by the neighbours to an extent that refusal would be warranted.

The western and eastern elevations of the permitted scheme have first floor windows glazed with obscure glass. The roof lights are not shown to be glazed with obscure glass. It is not considered that the roof lights given their position on the roof slope and the first floor windows (conditioned to be retained with obscure glazing) will have a detrimental impact on the privacy at present enjoyed by the neighbours.

Given the topography of the site the ground floor windows proposed on the eastern and western elevation are set down from the neighbouring properties and therefore they are not considered to impact on the amenity of the neighbours.

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

DRAINAGE

No objection has been raised but advices and conditions are considered appropriate. The floor level of the garage requires consideration by the applicant and an advice in respect of 'riparian responsibilities' will be necessary.

TREES

Originally concerns were expressed in relation to this proposal however following the submission of further details and discussions the councils arboriculturalist has commented that she has no objection to 20/01408/VAR subject to continual compliance with the previously approved tree protection plan. The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF.

ECOLOGY

The submitted ecological report is well considered and addresses the previous concerns raised by the Council's Ecologist. Appropriate proposals are made regarding avoidance of harm to existing habitat, in particular the stream (which the ecological report confirms provides valuable habitat and good water quality as indicated by the plant and invertebrate species diversity) and associated wildlife - including any possible use of the stream and associated habitats by amphibians (ref. reports from local residents of amphibians including newts being present in the vicinity at similar sites / habitat nearby).
Subject to conditions to secure the implementation of the recommendations of the report and a follow-up report to demonstrate this, the proposals are seen to be acceptable.

Chew Valley Neighbourhood Plan

The proposal conserves the characteristic rural features of the local area in accordance with Policy HDE1 of the Chew Valley Neighbourhood Plan.
The proposal reflects, conserves and enhances the design attribute and characteristics of the settlement in accordance with Policy HDE2 of the Chew Valley Neighbourhood Plan.
The proposal is not considered to significantly harm any of the important views identified within the Chew Valley Neighbourhood Plan area in accordance with Policy HDE3 of the Chew Valley Neighbourhood Plan. The proposal, by reason of its height, scale and massing, is not considered to adversely impact on the sensitive skylines identified in the Chew Valley Neighbourhood Plan in accordance with Policy HDE4 of the Chew Valley Neighbourhood Plan.

The neighbourhood plan requires additional parking to the Placemaking Plan standards. This matter is addressed above. The proposed parking arrangements are not considered to impact on surface water flooding or the existing drainage systems. Therefore, the proposal accords with Policy
HDE8a and HDE8b of the Chew Valley Neighbourhood Plan.

The proposed development is of a scale that is not considered to adversely impact on surface water flooding or the existing drainage system and neither is it considered to increase the risk of flooding to existing properties. The proposal therefore accords with Policies HDE9a and HDE9b of the Chew Valley Neighbourhood Plan.

The proposed development does not harm existing ancient hedgerows or woodland in accordance with HDE12a of the Chew Valley Neighbourhood Plan. The proposed development will not harm the Green Corridors identified in the Chew Valley Neighbourhood Plan or the biodiversity within them in accordance with Policy HDE13 of the Chew Valley Neighbourhood Plan. The proposal is not considered to cause risk to or adversely affect water life biodiversity in accordance with Policy HDE14a of the chew Valley neighbourhood Plan.

The proposed development is of a scale that is not likely to create adverse light spill that would impact on bats or other light sensitive species, and appropriate dark corridors have been incorporated into the scheme in line with Policy HDE15 of the Chew Valley Neighbourhood Plan.

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.

OTHER MATTERS
Concerns have been expressed in relation to the neighbour notification in respect of this proposal. Following the first submission of amended plans neighbours were reconsulted. A final set of amended plans have been submitted and these have further sought to address the concerns raised by interested parties. Where amendments to a scheme are sought to address the concerns raised by interested parties it is not always considered necessary for reconsultation to be carried out.

Concerns in respect of the accuracy of the boundary between the proposed development site and the neighbour in The House have been raised. The Council do not have any information in respect of land ownership. The submitted site plan reflects that of the permitted scheme. The distance between the new and existing dwelling is indicated on the plan and these fixed points indicate the relationship between the two built forms. An informative in respect of civil matters is considered necessary.

Interested parties consider the property as submitted could provide more than 3 bedrooms. The application is considered on the basis of the information submitted.

Concerns have been raised in respect of the chimney which the applicant has been requested to remove. Confirmation of this matter will be addressed in the 'update report'.

RECOMMENDATION
PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 **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 **Interests of ecology (Compliance)**
All works must proceed only in accordance with the following measures for the protection of bats and birds:
a careful visual check for signs of active bird nests and bats shall be made of the interior and exterior of the existing building and its roof, and any crevices and concealed spaces, prior to any works affecting these areas active nests shall be protected undisturbed until the young have fledged works to dismantle any areas with concealed spaces or crevices shall be carried out by hand, lifting cladding and roofing materials (not sliding) to remove them, and checking beneath each one.
If bats are encountered works shall cease and the Bat Helpline (Tel 0345 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.
Reason: to avoid harm to protected species (bats and nesting birds)

4 **Wildlife Protection and Enhancement Plan (Compliance condition)**
The development hereby approved shall be implemented only in full accordance with the approved Wildlife Protection and Enhancement Plan by Engain dated 13th August 2020, with ecological supervision provided for specified activities as detailed; and all wildlife features shall be created / installed accordingly, and maintained and protected thereafter for the purposes of protecting wildlife and providing habitat of value to wildlife.

Reason: to avoid harm to ecology and the ecological value of the watercourse and to provide biodiversity net gain in accordance with NPPF and Local Plan Policy D5e

5 **Ecology Follow-up Report (Pre-occupation)**
No occupation of the development hereby approved shall commence until a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and implementation of the approved Wildlife Protection and Enhancement Plan in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate the completed implementation of the Wildlife Protection and Enhancement Scheme, to prevent ecological harm and to provide biodiversity gain in

accordance with NPPF and policies NE3 NE5 and D5e of the Bath and North East Somerset Local Plan.

6 **Materials - Submission of Schedule and Samples (Bespoke Trigger)**
No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

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

7 **Removal of Permitted Development Rights - No extentions or alterations (Compliance)**
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling(s) or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions require detailed consideration by the Local Planning Authority because alterations and extensions to the dwelling could potentially have a harmful impact on the visual and residential amenity of the locality.

8 **Bound/Compacted Vehicle Access (Pre-occupation)**
No occupation of the development shall commence until the vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

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

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

10 **Water Efficiency (Compliance)**
The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.

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

11 **Bicycle Storage (Pre-occupation)**
No occupation of the development shall commence until bicycle storage for at least two bicycles has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

Reason: To secure adequate off-street parking provision for bicycles and to promote sustainable transport use in accordance with Policies ST1 and ST7 of the Bath and North East Somerset Placemaking Plan.

12 **Obscure Glazing and Non-opening Window(s) (Compliance)**
The proposed first floor windows on the eastern elevation overlooking Old Orchard (east elevation) and high level window on the western elevation shall be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the residential amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D.2 of the Bath and North East Somerset Local Plan.

13 **Garage / Car Port (Compliance)**

The garage and car port hereby approved as indicated on submitted plan A101 REV E and 1480-001 shall be retained for the garaging and parking of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose

Reason To ensure adequate off street parking provision is retained in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

14 **Turning Area (Compliance)**
The area allocated for turning, as indicated on submitted plan references A101 Revision E and 1480/002, shall be kept clear of obstruction and shall not be used other than for the turning of vehicles in connection with the development hereby permitted.

Reason: To ensure sufficient turning areas is retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

15 **Visibility splays (Compliance)**

The access shall retain visibility splays on both its sides, which shall be kept free of obstruction above a height of 900mm at all times.

Reason: In the interests of highway safety.

PLANS LIST:

1 Site location plan dated 17/04/2020
A102 and A101 REV E dated 17/09/2020 and 6/10/2020
A 103 (A2) dated 6/08/2020

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**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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 **Permit/Consent Decision Making Statement**

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

6 The applicant is advised to see the following website for more drainage details: https://www.gov.uk/guidance/owning-a-watercourse

7 **Civil or legal consents**

This permission does not convey or imply any civil or legal consents required to undertake the works.

8 The applicant should be aware that the owner of the property/ land wi ll have 'riparian responsibilities' with regards to all above and below ground watercourse structures within or adjascent to the curtiledge of the land. Sensible and regular watercourse and culvert maintenance will be an important aspect of owning this property. See the following website for
more details: https://www.gov.uk/guidance/owning-a-watercourse

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Bath & North East Somerset Council

MEETING:	**Planning Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**18th November 2020**	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	**APPLICATIONS FOR PLANNING PERMISSION**	
WARDS:	ALL	
BACKGROUND PAPERS:		

AN OPEN PUBLIC ITEM

BACKGROUND PAPERS

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

[1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.

[2] Department work sheets relating to each application/proposal as above.

[3] Responses on the application/proposals as above and any subsequent relevant correspondence from:

(i) Sections and officers of the Council, including:

Building Control
Environmental Services
Transport Development
Planning Policy, Environment and Projects, Urban Design (Sustainability)

(ii) The Environment Agency
(iii) Wessex Water
(iv) Bristol Water
(v) Health and Safety Executive
(vi) British Gas
(vii) Historic Buildings and Monuments Commission for England (English Heritage)
(viii) The Garden History Society
(ix) Royal Fine Arts Commission
(x) Department of Environment, Food and Rural Affairs
(xi) Nature Conservancy Council
(xii) Natural England
(xiii) National and local amenity societies
(xiv) Other interested organisations
(xv) Neighbours, residents and other interested persons
(xvi) Any other document or correspondence specifically identified with an application/proposal

[4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

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

[2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.

[3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.

[4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	20/02787/VAR 9 November 2020	BQN Ltd Bath Quays North Development Site, Avon Street, City Centre, Bath, Bath And North East Somerset Variation of condition 42 (Approved Drawings, Development Specification and Design Codes) of application 18/00058/EREG03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA,above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.)	Kingsmead	Gwilym Jones	APPROVE
02	20/02008/FUL 13 August 2020	Roger James Unregistered Unit 1-4, Old Station Yard, Avon Mill Lane, Keynsham, Bath And North East Somerset Erection of 2no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area.	Keynsham East	Martin Almond	PERMIT

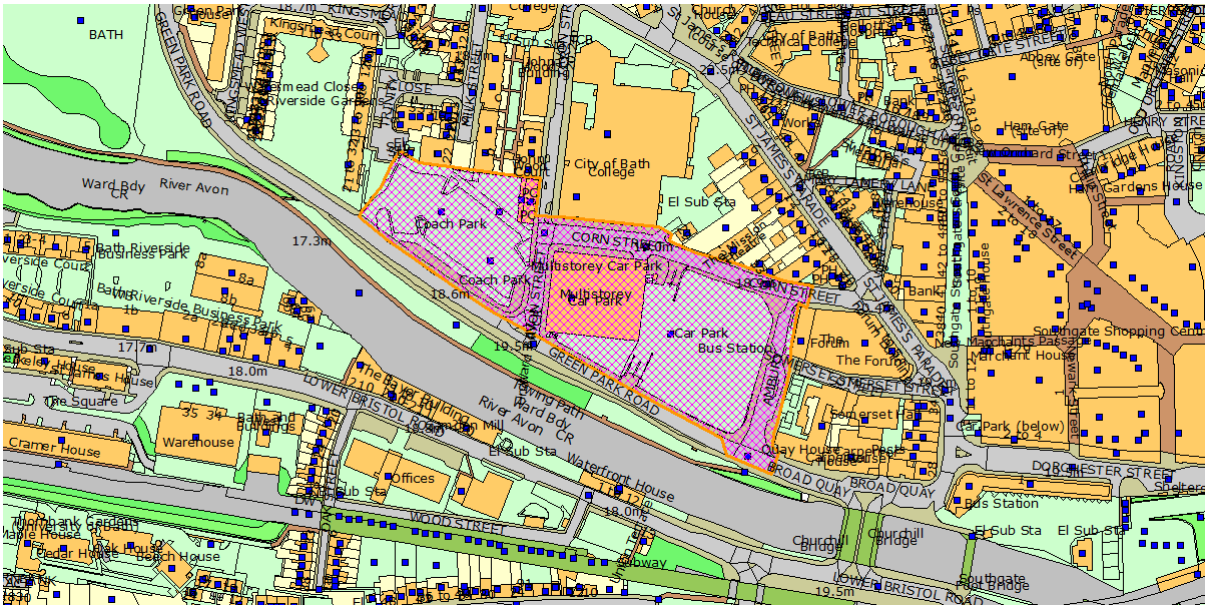
03	20/02926/FUL 9 October 2020	N/A Additional Development Area, Holburne Park, Bathwick, Bath, Bath And North East Somerset Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath (Resubmission of 19/04772/FUL)	Bathwick	Chris Griggs-Trevarthen	PERMIT
04	19/05534/FUL 22 October 2020	Mobile Broadband Network Limited Telecommunication Mast 54146, Woolley Lane, Charlcombe, Bath, Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets	Bathavon North	Chris Griggs-Trevarthen	PERMIT
05	20/01636/FUL 14 August 2020	Mr G. Mock & Mrs J. Bird Friary Dene, Warminster Road, Hinton Charterhouse, Bath, Bath And North East Somerset Alterations to roof and installation of dormer windows	Bathavon South	Samantha Mason	PERMIT
06	20/02932/FUL 30 October 2020	Mr and Mrs Stenning The Coach House, College Road, Lansdown, Bath, Bath And North East Somerset Erection of rear and side extension	Lansdown	Chloe Buckingham	PERMIT
07	20/02593/FUL 19 November 2020	Mr & Mrs Shellard & Smith Cromwell Farm, Combe Hay Lane, Combe Hay, Bath, Bath And North East Somerset Extension of time for the existing temporary rural workers dwelling and dairy building at Cromwell Farm, Combe Hay Lane, Combe Hay, Bath for an additional 3 years.	Bathavon South	Hayden Foster	PERMIT
08	20/02480/FUL 22 October 2020	Knoll Farm LLP Knoll Farm, White Ox Mead Lane, Peasedown St. John, Bath, Bath And North East Somerset Erection of 3no agricultural buildings including Cattle Barn, Workshop/Feed Store, Farmyard Manure/Straw and Hay Shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.	Bathavon South	Hayden Foster	PERMIT
09	20/03595/FUL 9 December 2020	Mr Simon Barnes 37 Woodland Grove, Claverton Down, Bath, Bath And North East Somerset, BA2 7AT Erection of a single storey side lean to extension.	Bathwick	Danielle Milsom	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01

Application No: 20/02787/VAR

Site Location: Bath Quays North Development Site Avon Street City Centre Bath Bath And North East Somerset



Ward: Kingsmead **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Sue Craig Councillor Andrew Furse

Application Type: Application for Variation of Condition

Proposal: Variation of condition 42 (Approved Drawings, Development Specification and Design Codes) of application 18/00058/EREG03 (Outline planning application for comprehensive mixed use redevelopment, comprising B1, C1, C3, A1, A3, A4, D1 and D2 uses, with total combined floorspace of up to 38,000sqm (GIA,above ground), infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.)

Constraints: Article 4 Reg 7: Estate Agent, Article 4 HMO, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, HMO Stage 1 Test Area (Stage 2 Test Req), MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Railway, SSSI - Impact Risk Zones,

Applicant: BQN Ltd

Expiry Date: 9th November 2020

Case Officer: Gwilym Jones

To view the case click on the link here.

REPORT

APPLICATION SITE

This application relates to the existing Avon Street car park and former coach drop off area and associated public facilities, located to the south west of the city centre in Bath. The site is bounded to the north by properties in Trinity Close and Milk Street, the City of Bath College and properties to the rear of St James's Parade including the Grade II listed Mission Theatre. To the east of the site is the Grade II* Forum building and Carpenter House. To the south is the River Avon and riverside park and to the west Riverside Gardens. Corn Street and Ambury are included within the application red line boundary.

The application site is approximately 2.20 hectares in size and is generally level. Currently access to the car park is from Corn Street, with the exit onto Ambury. There are bus stops on Ambury and Corn Street and footpaths around the perimeter of the site. Bath Spa railway station and bus station are approximately 400m to the east, accessed via Somerset Street/Broad Quay and Dorchester Street.

The site is located within the City of Bath World Heritage Site and within the Bath Conservation Area. The river corridor is designated a Site of Nature Conservation Importance (SNCI). The site is within Flood Zone 2 and 3 and lies within the area the subject of the Bath Quays Waterside Flood Defence Project.

The site is owned by the Council who have appointed Legal and General as their development partner to bring forward the redevelopment of the site. The Applicant is BQN Ltd.

SCOPE OF THE APPLICATION

This application is submitted under s.73 of the Town & Country Planning Act 1990 for minor material amendments to the existing outline planning permission granted on 2nd April 2019 for the comprehensive redevelopment of the site. Specifically, this current application seeks to amend approved Parameter Plans and the approved Design Codes that define and control aspects of the development. These plans and documents are listed in Condition 42 of the outline planning permission which requires that the development is carried out in accordance with them.

Following the grant of outline planning permission the Applicant has been progressing the detailed design of the development in order to submit a reserved matters application for Phase 1. Arising from that process it became evident that the proposed design was not consistent with a number of the approved Parameter Plans. The proposed design was also not consistent with the Design Codes that set out further guidance in respect of matters such as roofscape. Accordingly, a reserved matters application for the proposed design could not be submitted based on the approved Parameter Plans and Design Codes. Rather than bring forward a design consistent with the existing planning permission the Applicant has decided to seek approval for amendments that would enable them to submit a reserved matters application to deliver their preferred scheme.

All other aspects of the proposed development including the mix of uses and floorspace of the development as approved in April 2019 remain unchanged.

SUMMARY OF PROPOSED AMENDENTS
The amendments to the Parameter Plans comprise:
Maximum Building Height Zone - increase in maximum height of the buildings including shoulder heights and extent of upper floor massing within defined roof zone of two buildings fronting the River Avon
Maximum Frontage Depths - increase in building depths of buildings fronting Corn Street
Roof Zones - removal of requirement for pitched roofs on building fronting the River Avon
Sections - amendments to reflect increased building heights

The principal amendments to the Design Codes relate to guidance on roofscape.

The amendments to the Development Specification relate to the quantum of floorspace within development parcels and plan reference numbers.

PROCEDURAL MATTERS
Section 73 of the Town and Country Planning Act 1990 provides a mechanism to remove or vary conditions attached to an earlier planning permission and thereby allow for minor material amendments to be made to an approved development. Whilst there is no statutory definition of what constitutes a 'minor material' amendment', which will be dependent on the context of the overall scheme, Government Guidance states that to be a minor material amendment the scale and/or nature of the changes would result in a development that is not substantially different from the one which has been approved.

The effect of approval of an application under s.73 is the grant of a new planning permission but which leaves the original permission intact and unamended. Accordingly, if Members were minded not to approve the current application the April 2019 planning permission for the development would remain in place, be capable of implementation to deliver the comprehensive redevelopment of the site in compliance with policies set out in the Core Strategy and Placemaking Plan.

Under a s.73 application the Council is to consider only the conditions subject to which planning permission should be granted as the development itself has been judged to be acceptable in principle. However, the Council is required to consider the application in the light of the development plan and material considerations prevailing at the time the application is determined. If the Council is minded to approve the current s.73 application it is able to introduce new or amended conditions however they must be ones the Council could have imposed on the original consent and cannot fundamentally alter the development contained in the original permission.

It is important to note that the existing planning permission is in outline with the detailed design the subject of subsequent reserved matters applications which will be submitted in due course. Accordingly, whilst illustrative drawings and images in supporting documents show a potential, and likely, built form these details do not form part of the current application and are not for approval at this stage.

Supporting documents also identify a number of sustainability and biodiversity benefits that could be achieved if the amended Parameter Plans and Design Codes were approved. However, unless as part of the determination of this s.73 application conditions and/or planning obligations are imposed to require these particular outcomes there is no assurance that these will be delivered.

APPLICATION DOCUMENTS
Supporting documents including a Planning Statement, Historic Building Report and Impact Assessment, Energy and Sustainability Statement, Viability Report and Statement of Community Involvement.

By virtue of the location of the site and the scale and impact of the development the original application amounted to EIA development and that application was accompanied by an Environmental Statement (ES). In accordance with the relevant guidance an ES has been submitted with the current s.73 application.

A Design and Access Statement has also been submitted which includes indicative floorplans and images of the external appearance of the buildings as well as landscaping of the public realm. As noted above, these are for illustrative purposes only and are not for determination as part of this current s.73 application.

RELEVANT PLANNING HISTORY
20/02660/NMA - approval of non-material amendments to Parameter Plans.
19/05106/COND - discharge of Condition 15 (Archaeology) of outline planning permission 18/00058/EREG03
18/00058/EREG03 - outline planning permission granted for the comprehensive mixed use redevelopment of the Bath Quays North site comprising B1, C1, C3, A1, A3, A4, A5, D1 and D2 uses with total combined floorspace of up to 38,000sqm, infrastructure (including basement car park) and associated development, including demolition of existing multi storey car park and amenity building. Access, landscaping, layout and scale for approval (to extent described in separate Development Specification), all other matters reserved.
14/05810/REG03 - planning permission granted in February 2015 for the demolition of Avon Street Car Park, and construction of temporary surface car park.
14/04195/EREG03 - planning permission granted in February 2015 for proposals including flood mitigation and defence works, forming part of a wider comprehensive flood/public realm scheme.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Historic England
Significant concerns regarding the mass of development and its ability to reflect and integrate with the finer grain of the Georgian City, particularly in relation to the roofscapes which will be seen in long distance views together with the City's historic core. The increase of height proposed further sanctions the potential for maximum roof heights to be reached across the site. The proposed amendments deviate from the pitched roof designs previously explored, which created variation and articulation that would sit more comfortably with the historic city scape beyond. Concern that the references to verdant, biodiverse and accessible roofscapes fundamentally fails to acknowledge the potentially negative impact that the use of such spaces for gardens and terraces would have in relation to the surrounding historic setting, both in terms of paraphernalia and visual contrast.

Environment Agency
No objection subject to inclusion of conditions on original outline planning permission.

Natural England
No objection.

BANES Historic Environment Team
The increased height and flat roof form of the development would appear obtrusive when viewed from the surrounding hillsides such as Beechen Cliff and would add further to the detrimental visual impact caused by existing large footprint and flat roofed late-C20 development adjoining the site. The visual impact of the flat roofs would be compounded by a variety of detrimental roof top 'paraphernalia' and ad-hoc arrangement of disparate roof top structures containing the required services. Certain of these potential isolated structures would also be visible in the conservation area from street level, projecting above the top floors and intruding on rather than enhancing important skyline views. There is the potential to install photo voltaic panels to cover the highest and most prominent elements of the flat roofs, exacerbating their visual impact on important views. Concern at the emphasis on expansive greening/soft landscaping at roof level at odds with the historic and architectural roof top character and appearance of Bath where greenery is limited to balconies and small roof terraces only.

BANES Highways
No objection. Raise a number of issues relating to the detailed layout and design of the roads, routes and public realm.

B&NES Environmental Monitoring (Air Quality)
No objection.

B&NES Ecologist
No objection. Welcome increase in on-site biodiversity.

OTHER CONSULTEES
Bath Preservation Trust support the strategic ambition and aspiration to regenerate and repair this city centre site within the Enterprise Area, with new development to create a mixed-use riverside quarter. Have some concerns about the proposed maximum height parameters, would not support any breaking of the upper envelope of the parameter plans and welcome a general reduction in height across the site. If buildings are to be above height of nearby buildings (and there may be a case for well-designed higher elements on the site) this would need to be assessed and supported by enforceable Design Codes. Concern that any buildings above 5 storeys would be visually prominent and may have adverse impacts on the special qualities of the World Heritage Site, specifically the city in the hollow of the hillsides. The proposed 'variety' in roof form is felt to be more honest than the use of a mock mansard profile and generally encourage contemporary, 21st century design rather than faux-historic roof profiles, especially fake mansards. Even if it is a flat roof a change in material is needed to provide harmonious visual distinction. A more robust approach to roof design and landscaping is encouraged. If it is to be supported, it is essential that the green landscaping is 'locked in' to the design, and not able to be value engineered out leaving us with a plain flat roof. We have some concerns about the over-cluttering of the roof, and how this would be viewed from the pavement. Query whether the volume of usable roof space be increased? Pleased to see the inclusion of integrated solar which should be a condition and compliance-check on any consented provision. Would not wish to see the solar provision cramp the landscaping provision and they must be designed together in order to ensure appropriate place for

each. Concerns about how the Design Codes are to be enforced and unconvinced by the acceptability and effectiveness of the Design Codes unless they are embedded in Conditions, legal agreements or planning policy. Wish to see the detail of Design Codes as a Condition of any permission granted, or included in an adopted masterplan SPD for this site.

POLICIES/LEGISLATION

The development plan for Bath and North East Somerset comprises:
Bath & North East Somerset Core Strategy (July 2014)
Bath & North East Somerset Placemaking Plan (July 2017)
West of England Joint Waste Core Strategy (2011)
Bath & North East Somerset saved Local Plan (2007) not replaced by the Core Strategy or the Placemaking Plan
Policy GDS1 (K2; NR2; V3 &V8)
Made Neighbourhood Plans (where applicable)

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the determination of this application:
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of Sustainable Development BD1: Bath Design Policy
B1 Bath Spatial Strategy
B2 Central Area Strategic Policy
B4 The World Heritage Site and its setting
CP2: Sustainable Construction
CP3 Renewable Energy
CP4 District heating
CP5: Flood Risk Management
CP6: Environmental Quality
CP7: Green Infrastructure
CP9: Affordable Housing
CP10: Housing Mix
CP13: Infrastructure Provision

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:
SCR1: On-site renewable energy requirement
SCR5: Water efficiency
SU1: Sustainable drainage
D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban fabric
D4: Streets and Spaces
D5: Building design
D6: Amenity
D8: Lighting
D10: Public Realm
HE1: Historic Environment
NE2 Conserving and enhancing the landscape and landscape character

NE3: Sites, species and habitats
NE4: Ecosystem services
NE5: Ecological network
NE6: Trees and woodland conservation
PCS3: Air Quality
PCS5: Contamination
PCS7: Water source Protection Area
H1: Housing
H7: Housing accessibility
LCR3A: Primary school capacity
ED1A Office Development
CP12 Centres and Retailing
ST1: Promoting sustainable transport
ST3: Transport infrastructure
ST7: Transport requirements for managing development CP13: Infrastructure Provision
SB4: Bath Quays North & Bath College Development Requirements and Design Principles

Other relevant documents include the Bath City Riverside Enterprise Area Masterplan Vision Report (2014). Although not a development plan document it has been endorsed by the Council and is a material consideration.

National guidance in the National Planning Policy Framework (NPPF 2019) and National Planning Policy Guidance are also material considerations and can be given significant weight.

The NPPF states that with regard to conserving and enhancing the historic environment, in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (para.189). 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; the more important the asset the greater the weight should be (para.193). Further, any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (para.194). 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 (para. 196).

There is also a duty placed on the Council under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that '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'. There is also a duty placed on the Council under s.72 of the same Act when considering development within a conservation area to pay 'special attention to the desirability of preserving or enhancing the character or appearance of that area'.

In March 2019 the Council declared a Climate Emergency and in July 2020 an Ecological Emergency. These are Council resolutions and although not part of the statutory development plan they are a material consideration in the determination of the current application.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

INTRODUCTION

As noted above, the Council is required to consider the current s.73 application in the light of the development plan and material considerations prevailing at the time of this application. This comprises the Core Strategy and Placemaking Plan which are unamended from when the original application was determined. The Council has since commenced preparing a new Local Plan however this is at the early stages of preparation and carries no weight in the determination of this current application.

Since the original grant of outline planning permission and submission of the current s.73 application the government has introduced amendments to the Use Classes Order. This combines retail (A1-A3) with offices (B1a-B1c) and clinics, health centres, creches and day centres (D1) into a new Class E. Other D1 uses including schools, museums and places of worship are a new use class (F1). Cinemas, concert halls, bingo halls and dance halls (formerly D2) are now classified as sui generis, as are pubs and drinking establishments (formerly A4). Hotels (C1) and dwelling houses (C3) remain unchanged. Notwithstanding these changes the new Use Class Order has no material bearing on this application.

ENVIRONMENTAL IMPACT ASSESSMENT

The current application is EIA development and is accompanied by an Environmental Statement ("ES (January 2018)") and Environmental Statement Addendum (July 2020), Technical Appendices and Non-Technical Summary (the "ES Addendum"). The ES Addendum reviews each topic assessed in the ES (2018) and identifies where there has been a material change in either the baseline or the likely significant environmental effects of the development. Where there has been a materal change the assessment has been updated and is reported in the ES Addendum and associated technical Appendices.

Given the outline nature of the existing planning permission and current s.73 application, were the proposed amendments to be approved details submitted at Reserved Matters stage will need to be scrutinised to ensure the necessary mitigation identified at in the ES (2018) and ES Addendum (2020) are incorporated and delivered.

PLANNING CONSIDERATIONS

The application for development of the Bath Quays North site has been submitted in outline. The application specifies a range of uses and minimum and maximum floor areas for the different uses, with an overall development cap of 38,000 sq.m. Aspects of the development relating to Access, Layout, Scale and Landscaping are specified on a series of Parameter Plans and are submitted for approval as part of the current application. Further details on these matters as well as full details on Appearance will be submitted as reserved matters.

Reserved matters cannot exceed the maximum dimensions specified on the Parameter Plans however they could be less depending on the detailed layout of the site and design of the buildings. The detailed layout of the development and its built form will also need to conform to the requirements set out in the Design Codes and Landscape Design Codes, with additional guidance set out in Design Guidelines.

CONSIDERATIONS

1. Quantum of Development and Mix of Uses

The proposal is for a development of up to 38,000 sq.m. comprising:

- at least 15,000 sq.m. of office (B1) space and up to a maximum of 25,000 sq.m.
- at least 5,600 sq.m. (70 dwellings) of residential (C3) and up to 21,600 sq.m. (270 dwellings)
- a maximum of 3,530 sq.m. (130 rooms) of hotel (C1) use
- at least 1,400 sq.m. of retail/food and drink (A1, A3, A4, A5) and clinic (D1) and gym (D2) and up to a maximum of 4,500 sq.m.
- at least 430 car parking spaces of which at least 320 to be for public use and a maximum of 495 spaces of which at least 320 to be for public use

The application proposes a minimum (and maximum) amount of floorspace for offices, residential and retail/food and drink, and a maximum floorspace for hotel use i.e. a hotel is an optional component of the development. The total floorspace and mix of uses of the proposed development, including the floorspace range by use, is as granted outline planning permission in April 2019.

The quantum of development and mix of uses is not amended by the current s.73 application. Planning policy as set out in the Core Strategy and Placemaking Plan, including the site specific policy in SB4 of the Core Strategy, remains unchanged since the original grant of planning permission and accordingly the proposed quantum of floorspace and mix of uses is acceptable.

2. Site Layout

Limited, non-material amendments to the approved Parameter Plans have been submitted by the Applicant and approved under application 20/02660/NMA. The changes included minor adjustments to building lines; the width of streets around and through the site; and the siting of refuse collections points, substations, plant and public toilets across the site.

The current s.73 application does not propose amendments to the approved site layout parameters and in combination with the relevant sections of the Design Codes create an acceptable framework for a development that connects well with the existing city and complies with the principles set out in Policy SB4. Accordingly, the proposed site layout is considered acceptable.

3. Scale, Height, Massing and Roofscape

The principal changes to the approved Parameter Plans and Design Codes proposed by this s.73 application relate to building heights and roofscape. The approved Parameter Plans set a range of maximum building heights across the site and this is combined with roofscape parameters that specify pitched roofs in particular locations, but with greater flexibility including flat roofs permitted on other parts of the site. As well as limiting the overall height of the development a key purpose of the approved height and roofscape

parameters and design guidance was to manage the form of buildings above the parapet/shoulder height, to promote variation in building heights and roofscape across the site and to avoid extensive flat roofs, particularly on key buildings notably facing the river. This was achieved in part by allowing an extra 2m zone above the maximum building height to allow for the incorporation of pitched roof forms.

The approved building heights and roofscape were informed by the Council's Building Heights Strategy and a detailed analysis of the scale and character of the city centre. The Building Heights strategy identifies this site as being within Zone 1 (the Georgian City) and recommends that for new development the overall height should not be less than or exceed the overall prevailing height of nearby Georgian buildings, with one additional setback storey behind parapet within the roofscape being generally acceptable. It also recommends that roofscape should normally take its design cues from nearby Georgian buildings including parapet, pitch, sub-division and materials. In the context of Georgian buildings closest to the site on St James's Parade and Green Park this is three storeys (including ground floor) with additional space accommodated within pitched roofs behind a parapet. The roofscape in the historic core of the city is characterised by predominately pitched roofs and mansard roofs with dormers. The approved Parameter Plans permit buildings of a greater scale, generally four storeys with variation in maximum absolute heights across the site, and with the potential for a further floor above the shoulder height/parapet. The height of the building above shoulder/parapet level is however limited and controlled in order to promote the use of pitched roof forms that respect and harmonise with the distinctive built form and character of the historic city and to avoid a monolithic appearance. This is reinforced in the approved Design Codes.

The amended Parameter Plans propose changes to the approved maximum building heights, increasing this by up to 2.4m in some locations and reducing by 0.7-1.2m in others. In addition the approved 2m 'roof zone' (to incorporate pitched roof forms) is incorporated into habitable floorspace across all buildings and in some locations is exceeded. The effect of this is to increase the actual and perceived height of the buildings by allowing for areas of the roof space otherwise restricted to pitched roof forms to be full height and also to allow for flat roofs across all plots. The Applicant has indicated that the flat roofs would accommodate a mix of green roofs and outdoor space for the office space, hotel and selected residential units as well as areas for photo voltaic panels. The Applicant states a significant area of the roof will form part of this green habitat, which would be unachievable if pitched roofs were proposed, allowing for a Biodiversity Net Gain on the site of 37%, compared to the emerging DEFRA minimum target of 10%. The Applicant also states that the revised roofscape would allow for a greater area of photo voltaic panels to be accommodated than under the approved Parameter Plans and Design Codes, thereby enabling the development to achieve a carbon saving of around 37% beyond Building Regulations baseline and 77% beyond SAP 10.1 carbon figures.

As well as increasing the maximum permitted height of the development the revised Parameter Plans and Design Codes remove the requirement to incorporate pitched roofs in the detailed design of the development. Taken together this approach allows for a very different roofscape to the development from that approved with the original outline planning application. This is apparent in the illustrative images of the development as all buildings have flat roofs. The Heritage Impact Assessment submitted with the current s.73 application describes the proposed roofscape design as 'a large departure from a typical Bath roofscape in regard to design and materiality'. It notes that 'the modelling and

treatment of the roofscape attempts to break down the mass of the plots' however 'although the proposals offer variety through both hard and soft landscaping, they are formal and symmetrical in their appearance and present a composition which does not break down the overall mass of the five building plots.' In this context the Applicant assesses the impact of the roofscape on the World Heritage Site and to the character and appearance of the Conservation Area as 'moderate adverse'.

The Council's Historic Environment Team considers that the increased height and flat roof form of the development would appear obtrusive when viewed from the surrounding hillsides such as Beechen Cliff. The approach would add to the detrimental visual impact caused by existing large footprint and flat roofed late-C20 development adjoining the site which they describe as over-scaled and at odds with the distinctive architectural character and built form of Bath. Based on the illustrations of the proposed development they consider that the visual impact of the flat roofs would be compounded by roof top 'paraphernalia' and an ad-hoc arrangement of disparate roof top structures containing the required services. This approach, rather than screening and unifying them within designed pitched roof forms as required by the currently approved Parameter Plans and Design Codes, is considered to be harmful. Further, certain of these structures would be visible from street level within the Conservation Area, projecting above the top floors and intruding on rather than enhancing important skyline views.

In terms of the siting of photo voltaic panels they note that this has the potential to completely cover the highest and most prominent elements of the flat roofs, exacerbating their visual impact on important views. The emphasis on expansive greening/soft landscaping at roof level also causes concern, noting that in plans for the Georgian city John Wood designed the public realm, including greenery, at ground level not on roofs elevated above the streets as now proposed. Raised to roof top level this would be at odds with the historic and architectural roof top character and appearance of Bath where greenery is limited to balconies and small roof terraces only.

Historic England raised concerns regarding the proposed building heights of the development during the determination of the original outline planning application. In respect of the current s.73 application they continue to have significant concerns regarding the mass being proposed and its ability to reflect and integrate with the finer grain of the Georgian City, an integral part of Bath's World Heritage Site status. This is particularly prevalent in relation to the roofscapes which will be seen in long distance views together with the City's historic core. They state that the increase of height proposed in this application further sanctions the potential for maximum roof heights to be reached across the site and fails to respond appropriately to the wider setting of the Georgian City. It deviates from the pitched roof designs previously explored, which created variation and articulation that would sit more comfortably with the historic city scape beyond. They are also concerned that the references to verdant, biodiverse and accessible roofscapes fundamentally fails to acknowledge the potentially negative impact that the use of such spaces for gardens and terraces would have in relation to the surrounding historic setting both in terms of paraphernalia and visual contrast.

Given the overall scale of the development it is considered that the increase in building heights itself, which is only in selected locations of the site, is likely to be imperceptible when compared with the heights permitted under the outline planning permission and causes limited harm to heritage assets. However, this increase in height is combined with

the removal of the requirement to provide pitched roofs on selected parts of the site and the incorporation of the 2m zone for pitched roofs into the habitable floorspace of the building. Together this would allow for an incongruous roofscape that does not integrate the development with the more typical roofscape of the Georgian city. In this context it is considered that the proposed amendments give rise to harm to both the World Heritage site and Conservation Area. This harm is considered to be less than substantial and in accordance with para. 196 of the NPPF must be weighed against the public benefits of the proposed development. This is considered further below.

4. Transport

Limited, non-material amendments to the approved Parameter Plans have been submitted by the Applicant and approved under application 20/02660/NMA. The changes included minor adjustments to the width of streets around and through the site, and the siting of refuse collection points across the site. The current s.73 application does not propose amendments to the approved Access and Circulation Parameter Plan and the indicative location of the access to the basement car park on Ambury remains as approved under the original outline planning permission.

The principle of a two level basement car park providing at least 430 parking spaces and up to a maximum of 495 spaces, including 320 spaces available to the public including 17 for Blue Badge holders, was approved under the original outline planning permission. The Transport Assessment submitted with the current s.73 application refers to 411 parking spaces (of which 320 spaces would be for public use) however this relates to provision within Plots 1-5 of the approved development and excludes potential additional provision within Plots 6 and 7.

The Highways Officer has raised a number of points regarding the detailed layout and operation/management of the vehicular, cycle and pedestrian routes within the application site and these will need to be addressed in future reserved matters applications. However, in terms of highways matters defined and controlled through the Parameter Plans the current s.73 application and proposed amendments do not change the approved scheme. Accordingly, transport aspects of the proposed development are considered acceptable.

5. Sustainability

As part of the current s.73 application the Applicant has submitted an updated Energy and Sustainability Statement (including a completed Sustainable Construction Checklist) as well as CO2 emissions calculations based on an indicative scheme comprising office, retail, hotel and residential. This shows that the development could achieve a 37% reduction in regulated CO2 emissions including a 29% reduction through renewables/low or zero carbon energy sources. This compares with a policy complaint position at the original outline application stage of at least 19% CO2 reduction with a minimum 10% contribution from renewables.

The Applicant has also undertaken an assessment using SAP 10.1 carbon factors which reflect the decarbonisation of the grid and other national infrastructure changes. Although SAP 10.1 has been released only for consultation, the Applicant considers that it is more representative of the true emissions performance of the development. Using this method the Applicant calculates a 75% site-wide reduction in CO2 emissions including 72% through renewable technologies. An assessment using SAP 10.1 carbon factors was not

undertaken as part of the original outline planning application (which pre-dated the BRE update) however during pre-application discussions a scheme presented by the Applicant with pitched roofs indicated an overall reduction of 50.5% using SAP 10.1 carbon factors including 48% through renewables.

These CO2 emissions reduction calculations would be delivered through a range of measures including high energy efficient building fabric and building services as well as high efficiency air source heat pump, variable refrigerant flow and rooftop photovoltaic array across the site. The Applicant states that the development will be designed to allow net zero carbon emissions to be achieved by 2030.

The Sustainable Construction Checklist and calculations have been reviewed for the Council by an independent specialist who has advised that they are reasonable and achievable. Based on the assessment submitted with the current s.73 application the development could potentially achieve significantly above policy requirements in terms of both overall CO2 reduction and the contribution from renewables. It could also perform significantly better than the scheme assessed at the time of the original outline planning application. The scheme would also perform better compared with a nominal pitched roof scheme presented by the Applicant although the difference is less marked. The improved performance appears to be principally through the extra area of roof space dedicated to photo voltaic panels.

The potential for the development to perform substantially above current policy requirements is a significant public benefit, to be secured by condition, and is to be weighed against the harm to heritage assets. This is considered further below.

6. Development Viability and Affordable Housing

A detailed viability assessment of the development based on an indicative scheme comprising a mix of office, retail, residential and a hotel has been submitted with this s.73 application. The submitted Viability Report identifies a significant overall deficit of around £42m and concludes that the development is unable to support any affordable housing.

The appraisal and full range of cost and value assumptions has been reviewed for the Council (as Local Planning Authority) by independent property consultants. Their review has considered the basis on which the value of the existing site has been calculated, construction and other costs including developer return and funding as well as office rents, residential sales values and hotel income. They have challenged some of the detailed costs and values in the report however they do not dispute the overall conclusion that the scheme is showing a deficit and is unable to support the provision of affordable housing.

The Applicant has stated that although, due to the deficit, the scheme is unable to support the delivery of affordable housing the Council (as landowner) and the Applicant have agreed the delivery of a minimum of 25 dwellings in Phase 1 through public funding towards common infrastructure. These affordable homes would be made available for sale at a discount of 20% from open market value. It should be noted however that the provision of these affordable homes is dependent on government funding and would be secured outside the planning system i.e. it will not be a s.106 obligation. Accordingly no weight should be given to this in determining this s.73 application.

The original outline planning permission included a condition requiring a s.106 agreement to be entered into before commencement of development that included a two stage financial review mechanism. If Members are minded to approve the current application it is considered that a s.106 agreement should be entered into with the Applicant requiring a financial review prior to completion of Phase 1 of the development to establish whether the development is able to support the provision of affordable housing at that time.

Other Planning Considerations

ECONOMIC BENEFITS

The development granted outline planning permission and the current s.73 application propose a minimum of 15,000sq.m. and up to 25,000sq.m. of office space as well as other employment generating uses. This has the potential to create 770-1,340 net additional direct full time equivalent (FTE) job opportunities within the South West economy, 430-750 of these being net additional to the BANES area. A further 390-670 net additional indirect and induced FTE jobs would be supported throughout the South West, 110-190 of which would be net additional to the BANES economy. In addition to the job opportunities, the resident population will generate expenditure in the local economy on a range of goods and services.

In terms of construction employment it is estimated around 260-280 direct net additional FTE construction jobs per annum will be supported across the wider South West region, of which 165-175 would be net additional within the BANES economy, and a further 130 - 140 FTE indirect/induced jobs supported across the South West annually per annum of which 40-45 FTE jobs could be supported in the BANES economy.

Overall it is considered that the economic benefits of the proposed development to the city and local economy, delivered either through either the existing outline planning permission or the current s.73 application, will be significant and the development will support the delivery of the Council's Economic Strategy.

FLOOD RISK

The approved Parameter Plans specify new site levels across the application site including the entrance to the basement car park. These levels are set to minimise the risk to the site from flooding and were agreed with the Environment Agency. The proposed site levels remain unchanged as a consequence of the current s.73 application and the Environment Agency have raised no objection to the application subject to the inclusion of the conditions included with the original outline planning permission.

Supporting documents to the current application also propose an amendment to the surface water drainage strategy for the site and the Council's Drainage Officer has provided comments on details of this scheme. The surface water drainage strategy is not specified on the amended Parameter Plans or in the Design Codes but is a matter that will need to be addressed at reserved matters stage.

ECOLOGY AND BIODIVERSITY

Supporting documents with the current s.73 application indicate that the area of flat roofs across the site (increased from that approved under the original outline planning permission) could be used as green roofs and deliver an increase in biodiversity on the site of around 37% from its current condition compared to the DEFRA target of 10%.

The opportunity for increased biodiversity is welcomed. However the approved Parameter Plans already allow for areas of flat roof and the approved Design Codes state that 'all habitable roof spaces must provide planting and integrated green design in order to maximise the ecological value of these spaces and enhance the biodiversity of the site.' Accordingly, biodiverse roofs could be incorporated into the development as part of reserved matters applications under the existing outline planning permission and are not predicated on approval of the current s.73 application. Nonetheless the potential to increase biodiversity on the site is a public benefit, which would be secured by condition, and to be weighed against the harm to heritage assets. This is considered further below.

The Environmental Statement notes the generally low ecological value of the site but with some more high value features including mature trees within the area of amenity grassland adjacent to the existing multi-storey car park. The existing outline planning permission permits the removal of existing trees on the application site and the Environmental Statement identifies appropriate mitigation through suitable replacement planting of native and wildlife friendly species trees and shrubs including night flowering and nectar rich plant species. Surveys of the site have not recorded any bat roosts on/adjacent to the site, and only minor bat activity. The application has been reviewed by the Council's Ecologist and Natural England who welcome the potential for increased biodiversity on the site and raise no objection to the proposed amendments.

ARCHAEOLOGY

The site has a potential for prehistoric to post-medieval archaeological deposits and structures. The proposed amendments to the Parameter Plans and Design Codes do not change the impact of the development on the archaeological deposits on the site from that proposed and accepted as part of the original outline planning application. Subject to the reimposition of conditions set out in the outline planning permission the proposed development is considered acceptable

IMPACT ON ADJOINING PROPERTIES

The amended Parameter Plans propose an increase in the height of buildings in some parts of the site and reductions elsewhere. Planning conditions on the outline planning permission require that each reserved matters application which includes built development includes an assessment of daylight and sunlight to residential properties and to private and public open space within and adjoining the site as well as an assessment of wind conditions to demonstrate that the development will achieve minimum levels of amenity. The proposed changes in building height are generally located away from existing residential buildings that adjoin the site and it is considered that the planning conditions attached to the existing outline planning permission provide an appropriate mechanism for assessing and mitigating impacts arising from the development. Accordingly, the proposed changes are considered acceptable in terms of the amenity of adjoining properties as well as micro-climatic conditions within the site.

PLANNING BALANCE: HERITAGE ASSESSMENT

Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Public benefits can be anything that delivers economic, social or environmental progress. Public benefits should flow from the proposed

development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit however benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

The overall harm to heritage assets arising from the development has been assessed as less than substantial. This arises from the impact of buildings of the scale and height proposed on the World Heritage Site as well as to the character and appearance of the conservation area and to the setting of listed buildings particularly the Mission Theatre and to a lesser extent the buildings on St James's Parade.

The public benefits of the development include the provision of modern office floorspace to support the delivery of the Council's Economic Strategy and new job opportunities in the city, the provision of new homes and in achieving the mixed use regeneration of a key city centre site currently occupied by an unsightly building and use that detracts from the character and appearance of the Conservation Area and wider World Heritage Site. These public benefits are significant and would be delivered under both the existing outline planning permission and if the current s.73 application was approved.

The s.73 application proposes amendments to the Parameter Plans and Design Codes that would permit a development of greater height than already approved and allow for a roofscape that is a large departure from a typical Bath roofscape in regard to design and materiality. The amendments would allow for all buildings to have flat roofs and this has the potential to create a monolithic appearance that is inconsistent with the distinctive built form and character of the historic city. The potential to install photovoltaics panels on all flat roofs would also impact on views of the site from elevated locations such as Beechen Cliff. Due to the increased height, and more particularly the roofscape that the amendments would permit, the amendments sought by this s.73 application are considered to give rise to harm to heritage assets over and above the harm arising from the development granted outline planning permission in 2019.

To be weighed against the harm arising from the proposed amendments are the additional public benefits the development could deliver in the form of sustainability and biodiversity gains. The NPPF states that the planning system should support the transition to a low carbon future and the potential sustainability and biodiversity gains that could be achieved on the site with the amendments proposed in this s.73 application are significant . Subject to being realised in the final development, and maintained therafter, they are considered to be of a scale sufficient to outweigh the harm to heritage assets. These sustainability and biodiversity gains are currently estimates rather than specifications and the amended Parameter Plans and Design Codes themselves do not require or necessarily deliver the outcomes identified by the Applicant. Accordingly if significant weight is to be given to these additional public benefits, sufficient to outweigh the harm to heritage assets, then they would need to be realised in the development as built. To achieve this the sustainability and biodiversity features and outcomes would need to be secured. It is recommended that conditions be included to achieve this. Subject to securing the identified sustainability and biodiversity gains it is considered that they outweigh the harm to heritage assets.

The Applicant has indicated that there would be access to areas of the roof by occupiers of the office buildings, hotel and those residential units with private access however these

areas are considered to be of very limited significance in terms of public benefits arising from the s.73 amendments.

PLANNING OBLIGATIONS
The following will be secured as part of any planning permission through a legal agreement.
- Financial review mechanism

PUBLIC SECTOR EQUALITY DUTY
The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The development will remove public parking spaces including for Blue Badge holders however the development will re-provide a minimum of 320 spaces for public use with 17 spaces for Blue Badge holders secured by condition. The granting of this planning permission is not considered to result in undue impacts upon other groups. Whilst there is potential for impact on neighbouring properties and the general public in terms of daylight/sunlight and wind environment, conditions are imposed to assess these impacts and mitigate effects when the detailed design is submitted. The impact of the development during construction will be managed and controlled through a Construction Management Plan details of which will need to be submitted and approved by the Council prior to commencement of development.

OVERALL BALANCE AND CONCLUSION
There is an extant planning permission that would deliver the development requirements of Policy SB4 in the Placemaking Plan and provide new employment space to support the delivery of the Council's economic strategy as well as a mix of other uses appropriate for this key city centre site. That planning permission remains capable of being implemented.

The current s.73 application seeks approval for amendments to that outline planning permission. The Applicant has submitted images of an illustrative scheme that is understood to be their preferred approach however the current application is not about the detailed design of the scheme which will be considered through separate reserved matters applications. Accordingly, if Members were to approve the current s.73 application it would allow for, but not permit or require the construction of the illustrative scheme.

Historically this part of the city and the application site has had its own distinct character with buildings of a different scale, architectural style and roofscape to that of the Georgian city. It was in an area of industrial activity and wharfs rather than the more genteel activities elsewhere in the city. Whilst approving the current application could set an unwelcome precedent for other sites in the city centre, it is considered that the distinctive history and character of the site provides a case for a deviation from the typical pattern of development and roofscape elsewhere. However, the detailed design would need to be genuinely exceptional and it is considered that based on the illustrative scheme further work is required to address concerns raised by this application.

Overall it is considered that the proposals are in accordance with the relevant policies of the Core Strategy and Placemaking Plan. The NPPF and the Policy SD1 in the Placemaking Plan set out a presumption in favour of sustainable development and it is considered that subject to the conditions and planning obligations attached to the original outline planning permission, as added to and/or amended as outlined in this report, the

proposals will deliver development that improves the economic, social and environmental conditions in the area.

RECOMMENDATION
A Authorise the Director of Legal and Democratic Services to enter a Section 106 Agreement to secure the terms outlined in this report (financial review mechanism), and
B Subject to the completion of the Section 106 Agreement authorise the Head of Planning to PERMIT subject to the following conditions:

RECOMMENDATION

APPROVE

CONDITIONS

1 Time Limit (Outline Application)
(a) No Phase or part of the Approved Development shall be commenced other than works of demolition (subject to compliance with Condition 3), on-site investigations and/or remediation, unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of that Phase or part of the Development have been submitted to and approved in writing by the Local Planning Authority. The Reserved Matters applications shall include plans, sections and elevations (as appropriate) showing:
- Access
- Layout
- Scale
- Appearance
- Landscaping

(b) The first application for approval of matters reserved by this planning permission shall comprise not less than two Plots and must be made not later than the expiration of two years from the date of this decision notice and the final reserved matters application must be made not less than seven
years from the date of this decision notice;

(c) The Approved Development shall be begun either before the expiration of three years from the date of this decision notice, or before the expiration of two years from the date of approval of the first of the reserved matters to be approved whichever is the latest.

Reason: This is an Outline Planning Permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and to avoid the accumulation of unimplemented planning
permissions.

2 Phasing (Bespoke Trigger)
Either with or in advance of the first Reserved Matters application a Phasing Plan setting out the phasing of construction of Development Plots and the sequencing of individual buildings within each Plot with associated areas of public realm, shall be submitted to the Local Planning Authority for approval. The development shall not commence until the Phasing Plan has been approved and the development shall be implemented in

accordance with the approved phasing plan. Any amendment to the Phasing Plan shall be submitted to and approved in writing by the Council prior to the commencement of development on any undeveloped Plot(s).

Reason: To ensure that the development is delivered in accordance with a pre-approved phasing plan.

3 Total Built Floorspace (Compliance)
In accordance with the Development Parcels Parameter Plan (Ref. 17051_05_100 P1) the total built floorspace within the Development shall not exceed the following floorspace in respect of each Parcel:
Parcel Floorspace m2 (GIA)*
A: 25,500
B: 6,500
C: 6,500
*All areas include ancillary use.

Reason: To ensure that the Development remains within the defined parameters for the Outline Planning Permission.

4 First Reserved Matters Application (Compliance)
The first Reserved Matters application shall include not less than 8,000m2 (GIA) of B1 floorspace and no development shall commence on any other part of the site until first Reserved Matters application has been approved and commenced.

Reason: To ensure the development is in accordance with the policy objectives set out in Policy SB4 of the Placemaking Plan.

5 Land Use Reconciliation (Compliance)
Each reserved matters application shall be accompanied by a Reconciliation Statement specifying:
i) what is proposed in the reserved matters application;
ii) what is permitted in the Outline Application but not the subject of reserved matters application or approval
iii) what has been completed at the date of the reserved matters application;
iv) what has reserved matters approval but is not built

The Reconciliation Statement shall demonstrate how the development the subject of the reserved matters application is consistent with the overall proposals for the site as established by the approved land use mix and approved Parameter Plans.

The Reconciliation Statement shall include a development table which shall include details of the following:
(a) The type and quantum of B1 uses;
(b) The Use Class and floor area of all non-residential use(s) (sqm GIA) by reference to the approved land use mix;
(c) The size and number of dwellings (Use Class C3);
(d) The number of car parking, motor cycle parking and cycle parking spaces for residential dwellings, non-residential uses and public use.

Reason: To enable the Local Planning Authority to be satisfied that detailed proposals for part of the site are consistent with the outline proposals for the Site as a whole, the approved land use mix and Parameter Plans.

6 Daylight and Sunlight (Compliance)
Each reserved matters application which includes built development shall include an assessment of daylight and sunlight to residential properties and to private and public open space within and adjoining the site. The assessment shall be carried out in accordance with the guidance set out in the Building Research Establishment's (BRE) Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) to demonstrate the criteria set out in the guidance have been met and where there is a deviation that an acceptable living environment will be achieved.

Reason: To protect the amenity of residential properties and open space.

7 Microclimate (Compliance)
Each reserved matters application shall include a quantitative microclimate assessment to demonstrate that the development will achieve the minimum levels of amenity as specified in the Lawson Criteria for Distress and Comfort ('Building Aerodynamics' T.V. Lawson, 2001) appropriate for that part of the development will be achieved, when considered cumulatively with both built/approved and unbuilt/approved parts of the development. The mitigation to achieve the relevant level of amenity shall be implemented prior to first occupation of that part of the development and will be maintained for the duration of the development.

Reason: To ensure the comfort and safety of people using the site.

8 Construction Management Plan (Pre-commencement)
Prior to any works on site including demolition details of a site-wide Construction Management Plan for all works of construction shall be submitted to and approved in writing by the Local Planning Authority. A phase specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority with each Reserved Matters application. The Management Plan shall include details of working hours, the location of the site compound(s) and details of deliveries (including storage arrangements and timings), contractor parking, traffic management for vehicles associated with the construction and demolition works. The Management Plan shall also comply with the guidance contained in the Council's Code of Construction Site Noise practice note and the BRE Code of Practice on the control of dust from construction and demolition activities. The details so approved shall be fully complied with during the construction of the development.

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

9 Materials Samples/Panel (Bespoke Trigger)
No construction of the external walls of the development in any Phase shall commence until a sample panel of all external surfaces of the buildings including roofs to be used in

that phase of the development has been erected on site and approved in writing by the Local Planning Authority. The sample panel shall kept on site for reference until the phase is completed. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the character and appearance of the area.

10 Landscaping Details (Bespoke Trigger)
(a) No part of the hard landscaping in any Phase shall commence until details of all walls, fences and other boundary treatments and finished ground levels; details of the surface treatment of the open parts of the site; lighting; a schedule and samples of hard landscape materials and a programme of
implementation for that Phase have been first submitted to and approved in writing by the Local Planning Authority.

(b) No part of the soft landscaping in any Phase shall commence until details of the soft landscape scheme for that Phase has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all trees, hedgerows and other planting which are to be retained; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policies D.2 D2 and NE2 of the Bath and North East Somerset Placemaking Plan

11 Landscaping Implementation (Compliance)
All hard and soft landscape works shall be carried out in accordance with the approved details. The landscape works for each part of the site approved under Condition 10 shall be carried out prior to the occupation of that part of site or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the scheme being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained in accordance with Policies D1, D.2 andNE2 of the Bath and North East Somerset Placemaking Plan.

12 Ecological Enhancement (Bespoke Trigger)
Prior to any above ground construction an Ecology Enhancement and Biodiversity Strategy for the site shall be submitted to and approved by the Local Planning Authority. The Strategy shall set out the measures for the site as a whole and on a Plot by Plot basis and the measures for each Plot shall have been implemented prior to first occupation of the relevant Plot.

Reason: To comply with Policy NE5 of the Placemaking Plan.

13 Illumination (Compliance)
Each reserved matters application for any part of the site adjacent to the riverside, including landscaping, shall demonstrate full compliance with the light spill conditions achieved for the modelled vertical G as set out in Illumination Impact Profile - Bath North Quay Appendix 3.0 (Post Development - Illumination Impact Profile).

Reason: To ensure compliance with Policy NE3 of the Placemaking Plan.

14 Detailed Programme of Archaeological Field Evaluation (Bespoke Trigger)
No development (other than above ground demolition and site clearance) shall commence within any Phase until:
(a) the applicant or their agents or successors in title has presented to the Local Planning Authority the results of the archaeological field evaluation undertaken in accordance with Condition 14 for that Phase including recommendations for further detailed investigation.

(b) subject to the Local Planning Authority's written agreement to the recommendations for further detailed investigation a subsequent programme of archaeological work in accordance with a detailed written scheme of investigation has been submitted to and approved in writing by the Local Planning
Authority for that phase.

The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of potential archaeological interest and the Council will wish record and protect any archaeological remains.

15 Post-Excavation Reporting (Pre-occupation)
Each Phase or part of a Phase shall not be brought into use or occupied until the applicant, or their agents or successors in title, has produced a publication plan and programme of post-excavation analysis for that phase or part of a phase which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site may produce significant archaeological findings and the Council will wish to publish or otherwise disseminate the results.

16 Remediation Phasing Plan and Site Characterisation (Bespoke Trigger)
A Remediation Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any remediation works associated with the decontamination of any part of the site. The Remediation Phasing Plan so approved shall thereafter be used as the
basis for the phased remediation of the site unless otherwise agreed in writing by the Local Planning Authority.

No part of the development shall take place in any phase or sub-phase as detailed on the approved Remediation Phasing Plan until an outline scheme of remediation for the whole

site and a detailed scheme of remediation for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority.

The detailed scheme of remediation shall provide for:
- an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

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

17 Submission of Remediation Scheme (Bespoke Trigger)
No development shall commence within the relevant Phase or part of development until a detailed remediation scheme for that Phase or part of the development to bring the relevant Phase or part of the site to a condition suitable for the intended use by removing unacceptable risks to human health,
buildings and other property and the natural and historical environment, has been submitted to and approved, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

18 Implementation of Approved Remediation Scheme (Pre-commencement)
No part of the development other than above ground demolition works and site clearance and works approved under Condition 17 shall commence until the approved remediation scheme for the relevant phase or part of the site has been carried in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.

19 Reporting of Unexpected Contamination (Compliance)
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 17, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 18.

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

20 Long Term Monitoring and Maintenance (Compliance)
Within 1 calendar year of the relevant part of the site being brought into use a monitoring and maintenance scheme for that part of the site, to include monitoring the long-term effectiveness of the proposed remediation over a period 5 year from the completion of the remediation works for the relevant part of the site and the provision of reports on the same must be submitted to and approved, in writing, by the Local Planning Authority. Within 6 months of the completion of the measures identified in that scheme and when the remediation objectives the relevant part of the site have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved, in writing, by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

21 Piling (Compliance)
Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

22 Surface Water Drainage (Bespoke Trigger)
Prior to any reserved matters approval, details of a surface water drainage scheme for the area to which that reserved matters application relates shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be in accordance with the Flood Risk Assessment (Jubb, December 2017 Ref. 16211-FRA01-V2) and Flood Risk Assessment Addendum (Arup, 10 July 2020 Ref. BQN-ARP-XX-XX-RP-C-001) and include details of the phasing of surface water drainage infrastructure including plans, calculations demonstrating the performance of the completed scheme, a maintenance schedule demonstrating how the drainage system will be maintained for the duration of the development and access arrangements for undertaking maintenance activities.

Reason: in the interests of flood risk management.

23 Flood Resilience and Protection (Bespoke Trigger)
No approval of any reserved matters application shall take place until such time as a scheme of flood resilience and protection for the ground floor, basement car park and associated infrastructure for that phase or part of the site has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall thereafter be implemented in accordance with the approved details prior to first occupation of that phase or part of the site and maintained for the lifetime of development.

Reason: To reduce flood risk to the development and future users.

24 Ground Levels (Compliance)
For each reserved matters application the ground levels of the proposed development shall conform with the details within the submitted Flood Risk Assessment, with all buildings above 20.2mAOD. Each reserved matters application will need to demonstrate no increase in flood risk and that the
development remains safe during a flood event.

Reason: To reduce flood risk to the development and future users.

25 Ground Floor Uses (Compliance)
Other than where the finished floor level is set at 20.9m AOD or above, no part of the proposed development shall be permitted for "highly vulnerable" uses (as defined by the planning practice guidance). Where "more vulnerable" uses (as defined by planning

practice guidance) are proposed between 20.2m AOD and 20.9m AOD, only non-habitable or ancillary uses will be permitted. Any reserved matters application will need to demonstrate any proposed "more vulnerable" use between 20.2m AOD and 20.9m AOD is safe in respect of flood risk.

Reason: To reduce flood risk to the development and vulnerable users.

26 Finished Floor Levels (Bespoke Trigger)
No approval of reserved matters for any part of the development shall take place until such time as a scheme detailing finished floor levels of buildings in that part of the development to ordnance datum has been submitted to and approved in writing by the local planning authority in consultation with the
Environment Agency. The development shall thereafter be implemented in accordance with the approved details.

Reason: To reduce flood risk to the development and future users.

27 Flood Evacuation Plan (Pre-occupation)
No occupation of any building shall commence until a Flood Warning Evacuation Plan for the building to be occupied has been submitted to and approved in writing by the Local Planning Authority. This plan shall address the matters required pursuant to section 10 of the National Planning Policy Framework and the National Planning Practice Guidance. Thereafter the approved Flood Warning Evacuation Plan shall be implemented for the duration of the development.

Reason: To limit the risk of flooding by ensuring the provision of satisfactory means of flood management and incident response on the site in accordance with section 14 and paragraph 163 of the National Planning Policy Framework.

28 Shopfronts for Retail Units (Pre-occupation)
Prior to first occupation of any A1, A3 or A4 unit, elevational and sectional details (1:50 and 1:20 scale) of the proposed shopfront for that unit shall be submitted to and approved in writing by the Local Planning Authority. The shopfronts shall be installed in accordance with the approved details.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal.

29 Details of Electric Vehicle Charging Points and City Car Club Parking (Bespoke Trigger)
Details of electric vehicle charging points and city car club parking shall be included within any relevant reserved matters application relating to each phase of the development. The development shall thereafter be carried out in full accordance with these approved plans and these facilities retained for the duration of the development.

Reason: In the interest of air quality and highway safety.

30 Mechanical Ventilation (Pre-occupation)
Prior to first occupation of any non residential premises approved under this permission details of any plant and equipment including any air handling and refrigeration plant

proposed serving those premises shall be submitted to and approved by the Local Planning Authority. Any plant or equipment approved shall be installed in accordance with the submitted details and any subsequent changes to the specification or additions to the approved plant and equipment shall be submitted to and approved by the Local Planning Authority prior to installation.

Reason: To protect the amenity of the locality, especially for people living above and adjacent to non residential premises.

31 External Noise Sound Attenuation (Bespoke Trigger)
Prior to commencement of any Phase or part of the development which includes dwellings the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the dwellings within that Phase or part of the development in question achieve sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dBLAmax. The development of each relevant Phase or part of the development shall be carried out in accordance with the approved details.

Reason: To protect residential amenity.

32 Retail Hours of Use (Compliance)
The Class A1 retail units shall be open to customers only between the hours of 07.00am-22.00pm Monday to Sunday. The Class A3 units shall be open to customers only between the hours of 07.00am - 23:00pm Sunday to Wednesday, and 07.00am- Midnight Thursday to Saturdays. No deliveries shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours.

Reason: To protect the amenity of people living nearby.

33 Parking (Compliance)
Car parking and secure covered cycle parking for residential properties and commercial occupiers on the site shall be provided in accordance with Schedule 2 of the Placemaking Plan. The car and cycle parking spaces shall be available for use prior to first occupation of the relevant part of the
development and used only in association with dwellings and commercial occupiers on the site. Parking for disabled people shall be provided in accordance with schedule 1 of the Placemaking Plan.

Reason: To ensure compliance with Policy ST7 of the Placemaking Plan.

34 Refuse Storage (Pre-occupation)
No Phase or part of the development shall be occupied until refuse storage for that Phase part of the development has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, and thereafter shall be retained solely for this purpose. No refuse shall be stored outside the building(s) other than in the approved refuse store(s).

Reason: In the interests of the appearance of the development and of the amenities of the area.

36 Highway Works (Pre-occupation)
The development hereby approved shall not be occupied until a scheme for highway improvements to Somerset Street, to be submitted to and approved in writing by the Local Planning Authority in agreement with the Highway Authority, has been implemented.

Reason: In the interests of pedestrian safety and to ensure the implementation of measures set out in the Walking, Cycling and Horse-Riding Assessment in respect of Somerset Street.

37 Public Car Parking (Compliance)
Upon completion of the Development a minimum 320 public parking spaces shall be available for use on the application site of which not less than 17 shall be for Disabled people.

Reason: To ensure public parking provision in accordance with the Council's Parking Strategy (January 2018) and Schedule 1 to Policy ST7of the Placemaking Plan.

38 Sustainability
Each reserved matters application shall be accompanied by an Energy and Sustainability Statement setting out full details of the measures to achieve a reduction in CO2 emissions of not less than 30% over Part L of the Building Regulations (2013) and not less than a 50% reduction based on SAP 10.1 calculations. No above ground works shall commence until the Energy and Sustainability Statement has been approved in writing by the Council and the measures for each building as approved shall be implemented in full prior to occupation of that building. The measures shall be maintained thereafter for the duration of the development.

Reason: To ensure the implementation of the development and energy and sustainability outcomes in accordance with the application.

39 Biodiversity
Each reserved matters application shall be accompanied by an Biodiversity Statement demonstrating that the development will achieve a biodiversity net gain of at least 30% over the existing condition. No above ground works shall commence until the Biodiversity Statement has been approved in writing by the Council and the measures for each building as approved shall be implemented in full prior to occupation of that building. The measures shall be maintained thereafter for the duration of the development.

Reason: To ensure the implementation of the development and biodiversity improvements in accordance with the application.

40 Design Codes
Prior to submission of any reserved matters application detailed Design Codes shall be submitted and approved in writing by the Local Planning Authority. The reserved matters shall be in accordance with the Design Codes as approved.

Reason: To ensure the detailed design of the development enhances the character and appearance of the Conservation Area and setting of listed buildings and does not detract from the Attributes of the World Heritage Site.

41 **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.

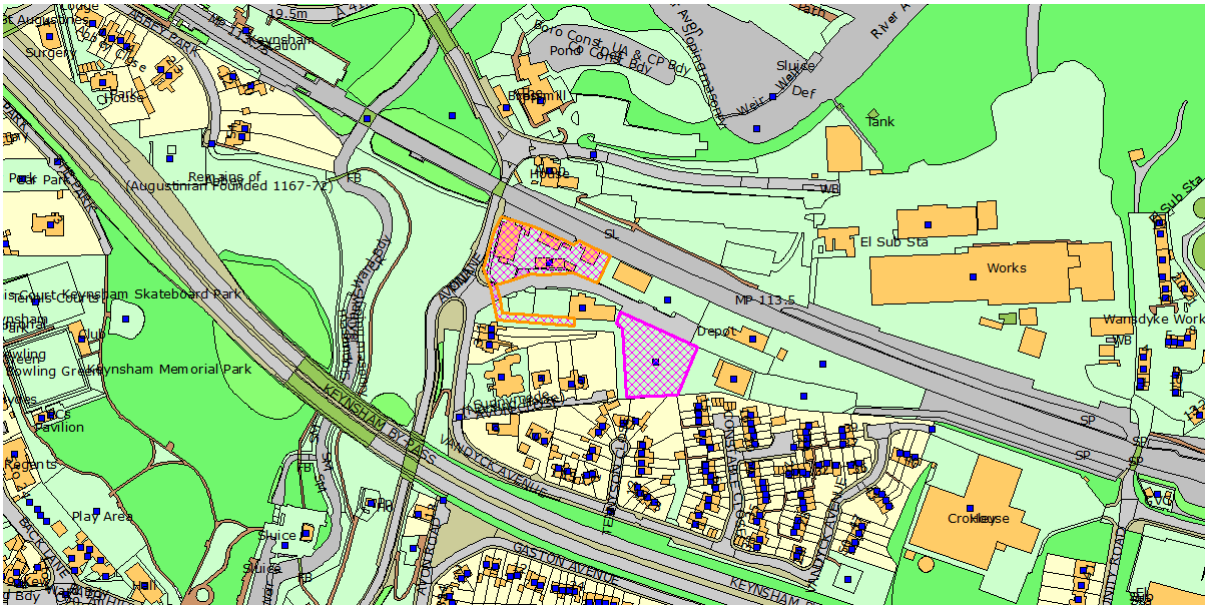
PLANS LIST:

1 1050_03_03_104 Rev.P6, 1050_03_03_105 Rev.P6, 1050_03_03_110 Rev.P6, 1050_03_03_111 Rev.P6, 1050_03_03_112 Rev.P4, 1050_03_03_114 Rev. P5, 1050_03_03_ 203 Rev.P4, 17051(05)_100 P1, 17051(05)_101 P1, 17051(05)_102 P1, 17051(05)_103 P1, 17051_(05)_106 P1, 17051(05)_107 P1, 17051_(05)_108 P1, 17051_(05)_109 P1, 17051(05)_113 P1, 17051_(05)_200 P1, 17051_(05)_201 P1, 17051_(05)_202 P1, 17051_(05)_204 P1. Development Specification (July 2020), Landscape Design Codes (May 2018).

Item No: 02

Application No: 20/02008/FUL

Site Location: Unregistered Unit 1-4 Old Station Yard Avon Mill Lane Keynsham Bath And North East Somerset



Ward: Keynsham East **Parish:** Keynsham Town Council **LB Grade:** N/A

Ward Members: Councillor Hal McFie Councillor Andy Wait

Application Type: Full Application

Proposal: Erection of 2no. acoustic barriers; permission to allow the filling of concrete mixing vehicles between 6:30am and 5:30pm (Monday-Friday) 8:00am-1:00pm Saturday and 7:30am-5:30pm (Bank Holidays); permission to allow other specified operations at the site between 7:30am and 6:30pm (Monday-Friday) and 8:00am and 1:00pm (Saturday) and 7:30am-5:30pm (Bank Holidays); and permission to store materials in external yard area.

Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Railway, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Roger James

Expiry Date: 13th August 2020

Case Officer: Martin Almond

To view the case click on the link here.

REPORT

The application is being considered at Planning Committee following a request from the Director - Development and Public Protection. It should be noted that objections were received to the application from Cllr Wait and Keynsham Town Council in regard to the

proposal. They requested that the application be considered by Committee if the application was recommended for approval.

Planning permission is sought for the erection of two acoustic barriers (one 3.5m high and one 6m high) on land at Old Station Yard, Avon Mill Lane, Keynsham. The barriers are proposed to allow the company operating from Unit 1-4 Old Station Yard, 4Concrete, to fill and dispatch concrete mixing vehicles between 6.30am and 6.30pm Monday to Friday. Current planning conditions attached to a historic planning permission restrict working hours at the site to between 7.30am and 5.30pm Monday to Friday. There are no proposed changes to the permitted Saturday working hours of 8am to 1pm. No working on a Sunday is allowed. The current condition allows for the site to operate on Bank Holidays.

The site is located off Avon Mill Lane and is positioned between the Great Western railway line and residential properties located on Vandyck Avenue and Avon Close. The 'eastern yard' area is located adjacent to Tennyson Close. The site is located adjacent to the Keynsham Conservation Area.

Relevant planning history:

WK8222/B - Erection of new workshop with separate office block light industrial - permit 03.06.1986

WK8222/C - Erection of offices and masons workshop - permit 02.02.1987

WK8222/G - Erection of new workshop and office extension, use of yard for stone storage and junction improvements - permit 17.02.1989

DC - 96/02319/REN - PER - 28 November 1996 - Continued variation of condition 3 of planning permission WK 8222/C to allow working hours 7.30am - 7.30pm Monday to Friday as amended by letter and information received 18th February 1994.

DC - 96/02320/REN - PER - 28 November 1996 - Continued variation of condition 3 of planning permission WK 8222/B to allow working hours 7.30am - 7.30pm Monday - Friday as amended by letter and information received 18th February 1994.

DC - 96/02321/REN - PER - 28 November 1996 - Continued variation of condition 3 of planning permission WK 8222/G to allow working hours 7.30am - 7.30pm Monday to Friday as amended by letter and information received 18th February 1994.

DC - 98/02044/REN - PER - 21 January 1999 - Continued variation of condition 3 of planning permission WK 8222/B dated 31 July 1986 to allow 24 hour operation of saws 7 days a week.

DC - 98/02045/REN - PER - 21 January 1999 - Continued variation of condition 3 of Planning Permission WK 8222/C dated 11 March 1982 to allow 24 hour operation of saws 7 days a week

DC - 98/02046/REN - PER - 21 January 1999 - Continued variation of condition 3 of planning permission WK 8222/G dated 16 August 1989 to allow 24 hour operation of saws 7 days a week

DC - 98/03126/REN - PER - 16 April 1999 - Continued variation of Condition 3 of Planning Permission WK 8222/C dated 11th March 1987 to allow working hours 7.30 am - 7.30pm Monday to Friday.

DC - 98/03127/REN - PER - 16 April 1999 - Continued variation of Condition 3 of Planning Permission WK 8222/G dated 16th August 1989 to allow working hours 7.30am - 7.30pm Monday to Friday.

DC - 99/01237/FUL - PERMIT - 7 June 2000 - 10 x 10 metre extension to existing building (bankers shop)

DC - 99/01248/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/G dated 16.8.89, to allow 24hour operation of saws, 7 days a week

DC - 99/01249/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/B dated 31.7.86 to allow 24 hour operation of saws, 7 days a week

DC - 99/01250/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/C dated 11.3.87 to allow 24 hour operation of saws, 7 days a week

DC - 99/01251/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/C dated 11.3.87 to allow working hours 7.30am-7.30pm Monday to Friday

DC - 99/01252/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK 8222/B dated 31.7.86 to allow working hours 7.30am - 7.30pm Monday to Friday

DC - 99/01253/VAR - PERMIT - 12 May 2000 - Variation of condition 3 of planning permission WK8222/G dated 16.8.89 to allow working hours 7.30am-7.30pm Monday to Friday

DC - 99/02663/FUL - PER - 21 July 1999 - Proposed emergency fire escape to first floor offices.

DC - 99/02720/FUL - PER - 25 August 1999 - Replacement of the existing flat roof over saw sheds with a sloping roof.

DC - 01/01178/VAR - PERMIT - 25 October 2001 - Permanent variation of condition 3 of planning permissions WK8222/B, C and G to allow 24hour operation of saws 7 days a week (Hanson Bath and Portland Stone Yard)

DC - 03/02787/FUL - PERMIT - 29 December 2003 - Replacement clipper shed and changing room

DC - 19/05280/FUL - PERMIT - 29 January 2020 - Erection of 2no silos (Retrospective).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Cllr Wait:

I wish to object to this application in the strongest possible terms. Given the amount of continued aggravation the residents of Van Dyke Ave, Avon Close and Tennyson Close have had to endure because of a blatant disregard for the current hours of working, to consider any sort of increase in work activity will be rewarding sharp practice.

Keynsham Town Council: object on the following grounds:

a) It is of the utmost importance that the first step that B&NES Planning Department must take in considering this application is to review and agree that the current Class B2 (General Industrial) assumption of the Old Station Yard site which is completely inappropriate for this conservation area setting, next to a large residential community and close to the town centre. The site has always been considered to be Class B1 (c) (Light Industrial) or B8 (Warehousing). There is a huge difference between a mason's yard and a cement factory. It is believed that there is no evidential proof that an application from classes B1/B8 to B2 has ever been granted, yet works under General industrial are allowed to continue in this locality It has become dangerous, noisy, air polluting, there has been a significant increase in traffic movement which is totally unacceptable. The number of resident's objections submitted to the planning portal bear witness to this. There appears to be no consideration for the wellbeing of residents in this locality.

b) In addition to the increased volume of works traffic movements related to this business, workings that have resulted in residents having to call the Police and the B&NES Environmental Protection Department. It is clear that the company are not abiding by the existing hours of work permitted, so to allow a further extension of these hours would be detrimental to the neighbouring residents and the town.

c) Keynsham Town Council have concerns regarding assumptions made within the applicants noise assessment relating to stated ground levels of nearby receptors, the extent of monitoring of noise sources associated with 4Concrete and the predicted noise reduction to be delivered by the proposed barriers, that appear to be insufficiently designed to resolve the acoustics issue. On the current evidence provided the amenity of neighbour's will not be preserved in respect of noise issues and therefore the application is contrary to the Bath and North East Somerset Council's Planning Policy D6 of the Placemaking Plan 2017.

d) The submitted Ecological Assessment does not provide an impact assessment of the proposals submitted and therefore, compliance with the Conservation of Habitat and Species Regulations 2017 (as amended) and the Wildlife and countryside Act 1981 (as amended) has not been demonstrated. In addition, there may be loss of biodiversity contrary to Bath and North East Somerset Council Placemaking Plan Policy NE3. Furthermore, in this Conservation area it is expected that there will be an impact on the fauna of the local environment and therefore the application is contrary to the Bath and North East Somerset Council's Planning Policy D6 of the Placemaking Plan 2017.

e) From an aboricultural point of view, the proposal in its current form is totally unacceptable. The development is likely to create an adverse impact on trees, landscape

and amenity value in this locality. Both Bath and North East Somerset Council and Keynsham Town Council have declared and Climate Emergency and there is no provision for the planting of new trees as part of the application, which is totally against the aims of both Local Government organisations.

f) Keynsham Town Council find it unbelievable that Bath and North East Somerset Council Highways Department have no objection to this application especially as the applicant is already flaunting the existing working hours with increased vehicle movements, out of hours. Bath and North East Somerset Council Highways Department have however requested clarification in respect of additional vehicle trips of concrete mixing vehicles proposed to be operational prior to 7.00 a.m. and after 6.30p.m. and further information in respect of staff movements and arrival times. Keynsham Town Council reiterate the need for clarification in respect of these matters.

g) If Bath and North East Somerset Council should be minded to permit the proposal under B2 (once this change of use has been granted) Keynsham Town Council would like to see the following conditions implemented:
- No increase in the current operational hours of 7.30 a.m. - 5.30 p.m.
- Dust suppression by spraying
- Noise limitations - acoustic barriers designed to fit the purpose and lagging of machinery to ensure that maximum decibel levels in a residential area are not breached.

Environmental Protection (Noise):

An acoustic assessment has been submitted which demonstrates that the provision of a noise barrier will reduce noise levels from 4Concrete significantly. The applicant also seeks to extend working hours at either end of the day. The acoustic assessment states that in the additional proposed hour in the morning (from0630-0730) the increase in noise level would be no more than 5dB above the typical background noise level, which in my view would not give rise to unreasonable disturbance.

I would support the application on the following basis:

In respect of the benefit of the proposed noise barrier, I would suggest the following condition in order to secure the stated reduction in noise levels:

Noise generated by activities at the development site shall not exceed the following limits, when assessed in accordance with BS4142: 2014 at the nearest residential receptor:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB
06:30 - 07:30hrs Monday - Friday: Assessment Level _$55dB and LAmax,F 57dB at bedroom window

Reason: To protect neighbouring residents from exposure to Environmental Noise.

In order to mitigate the impact of the proposed extended hours, the applicant has provided a management plan which aims to restrict the activities which can take place within these hours, of permitted. I would suggest that the content of the management plan be secured by condition, as follows, in order provide adequate protection to neighbouring residents:

The activities at the development site shall comply fully with the conditions within the Site Management Plan reference FS/P17-1408 Rev A. The Plan shall not be subject to change without the written permission of the Local Planning Authority.
FS/P17-1408 Rev A.

Reason: To protect neighbouring residents from exposure to Environmental Noise.

I am fully aware of the number of objections relating to the activities of 4Concrete and the concern regarding the proposed extension of hours. While I support the erection of the barrier, in order to mitigate concerns, I would suggest that consideration be given to granting a temporary permission of 1 year in respect of the proposed extended hours only, to enable a full assessment of the impact.

Updated comments 26.8.20:

I have reviewed the revised noise assessment in respect of this application and I am satisfied that the concerns raised by the objectors have been addressed. I would therefore revert to my original response of the 08/07/20 as my current position. I would also support the proposal to increase the barrier height to 6m to maximise protection.

Updated comments 15.10.20

On the basis of the increasing the 4.5m barrier to a height of 6m and taking into a account the revised managementstatement, I no longer see the need for a temporary 1 year permission and would confirm my suggested conditions previously suggested in support of the application

Environmental Protection (Environmental Permitting):

I would like to comment that an increase in operating hours would assist 4Concrete in meeting their obligations under the environment permitting regime, although I do appreciate that the operator should be compliant with the permit regardless of operating hours.

Highways:

Further highway observations are made following the receipt of additional information from the applicant's transport consultant on 9th July 2020. The information confirms that the proposed additional hours will not lead to an increase in the number of concrete mixer vehicular trips, which is acceptable. The applicant's transport consultant also confirms that the number of staff that will be required to be on site for a 6.30am start will range between two and fours, which is also acceptable. Based upon the additional information provided, HDC raises no highway objection to
the proposals.

Ecology: No objection subject to condition.

Conservation:

The site is just outside the Keynsham Conservation Area and is occupied by industrial buildings. The current use is light industrial. Despite the site's proximity to the conservation area it is not regarded as particularly sensitive in heritage terms. Whilst the proposed fence would fail to enhance the setting of the conservation area, it would have a neutral impact, and therefore, on balance, it could be supported. Pragmatically, the site is already occupied by modern industrial buildings that possess no heritage or architectural merit and detract from the setting of the conservation area. Therefore, the proposals could be seen as an opportunity to partially screen the site.

The proposals are for the erection of a timber acoustic fence. The section of proposed acoustic fence at 4.5m is considered excessive and should be reduced to 3.5m as proposed for another section of fence. The fence should be stained/painted to a dark, recessive colour to mitigate the visual impact on the area. To further mitigate the visual impact a mixed, native deciduous hedge could be planted on the outside of the fence. If the above advice is accepted, and the proposals can be amended accordingly, I would be willing to offer on balance support.

Updated comments 8.10.20

My previous consultation response advised that the 4.5m acoustic fence was excessive and would have a detrimental visual impact on the conservation area. I note that the amended
scheme now proposes a 6m acoustic fence and would result in even greater visual harm to the
conservation area, and therefore I continue to have concerns regarding the impact of this development.

Whilst the harm is regarded as less than substantial, 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 it is considered that the proposed development fails to fulfil this requirement.
The proposals also fail to accord with policy HE1 of the Placemaking Plan for Bath and North
East Somerset (2017) and Part 16 of the NPPF.

Arboriculture: No objection subject to condition.

Network Rail: No objections.

Third party representations:

39 objections received. Full details of the objections are retained on file however the material planning considerations are summarised as follows:

- Lawful land use of site,
- Lack of compliance with existing conditions by business,
- Use of 'eastern yard' area by businesses,

- Unacceptable noise generated by existing activities,
- Impact on residential amenity from noise,
- Proximity of activity to residential properties,
- Increase in dust from activity,
- Impact of activities on health of residents,
- Proposed fence will not reduce noise levels sufficiently,
- Proposed fence does not extend far enough,
- Lack of clarity within management plan,
- Noise Impact Assessment did not cover a typical day of activity,
- Noise Impact Assessment and fence does not address 'eastern yard',
- Potential for impact on ecology,
- Increase in traffic on Avon Mill Lane,
- Impact on highway safety,
- Impact on existing boundary vegetation,
- Impact on air quality from dust and vehicle emissions.

POLICIES/LEGISLATION

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.

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

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

The following policies of the Core Strategy are relevant to the determination of this application:

o Policy DW1 - District Wide Spatial Strategy
o Policy SD1 - Sustainable Development
o Policy CP6 - Environmental Quality
o Policy CP7 - Green Infrastructure

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:

o Policy D1 - General Urban Design Principles
o Policy D2 - Local Character and Distinctiveness
o Policy D3 - Urban Fabric
o Policy D5 - Building Design
o Policy D6 - Amenity
o Policy NE1 - Development and green infrastructure
o Policy NE3 - Protected Species
o Policy NE5 - Ecological networks
o Policy NE6 - Trees and woodlands
o Policy PCS1 - Pollution and nuisance
o Policy PCS2 - Noise and vibration
o Policy PCS5 - Contamination
o Policy D8 - Lighting
o Policy HE1 - Historic environment

The National Planning Policy Framework (NPPF)

The National Planning Practice Guidance

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
LAND USE

Prior to c.1980 the land was used as a goods yard for the adjacent railway. Following the cessation of this use, the application site was first occupied as a depot by the Automobile Association and subsequently by a stonemason, Dring and Williams Ltd, who used the site and buildings for the preparation and storage of stone. The site was developed through various planning permissions for the erection of further workshops, offices, the use of the site for stone storage and junction improvements. In the early 1990's the site was taken over by Hansons who used the site for the same purpose as described above. During the operation of the site by Hansons a number of temporary planning permissions were granted to allow for the 24-hour cutting of stone within one of the buildings at the site as well as permission for an extension of one of the existing buildings.

It is understood that Hansons vacated the site in early 2019 and the current occupier of the site, 4Concrete, took up the lease of the site commencing in July 2019. 4Concrete produce and deliver ready-mixed concrete from the site.

A large number of third-party comments received during the course of the application contend that the lawful land use of the application site is B1(c) which is defined in the Use Class Order 1987 as 'Light industry appropriate in a residential area'.

The starting point of reference for officers when assessing the defined use class of an operation or activity is the Land Use Gazetteer which lists activities against the relevant use class. The Gazetteer defines a stonemasons as a class B2 use (General Industry). The Gazetteer also defines a concrete manufacturing place as a B2 use. Whilst widely used as a reference tool, the Gazetteer is not itself definitive or exhaustive and consideration must also be given to the material characteristics of a land use when determining the established use. Having considered the historic use of the site in detail, and reviewed the relevant planning files from 1993 onwards (including consideration of historic planning enforcement investigations into the use), officers are satisfied that the historic and current use of the site is B2 and not B1(c). Whilst it is noted there has never been a formal application seeking change of use of the land to B2, the current use of the site is deemed 'lawful' and therefore it is not within the scope or remit of this application to consider use class. Lawfulness of a site - in the absence of a formal appliction for change of use - is established through the passage of time, in the case of land use changes, a site may become lawful provided it has been in a continuous use for more than 10 years (as defined in s.171(B)(3) of the Town and Country Planning Act, 1990). With this site it is noted that a more intensive stonemason use commenced in around 1993 and there is correspondence on file from neighbouring residents dating from around 1995 in respect of the activities taking place on the site. Application validation sheets accompanying historic application files to both the former Wansdyke Council and B&NES Council also contain Officer notes indicating the "current" use to be B2. Considering how the site has been used over the past 27 years (being a continuous period of more than 10 years), notwithstanding the absence of an application for change of use, officers are satisfied that the use as B2 is lawful and if an application for a Lawful Development Certificate were submitted to the Council for consideration, there is little evidence to tip the balance of probability in favour of an alternative use.

Third party comments point to the previous stone cutting operations taking place within a building as a reason why the use class of the site was B1(c). Whilst undertaking stone cutting within a building would lessen the impact of the activity on neighbouring properties the building within which this activity took place was part of a wider site and upon assessment is not considered to have formed a separate planning unit, with that part of the site having the same operator and same B2 use class as the wider Hansons operations.

As the site is deemed to be in a lawful B2 use, planning permission is not required to change from one B2 use to another B2 use as this constitutes permitted development. As a result of this, whilst objections to the site have been raised through this application as to the use class, these are not material planning considerations relevant to the determination of this application and as such cannot be afforded weight in the determination of the matters at hand.

PROPOSAL

The planning application seeks to extend the permitted operating hours that have been consistently imposed at the site since planning permission was first granted in 1986. The relevant condition for the site as approved under application 8222/B states:

"Working on site (including the loading and unloading of vehicles) shall be restricted to the following hours:

7.30am - 5.30pm Monday-Friday
8.00am- 1.00pm Saturday

And no machinery shall be operated outside these specified times."

There are no existing controls over working on Bank Holidays.

As part of the submission, the applicant proposes to erect two noise attenuation fences, one at 3.5m on a part of the 'yard' boundary and a 6m high fence surrounding a vehicle parking area opposite the site entrance on the southern boundary of the site. The application was initially submitted with a 3.5m and a 4.5m high fence, the 4.5m fence has now been replaced with a 6m high acoustic fence which is identified by the applicant as providing additional sound attenuation above that which would have been provided by the 4.5m fence.

The application proposes allowing the filling of concrete mixing vehicles from 6.30am with a maximum of four vehicles to be filled and depart the site between 6.30am and 7.30am Monday to Friday. The application proposes that work on the site would finish at 6.30pm Monday to Friday. Saturday working hours would remain unchanged and no working by 4Concrete is proposed to take place on Sundays.

DESIGN, CHARACTER AND APPEARANCE

The proposed 3.5m fence is positioned on the same line as a current metal palisade fence typically found within industrial settings and would replace approximately 13m of the palisade fence with a timber acoustic attenuation fence directly adjacent to the main yard area operated by 4Concrete. The majority (40m) of the proposed 6m fence is positioned along the southern site boundary between the entrance and an industrial building used by an adjacent car repair garage with approximately 10m of the fence running from that boundary northwards to the site entrance.

The 3.5m fence will not be readily visible from the wider area with the fence being positioned beyond the site entrance and at an oblique angle to Avon Mill Lane. Glimpses of the 3.5m fence will be possible from Vandyck Avenue however this will be read in the context of the existing site character and appearance and building heights. The timber fence will be located adjacent to an existing area of boundary planting.

The proposed 6m high timber fence will be positioned within the site on land behind an existing belt of trees and hedge planting. Due to its position within the site the upper parts of this fence will be partially visible from outside of the site where it will run from the southern boundary to the site access lane. This approximate 10m length of fence will be partially screened by the existing vegetation that is currently on site and it is considered that over time the timber from which the fence is constructed will weather so that the fence

will further blend it with its surroundings. Given the height of buildings visible from public vantage points already at the site it is not considered that the fence will appear significantly out of character with its surroundings.

RESIDENTIAL AMENITY

The increase in hours of operation by the applicant has the potential for nearby residential properties to be affected by noise and disturbance for longer periods during the day between Monday to Friday with an extra hour of operation between 6.30am and 7.30am and 5.30pm and 6.30pm above that already controlled by the historic planning permission.

The applicant has proposed the erection of the two sections of fencing at 3.5m and 6m to attenuate noise from the earlier activity at the site and general activity during the working day. At present, the site is permitted to operate between 7.30am and 5.30pm Monday to Friday and 8am to 1pm Saturday with no barriers to attenuate noise.

The main part of the site for the loading of concrete vehicles is located approximately 44m from the nearest residential property. This activity will take place behind the 3.5m fence on the yard boundary and benefit from the additional 6m high fence on the southern boundary.

The proposed vehicle parking area is located approximately 10m from the closest residential property. This area will be positioned within the area surrounded by the 6m fence and the ground level of this area is located 2.7 m below the top of the landscaped bund adjacent to the nearest residential property at 1 Vandyck Avenue.

The application proposes allowing the filling of concrete mixing vehicles from 6.30am with a maximum of four vehicles to be filled and depart the site between 6.30am and 7.30am Monday to Friday as set out in the submitted operational statement. No other activities associated with the day to day operation of the site will take place before 7.30am and all other day to day activities undertaken by 4Concrete will take place within the attenuated yard area.

Activities within the 'eastern yard' defined within the site management plan are identified as being used for parking of staff vehicles and aggregate delivery lorries only.

In respect of the proposal's impact upon the residential amenity of neighbouring properties it is considered that the greatest potential for disturbance arises from the concrete loading process, from vehicle movements before and after the concrete loading process. and from washing out/maintenance of the vehicles.

Policy PCS2 of the Placemaking Plan states that:

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

The application has been submitted with a noise impact assessment to consider the use of the site and methods to attenuate noise emitted from its use. The noise impact

assessment has been assessed by Environmental Protection who consider that the proposed barriers will reduce noise levels from the site significantly with the additional proposed morning working resulting in a no more than 5dB increase in noise level above background noise level which is not considered to give rise to unreasonable disturbance. Environmental Protection have suggested conditions should the application be approved which would seek to limit noise levels arising from activity at the site and require the activities to be undertaken in accordance with the submitted management plan.

The use of attenuation fencing is considered to provide an acceptable way for the business to operate within the proposed hours without causing unacceptable increases in noise levels that would have a significant adverse impact. It is not considered that the additional four vehicle movements departing the site prior to 7.30am will result in significant harm to residential amenity of neighbouring properties given the context of the site and location off Avon Mill Lane and it should be noted that there are at present no controls over the hours that vehicles can enter and exit the site. The extension of the operating hours until 18.30 is not considered to give rise to unacceptable noise increases and offers a greater degree of control to ensure that all activities that take place upon a vehicle's return to site are undertaken within attenuated areas only.

In addition, the attenuation measures are considered to provide a reduction in noise levels emitted from the site throughout the working day which will result in a wider benefit to residential amenity

Due to the position of the proposed fences, the erection of the proposed fencing would not reduce levels of daylight or sunlight to neighbouring properties.

ENVIRONMENTAL PROTECTION

The application has been submitted with a Noise Impact Assessment which was the supplemented with an additional report that addressed concerns raised by residents regarding the assessment and the proposal. The reports have been assessed by Specialist Officers from the Environmental Protection Team.

The officers from Environmental Protection visited residents in order to witness what they experience in their homes, and feedback to 4Concrete led to the company employing an acoustic consultant to inform the company's proposal to mitigate against the impact of the noise. Based upon the outcome of this assessment the company has sought planning permission to erect an acoustic barrier which will reduce the amount of noise escaping from the site.

Environmental Protection officers believe that if permission is forthcoming the company will co-operate to allow the barrier to be erected. However, if planning permission is refused, the council will need to reassess the position and it may become necessary to consider whether action is required under the statutory nuisance provisions of the Environmental Protection Act 1990. Whilst not relevant to the consideration of this planning application, officers are mindful that the company may have a 'Best Practicable Means' (BPM) defence if formal action were considered under the Environmental Protection Act 1990, with the current planning application to erect the attenuation fencing being the BPM defence (the defence of BPM does not negate the existence of a statutory nuisance, rather it recognises that a defendant should not be held liable for it since they

have taken the 'best practicable means' to either prevent or counteract the effects of the nuisance).

If the application is refused then the Council could be left in a situation where an abatement notice, if issued, could be successfully challenged on the grounds that the company tried to erect fencing to attenuate the noise but could not do so because planning permission was refused. Whilst not an overarching planning consideration in the determination of this application, limited weight may be given to the consequences of a decision to reject the proposed mitigation.

CONSERVATION AREA

The site is located adjacent to the Keynsham Conservation Area with the conservation area boundary running just beyond the site entrance. The properties of 1-3 Vandyck Avenue and Sunnymead Care Home are all located within the conservation area.

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

The site is not considered to be particularly sensitive in heritage terms given its current industrial use and position outside of the designated area and there are no significant historic buildings within the site. In general terms, the enclosed nature of the site and limited views into the site from the conservation area limit the overall impact that the existing site in terms of character and appearance has on the conservation area. It is considered that the fence, whilst failing to enhance the setting of the conservation area would have a neutral impact. The existing industrial buildings within the site possess no heritage or architectural merit and already detract from the setting of the conservation area with do not contribute to the special character or appearance of the conservation area.

Paragraph 196 of the NPPF identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed 3.5m fence is considered to have a neutral impact upon the conservation area however there are concerns raised by the Conservation Officer in regard to the taller 6m fence on the southern boundary with the height being considered excessive in this setting. Less than substantial harm will be caused to the heritage asset (in this instance the conservation area) however there is considered to be sufficient public benefit arising from the proposal (noise mitigation) to outweigh the harm caused to the conservation area.

HIGHWAYS

As discussed above, the use of the site for concrete production and for the stonemason's yard are considered to fall within the same use class. In such circumstances no assessment of the differing traffic volumes or patterns is necessary. In terms of this application, the highway considerations relate solely to the changes to operating hours

and whether these would lead to an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Avon Mill Lane is subject to a weight restriction, which prohibits access to vehicles over 7.5-tonnes "Except for Loading", which allows vehicles over 7.5-tonnes to use the lane to load from the application site, that is located within the restricted area. HDC officers are aware that vehicles associated with the existing operator of the site currently use Avon Mill Lane in both directions.

Avon Mill Lane is a popular route for both cyclists and pedestrians and that the current footway provision is largely limited to one side of the carriageway and is sub-standard when compared to the minimum width of two-metres suggested by Manual for Streets (MfS). Officers acknowledge that there are no opportunities to widen the existing footways without either narrowing the carriageway or purchasing third-party land.

Notwithstanding this, officers note that pedestrian access to the child's play area at the southern end of Avon Mill Lane is provided by dedicated routes within 'Keynsham Memorial Park', as a safe alternative to using Avon Mill Lane.

Officers were concerned that the proposed extended hours of operation of the application site would increase the number of vehicular trips undertaken by concrete mixers, however, the applicant has confirmed that the proposed works will not increase the existing number of movements. Officers have no reason to doubt the validity of the information provided by the applicant and there is no evidence that allowing the proposed works will be prejudicial to highway safety.

The applicant previously estimated that the extended operating hours will require between two and four members of staff to be on site for a 6.30am start and the 'Site Management Plan', received on 2nd October 2020, confirms that there will be a requirement for two members of staff to be on site at 6.15am, 15-minutes prior to the commencement of vehicles being filled. HDC officers do not consider that the earlier arrival of two members of staff will prejudice highway safety.

Paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given that there have been no recorded personal injury collisions on Avon Mill Lane during the previous 60-month period and that the proposed works will not increase the number of movements by concrete mixer, there is no evidence that by permitting the works, there will be an unacceptable impact on highway safety, or that the cumulative impact on the road network would be severe.

ECOLOGY

The submitted ecological report identifies that the assessment of the scheme is consistent with the works proposed. No additional lighting is required which could have had an adverse impact upon wildlife. The proposal is not considered to adversely affect protected species and conditions for planting and wildlife enhancement are proposed.

TREES

The line of the 6m high fence is shown as being within an existing area of hardstanding which is itself bounded by a retaining wall with an existing laurel hedge planted on top of the raised ground held back by the retaining wall. The fence will be set-back by approximately 0.5m to 1m from the retaining wall within the area of hardstanding.

The original consultation response raised an objection because the erection of the fence was considered to likely have an adverse impact on trees, wildlife, landscape and amenity value as the proposal would require pruning of the existing trees to facilitate the erection of the fence which could impact upon the health and life expectancy of the trees.

Additional information has been submitted which identified that only minor additional pruning would be required to adjacent trees and vegetation. Due to the species of vegetation adjacent to the fence it was stated that the works would not result in tree loss or a major impact that required mitigation.

The assessment of the proposal and its impact upon the trees and hedging at the site by the Council's tree officer considers that whilst it would be preferable for retention and additional planting to take place in line with Placemaking Plan policy RE6, there is no land within the applicant's ownership to facilitate this. In addition, the pruning of the trees/vegetation is not a loss of species as a result of the application.

It is proposed to require a detailed method statement to be submitted should the application be permitted to ensure that there is clarification as to the works proposed and further controls in regard to the works within the area close to the boundary. As a result of the assessment and suggested conditions it is considered that the proposal complies with policy NE6 by ensuring the retention of trees and having no adverse impact on trees.

CONDITIONS

A condition limiting the extended hours of the site for a temporary one year period following completion of the attenuation fencing has been considered appropriate and necessary in this instance and will allow for monitoring to be undertaken to identify that the fence mitigates noise from the extended operating hours as predicted if a subsequent application for a permanent variation to the operating hours is submitted. If the attenuation measures fail to reduce noise levels to acceptable levels for the extended operating hours then the temporary permission will ensure that these activities cannot be continued and that should the operator wish to continue to operate a new application will be required to be submitted with detailed evidence to show compliance.

Due to the nature of the proposal it is considered appropriate to require the attenuation fencing to be completed prior to the amended hours of operation commencing to avoid a situation whereby the business began operating to amended hours without the fencing being in place which would unacceptably impact upon residential amenity. The overall use of the application site and the use of the 'Eastern Yard' by the operator will be required to be undertaken in line with the detailed operational statement submitted which affords the local planning authority sufficient control should the operational statement not be complied with.

Conditions as recommended by consultees in respect of noise, ecological and tree measures have been assessed as necessary to make the development acceptable and are recommended for inclusion on the decision notice.

CONCLUSION

The proposal to extend the operating hours of the site at the start and end of the day has the potential to impact upon residential amenity through the generation of noise from the business operations outside of the current permitted hours. The applicant has proposed the use of acoustic fencing which has been assessed as providing sufficient attenuation to mitigate noise generated from the amended operating hours and the application affords greater control over the location of business activities undertaken by the applicant. The fencing is considered to contribute to an overall improvement in noise levels experienced by neighbouring properties throughout the working day. On balance having considered the relevant policies and material planning considerations it is considered that the alterations to the operating hours along with the erection of the proposed mitigation measures are acceptable and the application is recommended for approval subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**

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

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

2 **Installation of fence (Bespoke condition)**

Operation of the site between 6.30am to 7.30am Monday to Friday and 5.30pm to 6.30pm Monday to Friday shall not commence until the acoustic fences hereby approved have been fully erected and installed in accordance with the approved details.

Reason: To ensure adequate safeguards are in place prior to the commencement of earlier operating hours in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan.

3 **Temporary Permission - Use (Compliance)**

This permission shall expire one year after the date of full completion of the acoustic fences hereby approved and the extended operating hours hereby permitted shall thereafter be discontinued. The site operator shall, upon completion of the fences notify the local planning authority in writing.

Reason: To enable the Local Planning Authority to review the impact of the development.

4 **Use of the Eastern Yard (compliance)**

The 'Eastern Yard' as identified within the submitted block plan dated as received 2nd October 2020 and the operational statement shall be used only as set out in section 'General Operations Monday to Saturday' of the Operational Statement dated as received 2nd October 2020.

Reason: To define the permission and in the interests of residential amenity in accordance with policy D6 of the 2017 Placemaking Plan.

5 **Operational statement (Compliance)**
The use of the land hereby approved shall be carried out only in accordance with the submitted operational statement reference DM/P19-1252 dated as received 2nd October 2020.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

6 **Noise level limit (compliance)**
Noise generated by activities at the development site shall not exceed the following limits, when assessed in accordance with BS4142: 2019 at the nearest residential receptor:

07:30 - 18:30hrs Monday - Friday and Saturday 08:00 - 13:00hrs: Assessment Level <10dB
06:30 - 07:30hrs Monday - Friday: Assessment Level _$55dB and LAmax,F 57dB at bedroom window

Reason: To protect neighbouring residents from exposure to Environmental Noise in accordance with policy D6 of the 2017 Placemaking Plan.

7 **Implementation of Wildlife Scheme (Bespoke Trigger)**
Within six months of completion of the development hereby approved, a report produced by a suitably implementation of the recommendations of Section 5 of the Ecological Assessment (Ethos Environmental Planning, August 2020) shall be submitted to and approved in writing by the Local Planning Authority. This shall include confirmation that precautionary measures for nesting birds have been followed and that bird boxes and native planting have been implemented.

Reason: To demonstrate the completed implementation of the ecologist's recommendations to prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policy NE3 of the Bath and North East Somerset Local Plan.

8 **Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**
No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statement to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway

locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

9 **Arboriculture - Compliance with Arb Method Statement (Pre-occupation)**
The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

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

10 **Materials - Submission of samples (Bespoke Trigger)**
No construction of the fence hereby approved shall commence (except for the installation of fence posts) until samples of the timber and any timber stain/timber treatment to be used in the construction of the fence panelling have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D1, D2, HE1, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

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 drawings J7/01043 dated as received 18th June 2020, P19-1252_05, P19-1252_01C, P19-1252_04A and P19-1252_02C dated as received 2nd October 2020 and Site Management Plan dated as received 2nd October 2020.

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**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

4 **Permit/Consent Decision Making Statement**

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

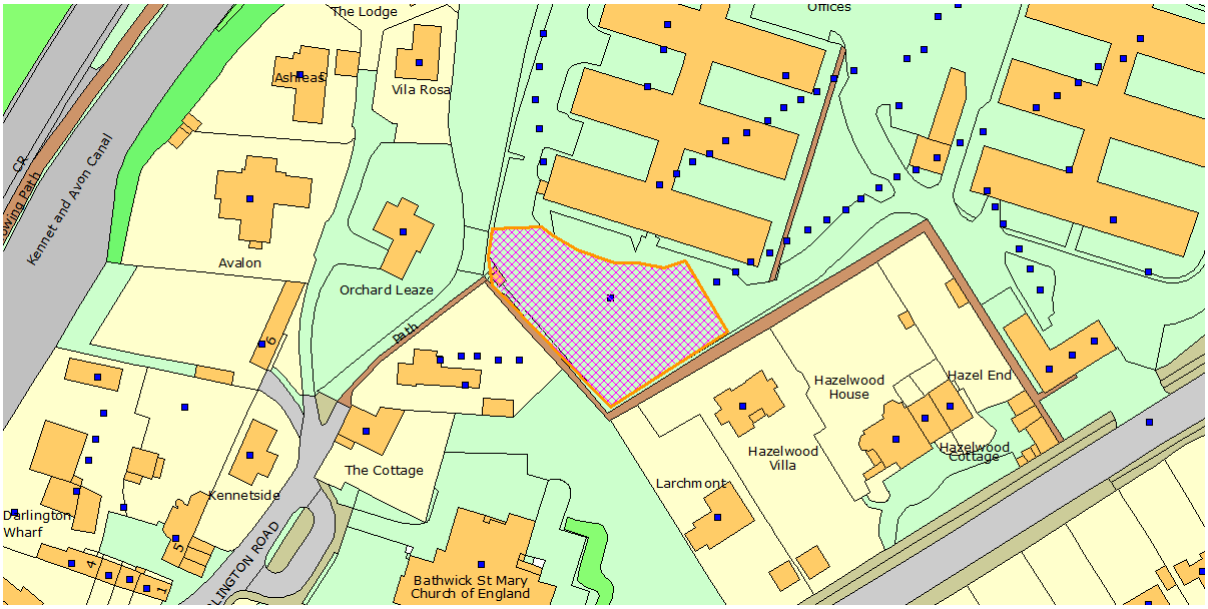
5 **Responding to Climate Change (Informative):**

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

Item No: 03

Application No: 20/02926/FUL

Site Location: Additional Development Area Holburne Park Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Dr Kumar Councillor Manda Rigby

Application Type: Full Application

Proposal: Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath (Resubmission of 19/04772/FUL)

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE3 SNCI, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,

Applicant: N/A

Expiry Date: 9th October 2020

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link here.

REPORT

REASON FOR REPORTING TO COMMITTEE

The application is subject to a viability assessment in respect of affordable housing.

DESCRIPTION
This application is a resubmission of application 19/03838/FUL which was refused by the Planning Committee on 3rd June 2020 for the following reason:

"The proposed development fails to provide a policy compliant level of affordable housing and this is not justified by the viability appraisal or any other material considerations. The proposed development is therefore contrary to the development plan, in particular policy CP9 of the Bath and North East Somerset Core Strategy."

The main differences between the refused application and the current application are:

1. New level pedestrian connection to the public right of way via the southern boundary
2. Widening and improvement of public right of way adjoining the south and west boundary of the site.
3. An increase from 7 to 9 visitor car parking spaces.
4. The planning committee resolved to grant permission for the resubmitted application on the eastern parcel (ref: 20/02921/FUL) which saw changes to the wider Holburne Park development and a revised affordable housing offer of 25% across the whole site, including 20no. proposed discount market units.

This application relates to the former MOD site at Warminster Road in Bath now known as Holburne Park. Planning Permission was granted in March 2015 for the comprehensive redevelopment of the site for 204 dwellings (Ref: 14/02272/EFUL); construction is well underway.

There have been multiple material amendments to the approved scheme since it was first consented in 2015. The 2015 consent was first amended in January 2017 by planning permission (ref: 16/01925/VAR); that permission made amendments to the development's external layout, internal arrangements, and various other changes. A significant new application was approved in 2017 (ref: 16/04289/EFUL) which amended the approved scheme to include the erection of 6 no. apartment blocks. This increased the total number of approved dwellings to 244. This was followed by a further planning permission (Ref: 17/06189/EVAR) in 2017 which made some changes to Plot 37. This was in turned followed by planning permission Ref: 18/05098/EVAR, approved in April 2019, which replaced a 3 unit coach house with a conventional dwelling. A further amendment (19/01956/EVAR) was granted in February 2020.

The original planning permission (14/02272/EFUL) for the redevelopment of the wider MOD site (which excludes the site in question from within its red line) identifies this land as the 'School Site'. The s106 Agreement (which has now been varied a number of times) required this land to be transferred to the Council to enable the expansion of Bathwick St Marys Primary School. Subsequently, the land was deemed no longer necessary for the expansion of the primary school and so the requirement to transfer the land to the Council was removed from the s106 (application reference: 19/03376/M6A). The S.106 Agreement also required a substantial financial contribution towards primary education provision, in a number of instalments. This remains within the s106.

The 'school site' land therefore remains vacant and this application proposes the erection of 8 additional dwellings, landscaping, car parking and associated works this site. The site is located within the Bath World Heritage Site and Conservation Area. A public right of way runs around the southern and western edges of the site.

The eastern parcel scheme to make changes to the wider Holburne Park site was approved by the planning committee in October 2020 (ref: 20/02921/FUL).

RELEVANT PLANNING HISTORY (excluding discharge of conditions)

20/02921/FUL - DELEGATE TO PERMIT RESOLUTION (awaiting legal agreement)
Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (Resubmission of ref. 19/03838/FUL).

20/02422/EVAR - PENDING CONSIDERATION
Variation of condition 31 (plans list) of application 19/01956/EVAR (Variation of Condition 8 and 30attached to18/05098/EVAR (Variation of condition 32 (plans list) of application 17/06189/EVAR (Variation of Condition 7 AND Condition 30 (plans list) involving changes to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR (Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works, following demolition of existing buildings) granted on 31.01.2017) (Resubmission))

19/03838/FUL - REFUSED
Proposed construction of 42no. new dwellings and 2no. new blocks of apartments to provide a total of 70 new homes on part of the former MOD site at Warminster Road (revision to consented development).

19/04772/FUL - REFUSED
Proposed erection of 8 additional dwellings, landscaping, car parking and associated works on land adjacent to Holburne Park, Warminster Road, Bath

19/01956/EVAR - PERMITTED
Variation of Condition 8 and 30 attached to18/05098/EVAR (Variation of condition 32 (plans list) of application 17/06189/EVAR (Variation of Condition 7 AND Condition 30 (plans list) involving changes to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR (Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking, open space, landscaping (including tree removal), pumping station, and associated engineering works, following demolition of existing buildings) granted on 31.01.2017) (Resubmission).

18/05190/EVAR - PERMITTED
Variation of Condition 32 (plans list) of application 17/06189/EVAR (plots 32-36 design changes)

18/03193/EVAR - PERMITTED

Variation of conditions 7 and 32 of application 17/06189/EVAR (add Juliet balconies to plots 32-36)

18/01407/EVAR - PERMITTED
Variation of Condition 24 (plans list) of application 16/04289/EFUL (BF6 and BF7 design changes)

17/06189/EVAR - PERMITTED
Variation of Condition 7 AND Condition 30 (plans list) involving change to materials, addition of basement storey and porch to Plot 37 of 16/01925/VAR.

16/04289/EFUL - PERMITTED
Erection of 6 no. apartment blocks to provide 87 no. new dwellings (Partial revision of application 14/02272/EFUL)

16/01925/VAR - PERMITTED
Variation of Condition 33 attached to 14/02272/EFUL (Erection of 204 no. dwellings with 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping(including tree removal); pumping station; and associated engineering works, following demolition of existing buildings)

14/02272/EFUL - PERMITTED
Demolition of existing buildings, erection of 204 no. dwellings; 2 no. accesses from Warminster Road, vehicular parking; open space; landscaping (including tree removal); pumping station; and associated engineering works

ENVIRONMENT IMPACT ASSESSMENT
This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Unless specifically updated, the summary of internal consultee responses is taken from their comments on the previous application (ref: 19/04772/FUL).

VIABILITY ASSESSOR: Comments (UPDATED)

On the basis of the above and information provided by the Applicant, the assessor are of the opinion that since the previous Viability Assessment (May 2020), the Applicant has worked to increase the viability of their development by revising their Phasing, Cost and Sales Assumption and as a result have increased the viability of the development by £2.48M overall. The increase in development viability is despite the addition of a further 2 discount market units, taking the total proposal to 10 discount market units. The Applicant has also provisionally accepted the independent assessment of BLV at £12.5M. However, despite these positive changes the scheme still produces a viability deficit or -£530K, this is in comparison to their previous assessment of a -£11.18M viability deficit.

Overall, given the additional information provided and work undertaken by the Applicant, the assessor remain of the same opinion as set out in the full Viability Assessment, that

given the current level of uncertainty within the housing and development markets, the overall revised offer provided may be a reasonable approach to protecting the Council's position and deliver an element of affordable housing on Site, however, will be subject to the details of the agreement and ability for implementation.

(Officer note: The viability assessor's comments were based upon the affordable housing offer across both the current application and the recently approved application for the eastern parcel 20/02921/FUL. Furthermore, they are based upon on the applicant's original affordable housing offer of 10no. discount market sale units. This was subsequently increased to 20no. discount market sale units on the eastern parcel. However, the comments and conclusions above remain valid)

HOUSING: No objection (UPDATED)
The developer submitted a viability report concluding that any affordable housing provision would result in the site not being viable. An independent assessment of the viability report has taken place and agrees.

The developer originally offered 10x1bed discounted market sale units and whilst Housing Services appreciated this offer the preference would have been for a commuted sum, to be used for off-site affordable housing provision. Since this initial offer the developer has subsequently offered 20 discounted market sale units (12x1beds & 8x2beds) within Block BF13 at 70% of open market value. This offer is welcomed given the outcomes of the viability assessment with the condition that the initial discounted market sale price is capped for purchasers with a local connection to B&NES Council administrative area and this is set out in a legal agreement using B&NES Council standard definitions and clauses.

(Officer note: The Housing Officer's comments are based upon the affordable housing offer across both the current application and the recently approved application for the eastern parcel 20/02921/FUL)

AVON AND SOMERSET POLICE: No objection (UPDATED)

EDUCATION: No objection

ARCHAEOLOGY: No objection

DRAINAGE AND FLOODING: No objection

PUBLIC RIGHTS OF WAY: No objection, subject to condition

HIGHWAYS: No objection, subject to conditions

ECOLOGY: No objection

BATH PRESERVATION TRUST: Objection

The Trust maintain that this application fails to provide a policy-compliant level of affordable housing without adequate justification, and therefore has not suitably addressed its reason for refusal. The insufficient affordable housing provision is ultimately

contrary to Policy CP9 of the Placemaking Plan, and therefore should be refused or withdrawn until an appropriate proportion of affordable, mixed housing is proposed.

The Trust also continues to object to the unclarified use of render on these prominent elevations, and the focused use of Bath stone on elevations facing into the Holburne site, as presented in past applications; they maintain that all elevations should be Bath stone ashlar.

THIRD PARTIES AND NEIGHBOURS: One letter of OBJECTION has been received. The main issues raised were:

Concern about overdevelopment of the site. It is suggested that the once pleasant footpath has been reduced to a narrow alleyway and will be made more unpleasant by these proposals.

There is a request that the development provide better gardens and play space for children.

It is suggested that the proposals are trying to cram in more buildings and concerns are raised that the proposals will endanger Bath's World Heritage Site status.

The proposed development, by virtue of the position and footprint of development at its western end would unacceptably intrude into the wider undeveloped land and the setting of the canal corridor at the western end of the site. As such the development would cause unacceptable landscape harm, would harm views both within and into the Conservation Area and World Heritage Site, and would harm the setting of the Conservation Area and the setting of the World Heritage Site.

Two letters of SUPORT have been received. The main issues raised were:

The comments suggest that the land is no longer needed by the education authority for Bathwick School and there is important publicly accessible green open space being provided within the north park. It is suggested that the current site represents wasted land given that it is no longer needed by the school.

The comments support the inclusion of 9 visitor spaces which it is claimed makes a substantial contribution to the overall provision of visitor parking on the site.

It is suggested that the 8 additional units will contribute to the viability, deliverability and completion of the development. They consider this outweighed the harm arising from development of this open space.

It is suggested that the increased offer of 25% affordable housing underlines the importance of the contribution of these 8 open market properties to the overall viability, deliverability and timely completion of the scheme and the application should be approved. It is suggested that the failure to approve the development would result in considerable delay in completion of the development by Hardrock or another developer which cannot be in the interest of residents and the local community.

The comments state that the previous MOD buildings on the site were an eyesore. It is suggested that the change to the landscape is similar to that which occurred when Minster Way and St Christopher's Close were development in the past and that it is not objectionable.

One comment suggests that it would be great if the footpath had some attention paid to it.

One GENERAL COMMENT was received. The main issues raised were:

The previous application contained 7 visitor spaces whilst the current application contains 9 visitor spaces in the same area. The comment therefore questions whether these are full size compliant car spaces.

The comment has no particular issue with the proposals but wishes to see that all construction traffic required to build the school site does not use Lascelles Avenue and instead accesses via the current contractors' road.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES

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:

Policy DW1: District Wide Spatial Strategy
Policy B1: Bath Spatial Strategy
Policy B4: The World Heritage Site and its Setting
Policy CP6: Environmental Quality

RELEVANT PLACEMAKING PLAN POLICIES

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:

SU1 Sustainable Drainage
D1 Urban Design Principles
D2 Local Character & Distinctiveness

D3 Urban Fabric
D4 Streets and spaces
D5 Building Design
D6 Amenity
D8 Lighting
D10 Public Realm
BD1 Bath Design Policy
HE1 Historic Environment
NE1 Development and Green Infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE2A Landscape Setting of Settlements
NE6 Trees and woodland conservation
ST1 Promoting sustainable travel
ST7 Transport requirements for managing development
SB12 Former MoD Warminster Road

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance can be awarded significant weight.

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
The main issues to consider are:

1. Background
2. Principle of development
3. Design
4. World Heritage Site and Conservation Area
5. Trees and woodland
6. Highways and parking
7. Residential amenity
8. Affordable housing
9. Conclusion

1. PRINCIPLE OF DEVELOPMENT

The site falls within the allocation policy SB12 which allows for the provision of at least 150 residential dwellings to enable the efficient use of the developable area. The proposed development would amend the approved scheme and reduce the overall

number of dwellings within the allocation to 189 dwellings. The current proposal will not conflict with that minimum requirement.

Criterion 2 of the SB12 requires the removal of the existing disused buildings on the site. This has already occurred and this criterion is met.

Criterion 3 requires the development to be almost entirely focused on the previously developed area, but with some scope for some very minor fringe development outside of the fence line. The site falls within the former Warminster Road MOD fence line and, although itself undeveloped, is considered to be with the curtilage of the previously developed area.

Criterion 4 requires a design response which enhances the setting of the World Heritage Site and Conservation Area with reference to the important characteristics of the site. This is addressed in the Design and World Heritage Site and Conservation area sections below

Criterion 5 requires the provision of land and other funds to enable expansion of the adjoining primary school. The education team has previously confirmed that the land is no longer required for primary school expansion and that the additional primary school capacity to accommodate the wider development of Holburne Park will be created in the vicinity using the financial contribution which was secured by the original s106 agreement. Therefore, there is no objection in principle to this land no longer being transferred to the Council for educational purposes and this is no longer required by the s106 following the removal of this clause under application 19/03376/M6A. A financial contribution towards education provision has already been made on this development site. Criterion 5 is therefore considered to be met.

Criterion 6 relates to walkways through the undeveloped part of the site to improve public access. This application does not affect the approved proposals for walkways and access to the undeveloped parts of the site.

Criterion 7 requires the protection of the amenity of neighbouring residential properties. This is considered in the residential amenity section below.

Criterion 8 requires a detailed historic environment assessment and evaluation. This is considered in the Design and World Heritage Site and Conservation area sections below.

2. DESIGN

The proposed layout represents a continuation of the existing terraces along an extended street. This approach is broadly supported. Similarly, the design and architectural treatment of the houses appears to reflect that previously approved/already constructed and on that basis can be supported.

The proposals are 2 storey in scale and therefore match the scale of the adjacent buildings within the wider development site and reflect the scale of buildings in the surrounding area. The immediate street scene would be characterised by two-storey dwellings, which is entirely appropriate for a site on the very edge of the development.

The proposed materials would be a mixture of bath stone ashlar and render which reflects the materials used in the wider development site.

The proposals include a significant amount of surface parking, including some tandem bays. However, the proposals also include adequate amounts of soft and hard landscaping to alleviate some of this impact and prevent the development from appearing too car dominated.

3. WORLD HERITAGE SITE AND CONSERVATION AREA

The key consideration in respect of the impact of the proposals upon the World Heritage Site is whether the proposed development would have an adverse impact upon its outstanding universal value.

The proposed site forms a fairly small parcel within a wider 7.0 hectare development. The location of the site in the south-west corner of the allocation means that it is seen amongst the rest of the development on the hillside in longer views. The two storey scale of the development means that it will be amongst the small elements of the wider development and will not appear incongruous or discordant in the landscape. As a result it is considered that the development will not impact upon the city's Georgian town planning or architecture.

It is therefore considered that the proposals will have no adverse impact upon the outstanding universal value (OUV) of the World Heritage Site.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. In this instance it is considered that the design of the proposed buildings is acceptable (discussed above) and will not detract from views to or from the site. The proposals will therefore preserve the character and appearance of the Bath Conservation Area and met this requirement.

The proposal is therefore considered to comply with criteria 4 and 8 of policy SB12.

4. RESIDENTIAL AMENITY

The 8 proposed dwellings are all provided with adequate internal and external space for amenity and all have adequate levels of light, outlook and privacy.

Concern was previously raised about the impacts of the proposed dwellings located adjacent to the site on Darlington Road. A short terrace of 4 dwellings (known as Top Yard Cottages) is situated at adjacent to the western boundary. The adjoining terrace is slightly offset from the site boundary, such that the dwellings are successfully further away from the boundary.

At its closest point, the rear elevation of the proposed terrace is approximately 15m from the front corner of Top Yard Cottages. The rises within the application site, such that the

existing dwellings of Top Yard Cottages are on slightly lower land than the proposed dwellings. However, due to the separation from the boundary and their limited two storey scale, it is considered that the proposed dwellings will not appear overbearing or result in any significant loss of light or outlook from Top Yard Cottages.

In terms of privacy, the offset orientation of Top Yard Cottage and proposed separation will prevent the proposed dwellings from causing any harmful overlooking.

Larchmont and Hazelwood are existing residential dwellings located immediately to the south-east of the application site. Both are set back from the site boundary and are a reasonable distance from the proposed terrace of 8 dwellings. Orchard Leaze is a residential dwelling located immediately to the west of the site but is also set back a reasonable distance from the proposed terrace. The proposed development will not result in any significant loss of light, outlook or privacy from either of these dwellings.

The proposals are therefore considered not to have any significant impact upon the residential amenity of adjoining occupiers.

The proposal is therefore considered to comply with criterion 7 of SB12.

5. HIGHWAYS AND PARKING

The proposal would be accessed by vehicle from the newly constructed road that serves the wider development, and it is expected that this would be adopted as public highway in due course.

The highway authority is sensitive to further increases in traffic levels affecting the A36 Warminster Road corridor. However, having reviewed the potential impact of the previously submitted applications for Holburne Park development (ref: 19/03838/FUL) the Highways Officer accepts that the additional eight dwellings are unlikely to result in a material impact on the wider highway network. The residential scheme is also likely to have a lower impact as compared with the education use that was originally proposed for the same site.

The proposed level of car parking to serve each of the dwellings is acceptable, and two spaces are proposed for each for the three-bedroom units. This level of parking accords with the adopted minimum standards. There would also be opportunities to provide secure cycle parking within each of the plot curtilages.

The proposal incorporates nine "visitor" parking spaces and this has been identified as a requirement due to the potential loss of similar provision elsewhere in the development site. This represents an increase of two visitor parking spaces compared to the previously refused scheme. However, these additional visitor spaces are relocated from elsewhere on the Holburne Park development and therefore do not represent an increase in the overall number of visitor parking spaces across the wider development site.

Whilst it is not ideal that the spaces are grouped together, it is accepted that these would help to serve the need for visitor parking provision in this part of the site and these would be useful for properties to the north and east of the location.

There are no concerns relating to the proposed refuse storage locations, and collection from the main "through route" past the site will be possible.

Should planning permission be granted a Construction Management Plan would be a requirement to ensure that there was no detrimental impact on nearby residents throughout this phase of the development within the Holburne Park site. There is no highway objection to the scheme, subject to the suggested conditions.

6. DRAINAGE

The drainage details submitted with the application confirms that the proposed layout is acceptable with no increase in flood risk or discharge rate from the wider development site.

7. PUBLIC RIGHTS OF WAY

The committee previous raised concerns about the impact of the proposals upon the adjacent public right of way which runs along the southern and western boundaries of the site. It was considered that the previous scheme did nothing to enhance the rather tight footway or to improve pedestrian/cycle permeability.

The current application indicates that the existing public footpath along the south and west boundaries of the site would be widened and extended to form an additional connection along the northern edge of the site. Furthermore, the current proposals include a new level connection into the site from its southern boundary.

The Public Rights of Way Team are supportive of this proposal and consider it to be a benefit to the residents of the new development to have a pedestrian link between the proposed development and the existing footpath, linking the site with the school and wider community. There is therefore no objection on these grounds, subject to the suggested conditions.

8. ECOLOGY

The Council's Ecologist has reviewed the application. The site has been cleared already and there do not appear to be any significant ecological implications arising from this proposal.

Ecological measures should be required as part of the landscape proposals. The details of measures such as landscaping, if secured by condition, should be required to avoid conflicts with ecological requirements on adjacent land and the wider site. There is therefore no ecological objection to the proposals.

9. ARCHAEOLOGY

The Council's Archaeological experts have reviewed the application and determined that there is limited or no archaeological implications to this proposal. There are therefore no objections on archaeological grounds.

10. SUSTAINABLE CONSTRUCTION

Policy CP2 of the Core Strategy requires sustainable design and construction to be integral to all new developments. Policy SCR1 requires major developments to provide sufficient renewable energy generation to reduce carbon emissions from anticipated energy use in the building by at least 10%.

SAP calculations have been submitted with the application to demonstrate that the development would achieve a 32% reduction in carbon emissions compared to the baseline. This includes an 18% reduction from solar PV panels which have been included in the scheme. The proposals are therefore considered to comply with policies CP2 and SCR1 .

11. AFFORDABLE HOUSING

Background

The original planning permission (ref: 14/02272/EFUL) was granted subject to the provision of 40% affordable housing in accordance with policy CP9 of the Core Strategy.

A subsequent application (ref: 16/04289/EFUL) was permitted to increase the total number of dwellings in the scheme, but without increasing the provision of affordable housing. The percentage of affordable housing therefore dropped to 33% on-site with an additional financial contribution of £400K secured for the delivery of affordable housing off-site following a review of the site's viability. This equates to an on-site provision of 81 units of affordable housing across a total of 246 dwellings.

Holburne Park has, so far, delivered 61 dwellings (32 open market and 29 affordable) and a £163,333 of the £400k financial contribution towards off-site delivery of affordable housing has been made to the Council. The Holburne Park development has also already made a number of financial contributions towards a number of matters including transport, public open space and education.

This application forms part of the wider Holbourne Park development and is therefore subject to policy CP9 in respect of affordable housing.

Viability Assessment

A viability appraisal has been submitted to cover both this application and the recently approved application for the eastern parcel (ref: 20/02921/FUL). The appraisal has been reviewed by the Council's independently appointed viability consultants.

The majority of inputs into the viability appraisal have been agreed with the applicant. Previously there was a dispute over the appropriate benchmark land value. Whilst still in dispute the applicant's appraisal has adopted the Council's figures for the purposes of their assessment.

The review of the viability appraisal submitted with the previous application (ref: 19/03838/FUL) was complicated by the timing of the Covid-19 public health crisis which has created a significant degree of uncertainty within the housing and development sectors. There remains some uncertainty regarding the impact of the crisis upon sales values, but the Council's independent viability assessment consider that the price adjustments used in the applicant's appraisal are not unreasonable.

In reviewing the applicant's appraisal, the Council's independent assessors have noted that by revising the phasing of the development, and the cost and sales assumptions they have managed to increase the viability of the development significantly. However, despite these positive changes to the scheme it still produces an overall viability deficit of -£530K.

It should also be noted that the review of the viability appraisal was based upon the applicant's earlier affordable housing offer of providing 10no. discount market units (at 70% of Open Market Value) within the eastern parcel land. This has since been revised to 20no. discount market units (at 70% of Open Market Value) to be provided within the eastern parcel land. This offer is outlined below and will have a further negative impact upon the overall viability.

Affordable Housing Offer

The applicant maintains that the development cannot support the provision of any additional affordable housing, but has offered to provide 20 discount market unit for sale (12 x 1-bed; 8 x 2-bed) offer to the market at 70% of full value capped at a £187,500 sale price for 1-bed dwellings (consistent with previous discount market units in the early Section 106 agreement) and capped at £316,000 sale price for 2-bed dwellings. These affordable housing units would be provided within proposed block BF13 on the eastern parcel application site (20/02921/FUL). None of the eight dwellings proposed in this application would be offered as affordable housing.

This is a significant increase over the previous affordable housing offer which was to provide a financial contribution of £644,000 (equivalent to 8no discount market units at 80% of open market value) towards the delivery of affordable housing off-site.

All the proposed discount market housing units on the eastern parcel land would meet with the Technical Housing Standards - nationally described space standards, March 2015.

Considering the findings of the viability appraisal and review, the Council's Housing Team is supportive of the proposed affordable housing offer. The proposed discount to the open

market value of this housing would not meet with the usually expected affordability criteria for affordable housing in B&NES. However, given that the negative viability of the scheme no further discount to the open market value could be justified.

The applicant has not offered any dwellings as Social Rented or Shared Ownership because the values these would need to set at would make the scheme even less viable.

The applicant has also offered to sign up to a legal agreement requiring a viability review to be carried out near the end of the development. Any surplus profit from the development would be split with the Council as an additional financial contribution towards the off-site delivery of affordable housing elsewhere across the district.

This review would be on the basis of an open book exercise based upon audited accounts/management accounts of the developer. Given the uncertainty around the housing market going forward and the site circumstances (discussed below) there is a possibility that this review mechanisms would not yield any additional contributions towards affordable housing

It should also be noted that the Council's independent viability assessors concluded that given the current level of uncertainty within the housing and development markets, the overall revised offer in respect of affordable housing may be a reasonable approach to protecting the Council's position and ensure the delivery an element of affordable housing on the site.

In summary, whilst the current application does not seek to provide any of the proposed eight dwellings as affordable housing, the applicant's revised offer to provide 20 discount market units on the eastern parcel application (20/02921/FUL) which was accepted by the planning committee would mean that Holburne Park as a whole, including those houses already built, would provide 25% affordable housing (49 units).

Site circumstances and other relevant considerations

An important principle to understand when assessing scheme viability is that development assumptions should be based on "market" as opposed to "developer specific" assessment - this is to mean that the assessment assumes how a typical or hypothetical developer in the market would act rather than assessing developer specific circumstances

In practice, the applicant has provided evidence to demonstrate that the viability of the existing development has been significantly impacted by a series of unforeseen events and market trends. The majority of these matters could be considered part of developer risk and are not considered as part of standardised approach to viability. However, this evidence has demonstrated that there is a significant risk that the current developer will be unable to continue development of the site unless the amendments to the scheme (including the reduced level affordable housing) are approved.

If this risk was realised the development of the site would very likely cease and would not likely re-commence until after a new developer of the site came forward. This would very likely result in a significant delay to the delivery of the site and could have implications on

whether or not the site can be counted within the Council's 5 year land supply. This is particular pertinent within the city of Bath where there housing delivery is under pressure.

Furthermore, if construction works were to cease in their current state, existing residents who have moved onto the site already would be stuck on an unfinished construction site with no certainty about when it would be finished. Additionally, there would be the loss of all the construction jobs currently on site and a knock-on effect upon the development's supply chain.

It is also evident that the scheme proposed is relatively high-end in terms of the product and its target market. Viability assessors have advised that housing pitched at the higher end may be more susceptible to downward pricing adjustments than lower value properties (i.e. more standard 'plc' type estate housing) since the market is much tighter (fewer purchasers) combined with less support from government schemes and initiatives such as Help to Buy.

Whilst the developer's specific situation is not a material consideration that should be given any significant weight, the implications for the housing delivery and for existing residents if the site were to stall can be given weight in the planning balance.

Affordable Housing conclusions

In light of the conclusions on the viability appraisal which shows that there to be a viability deficit, the applicant's offer to provide 20 discount market units (at 70% of open market value) on the eastern parcel application (20/02921/FUL) is considered to be reasonable and possibly the best offer that the Council could expect to achieve on this site given its current circumstances.

Although this would mean that none of the eight dwellings proposed under this application would be delivered as affordable housing, it would mean that, overall, Holburne Park would deliver 25% affordable housing. Whilst this would be less than the currently approved position (33%), the site circumstances indicate that this is unlikely to be delivered in its current form. The proposed development with its revised offer ensures that the development will ensure a continuity of delivery and a significant number of homes towards the Council's housing targets whilst also providing a reasonable proportion of affordable homes on site.

The inclusion of viability review mechanisms will help to safeguard the Council's position against the uncertainty around the impact of the current public health crisis on the housing sector. If the impact is not as severe as predicted or the housing market rebounds better than expected, then a review mechanism will ensure that any excessive profit is secured as additional money which can be put towards the delivery of affordable housing elsewhere in the district.

Whilst the reduced level of affordable housing compared to the current approved position is disappointing, it is considered that, the following factors combine to justify the applicant's current offer of a commuted sum:

1. The current uncertainty created by the Covid-19 pandemic and its impact upon the housing and development sector;

2. The offer of 20no. Discount Market Units at 70% of open market value despite the negative viability position;

3. The use of a viability review mechanism and security to safeguard the Council's position in the event that excessive profit is realised;

4. The desire to avoid delivery of the site stalling with the consequential adverse effect on housing delivery, the detrimental effect upon the amenities of existing occupiers on the site and the loss of construction jobs;

Furthermore, this application also contains benefits in the form of the proposed improvements to the public right of way which will improve pedestrian connectivity and permeability through the site and the surrounding area.

In light of the above, it is considered that, the affordable housing offer is a significant uplift from the previously refused application and is acceptable and justified in these particular circumstances.

12. COMMUNITY INFRASTRUCTURE LEVY

The proposal would be liable to pay the community infrastructure levy at a rate of £100 per square metre of residential floorspace. The approximately liable for this proposed scheme is £61,787.

13. CONCLUSION

The reduced percentage of affordable housing on-site compared to the current approved position weighs against the proposal.

Although this application for 8 dwellings does not provide any additional affordable housing, the significant uplift in the applicant's affordable housing offer on the approved application for the eastern parcel (20/02921/FUL), the conclusions of the viability appraisal and the particular site circumstances combine to outweigh this harm and offer that can be considered as the best reasonable offer that the Council could expect to achieve from this development under the current circumstances.

The desire to avoid the site stalling and the potential effect upon housing delivery, existing occupiers and construction jobs also weighs significantly in favour of the application. Furthermore, the current application provides positive enhancements to the adjacent public right of way.

In all other regards, the proposals are considered to comply with the development plan and accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan.

It is considered that above matters combine to justify the proposed development as the benefits of permitting the development clearly outweigh any identified harms. The application should therefore be permitted, subject to the completion of a s106 legal agreement.

RECOMMENDATION

PERMIT

CONDITIONS

0 DELEGATE TO PERMIT

1.) Authorise the Director of Legal and Democratic Services to enter into a Section 106 Agreement to secure:

a) 20 discounted market sale units (12 x 1-bed; 8 x 2-bed) offered to the market at 70% of full value capped at a £187,500 sale price for 1-bed dwellings (consistent with the agreed Section 106 discounted market unit cap) and capped at £316,000 sale price for 2-bed dwellings.

b) a viability review; to be carried out near the end of the development and any agreed proportion of any surplus profit to be provided as an additional financial contribution towards the delivery of affordable housing off-site.

c) all matters in the original s106 agreement except for the outstanding affordable housing contribution which will be replaced by the current affordable housing offer

2.) Subject to the prior completion of the above agreement, authorise the Head of Planning to PERMIT subject to the following conditions (or such conditions as may be appropriate):

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 **Construction Management Plan (Bespoke Trigger)**

The development hereby approved shall be undertaken in accordance with the Construction Management Plan approved in writing by the local planning authority by letter dated 18 January 2016 (Reference: 15/05486/COND). Within one month of the date of this permission a revised construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The revised plan shall include details of the following:

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;

5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;
8. Measures for the control of dust;
9. Temporary arrangements for householder refuse and recycling collection during construction.

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

Reason: To protect the amenities of the occupants of adjacent residential properties, the adjoining canal and wider environment and to ensure the safe operation of the highway.

3 **Welcome Pack (Compliance)**
Before each dwelling is first occupied new resident's welcome packs shall be issued to purchasers. The content of the new resident's welcome packs shall be as per the details approved in writing by the local planning authority by letter dated 13 October 2017 (LPA Ref: 17/03581/COND)

Reason: In the interests of sustainable development.

4 **Travel Plan (Compliance)**
The development shall be operated in accordance with the Travel Plan approved by the local planning authority by letter dated 13 October 2017 (Reference: 17/03581/COND).

Reason: In the interests of sustainable development.

5 **Parking (Compliance)**
The areas allocated for parking and turning on the approved site layout plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. The 9 visitor parking spaces shown on drawing number 1902-MWA-00-XX-DR-L-0050 Rev 09 shall be completed prior to the occupation of the 8th dwelling.

Reason: To ensure sufficient parking and turning areas are retained at all times in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

6 **Dwelling Access (Compliance)**
Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

7 **Contaminated Land - Investigation (Compliance)**
The development hereby approved shall be undertaken in accordance with the Composite Contamination Report (March 2016, lntegrale Limited) and Report on Supplementary Soil Gas Monitoring & Contamination Analyses (June 2014, lntegrale Limited) both approved

in writing by the local planning authority by letter dated 25th April 2016 (Reference: 16/01732/COND)

Reason: In order to ensure 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 **Contamination - Remediation (Compliance)**
The development hereby approved shall be undertaken in accordance with the Remediation Strategy and Method Specification (Ref: 9202/RMS) approved in writing by the local planning authority by letter dated 22 June 2016 (LPA Ref: 16/02834/COND)

Reason: In order to ensure 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

9 **Contamination - Verification (Pre-commencement)**
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced prior to occupation, and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure 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.

10 **Unexpected Contamination (Compliance)**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the aforementioned conditions and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the aforementioned conditions, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the aforementioned conditions.

Reason: In order to ensure 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.

11 **Drainage Strategy (Compliance)**
The surface water and foul drainage systems shall be installed in accordance with the Drainage Strategy Addendum Report hereby approved (Campbell Reith August 2019).

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

12 **Landscaping Scheme (Compliance)**
The hard and soft landscaping of the development shall be undertaken in accordance with the details hereby approved by the local planning authority (drawing numbers 1902-MWA-00-XX-DR-L-0050 Rev 09 and 1902-MWA-00-XX-DR-L-0055 Rev 07) unless an alternative scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the details approved no later than the end of the first planting season following first occupation of the development.

Reason: To ensure the provision of an appropriate landscape setting to the development and provide appropriate tree planting to compensate for the trees removed through the development, and to ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site.

13 **Landscape Implementation (Pre-occupation)**
All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

14 **Public Right of Way Improvement Words (Pre-occupation)**
No occupation of the development shall commence until a scheme for the improvement works to the public right of way adjoining the southern and western boundaries of the site (as shown on drawing number 1902-MWA-00-XX-DR-L-0050 Rev 09) has been submitted to and approved in writing by the Local Planning Authority. The improvement works shall be completed prior to the occupation of the dwellings hereby approved.

Reason: To secure the detail and implementation of the works to the public right of way and to ensure adequate pedestrian connectivity and permeability through and around the site in accordance with policies D3 and ST2A of the Placemaking Plan.

15 **Materials (Compliance)**

The external materials and finishes of the development shall accord with the samples approved by the local planning authority by letter dated 6 July 2017 (Reference: 17/02294/COND) as applied according to the approved drawings, unless alternative sample panels have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details and sample panels.

Reason: To ensure that the external appearance of the development is satisfactory in order to protect the character and appearance of the Conservation Area, the setting of adjoining Listed Buildings and the setting of the World Heritage Site.

16 **Street Lights (Bespoke Trigger)**
Details of the street lights and columns serving the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to their installation. The street lights and columns shall be installed in accordance with the details so approved.

Reason: In the interest of the appearance of the development and the surrounding area.

17 **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 1902-MWA-00-XX-DR-L-0055_07 SOFT LANDSCAPE PLAN 3 OF 3
1902-MWA-00-XX-DR-L-0050_09 HARD LANDSCAPE PLAN 3 OF 3
153300-STL-XX-ZZ-DR-A-09005 PL01 SITE PLAN - WESTERN PARCEL
153300-STL-XX-ZZ-DR-A-09004 PL01 LOCATION PLAN - WESTERN PARCEL
153300-STL-XX-ZZ-DR-A-09002 PL01 SITE PLAN
153300-STL-XX-ZZ-DR-A-02003 PL02 PHASE 3B ELEVATIONS
153300-STL-XX-ZZ-DR-A-01003-PHASE 3B PL02 GA PLANS

2 **Permit/Consent Decision Making Statement**

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

3 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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

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

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

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

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

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

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

5 **Responding to Climate Change (Informative):**

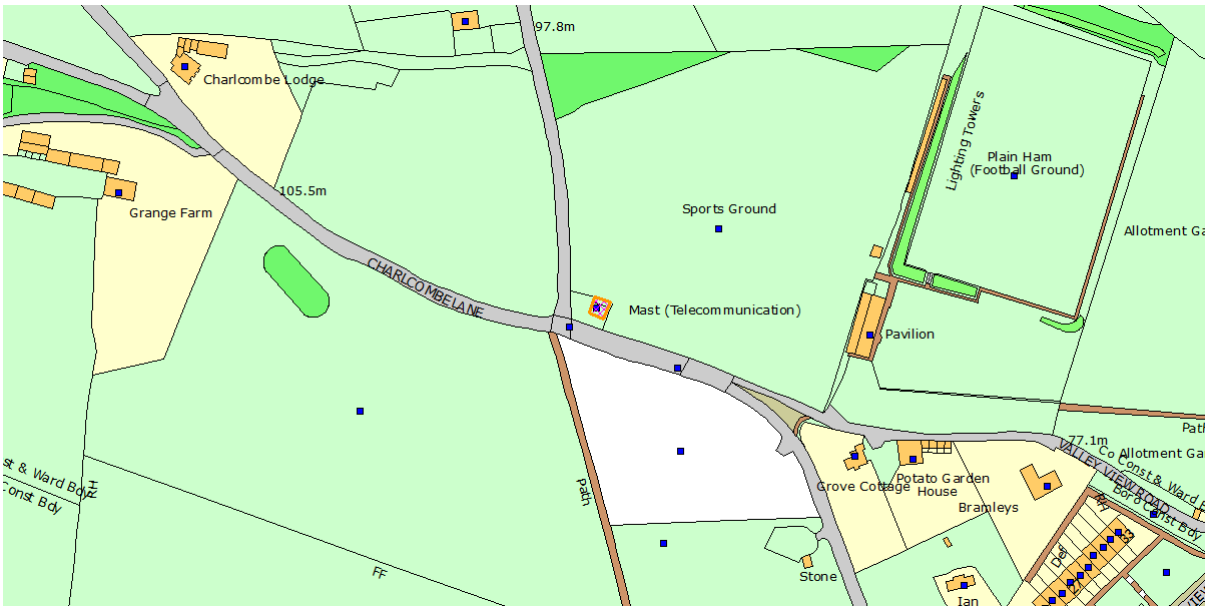
The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

6 This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

Item No: 04

Application No: 19/05534/FUL

Site Location: Telecommunication Mast 54146 Woolley Lane Charlcombe Bath



Ward: Bathavon North **Parish:** Charlcombe **LB Grade:** N/A

Ward Members: Councillor Kevin Guy Councillor Sarah Warren

Application Type: Full Application

Proposal: Erection of 20 metre-high telecommunications monopole accommodating 6no antenna apertures, 4no transmission dishes and 8no ground-based equipment cabinets

Constraints: Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mobile Broadband Network Limited

Expiry Date: 22nd October 2020

Case Officer: Chris Griggs-Trevarthen

To view the case click on the link here.

REPORT

REASON FOR REPORTING TO COMMITTEE

Cllr. Kevin Guy, Cllr. Joanna Wright and Cllr. Sarah Warren have all requested that the application is determined by committee if officers are minded to recommend approval. Swainswick Parish Council have also objected to the proposal. In accordance with the scheme of delegation the application was referred to the chair of the planning committee who decided that the application should be determined by the planning committee for the following reasons:

"I have looked at this application, and the 'on balance' nature of the recommendation for approval. I note the strong support from national government, and the minimising of harm by reusing an existing site. However, given the public interest in this technology, and the infrastructure it requires, this discussion should be held in the public domain."

DESCRIPTION
The application site comprises a small parcel of land (0.1 hectares) in the corner of the Larkhall Sports Club ground which currently hosts an existing telecommunications mast. The current equipment is contained within a fenced compound of approximately 4.5m by 6.5m and consists of a number of cabinets at ground level and a 14.7m high monopole mast with three antennas creating a mast 'head' approximately 1.5m high by 0.75m wide. The compound is posited in the western corner of the sports ground adjacent to junction between Woolley Lane and Charlcombe Lane.

The site is situated within the Bristol and Bath Green Belt, the Cotswolds Area of Outstanding Natural Beauty (AONB) and, although not within its boundary, falls within the setting of the City of Bath World Heritage Site. There is a site of nature conservation interest (SNCI) located to the southwest of the site on the opposite side of Charlcombe Lane.

This application seeks to replace the existing mast with a larger mast support more equipment, but within the existing compound. The proposed mast consists of a 19.7m high monopole tower with a mast with six larger antenna and four communications dishes creating a mast 'head' approximately 3.5m wide by 6.5m high.

The applicants have submitted a supporting statement with the proposal and have also provided a Certificate complying with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines on the limitation of exposure of the general public to electromagnetic fields.

PLANNING HISTORY AND OTHER RELEVANT APPLICATIONS

Application reference: 04/01170/FUL
Applicant: Hutchison 3G UK Ltd
Description: Erection of telecommunications base station comprising 15m high monopole and equipment cabinet measuring 1.5m x 1.96m x 0.7m
Status: PERMITTED - 16th June 2004

There is another pending planning application for a telecoms mast located in the same field approximately 60m to the north of the current proposals.

Application reference: 20/03255/FUL
Applicant: Vodafone Ltd
Description: Erection of a 20m high monopole supporting 3no. antennas and 2no. 0.3mm dishes above the top of the pole, the installation of 1no. equipment cabinet on new base and the installation of ancillary equipment.
Status: PENDING CONSIDERATION

ENVIRONMENT IMPACT ASSESSMENT
This application proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2017 and it has been determined that the application does not represent EIA development and that an Environmental Statement is not required.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
A summary of consultation responses to the application have been provided below.

LANDSCAPE: No objection, subject to conditions

CONSERVATION: No objection

ECOLOGY: No objection, subject to conditions

ENVIRONMENTAL PROTECTION: No comment

SWAINSWICK PARISH COUNCIL: Objection

This Parish Council objects to this application on the grounds of the mast's proximity to residential properties, schooling and leisure activity areas, it's intrusion into the AONB and the impact on the visual entrance to this World Heritage Site from Swainswick/Woolley valley and the A46.

5g technology is not proven regarding its safety/potential impact on people and this location maximises any risk to, in particular the younger generations.

CHARLCOMBE PARISH COUNCIL: Support

It will provide improved and upgraded data coverage for people living in the area and will also provide much needed income for Larkhall Sports Club. The Parish Council support these objectives.

It is noted that the new mast will be some 5m taller than the existing mast, and of much bulkier appearance. The Parish Council query whether the mast could be reduced in height to something close to the current mast to allow existing tree screening to minimise the visual impact in this Green Belt/AONB area. They also ask that the entire installation should be painted green to achieve the same purpose and that this be secured by condition.

The Parish Council request that the installers are made to satisfy planners that the new mast will not subject local people and the users of Larkhall Sports Club to increased or unacceptable levels of radiation and that the technology does not pose a threat to privacy or security. They also request that the mast not require additional repeater masts in the vicinity in the near future.

The Parish Council also seek to have the temporary mast at the top of Colliers Lane removed, if this mast is approved.

COUNCILLOR KEVIN GUY: Objection

This application will significantly breach the sky line in an area of outstanding natural beauty and is not in keeping with the historical skyline of Bath.

COUNCILLOR JOANNA WRIGHT: Objection

This application for a mast is of great concern. Presently the height of the existing mast is not an eye sore in the beautiful ward of Lambridge. This new mast will stand much taller and although set in Bath Avon North actually affects the ward of Lambridge.

It is clear that many residents are concerned about the unknown effects of this new technology and the impact that this could have on the 3 schools in which it is close to as well as the many residents in Lambridge. An Environmental Impact Assessment should be carried out.

There is in fact a well-used allotment site and local football grounds adjacent to this mast That could be seriously impacted. Only recently has a Community Orchard been created on the site of this allotment and the impact that this new technology might have on important insects such as bees could be catastrophic to growing produce, should the level of frequency not be properly understood.

The sheer size of this large new facility will also have a dire impact in an area which borders an Area of Outstanding Natural Beauty.

COUNCILLOR SARAH WARREN: Comment

There is significant local concern about the application on grounds not only of Its appearance in the World Heritage Site, but also around possible health implications of the roll out of 5G.

COUNCILLOR ROB APPLEYARD: Comment

There is wide community concern regarding this application around the visual impact of a higher than existing mast and, as it's an enhanced technology, the impact of this developed technology being close to 3 schools. Although, we have limited control on this application can we ensure that all is done to satisfy the real community concerns that exist.

BATH PRESERVATION TRUST: Objection

The application in its current form fails to conserve or enhance the local landscape character of the AONB, is harmful to the character and openness of the Green Belt and would harm the OUV of the World Heritage Site. This application is consequently contrary to Sections 13, 15, and 16 of the NPPF, and Policies B1, B4, CP6, D2, HE1, NE2, and CP8 of the Core Strategy and Placemaking Plan, and in its current form should be refused. We would strongly recommend that suitable documentation including a Landscape Visual Impact Assessment and alternative design options are submitted before this scheme is permitted to progress further.

THIRD PARTIES/NEIGHBOURS: 343 letters of OBJECTION have been received the main issues raised were:

A large number of the comments were concerned about the visual impact of the proposed replacement mast. The proposed mast was considered too tall and too wide and would result in harm to the landscape, the skyline and the important views. It was considered harmful to the Cotswold AONB, the Bath World Heritage Site, the Conservation Area and the openness of the Green Belt. This harm was considered to be emphasised by design of the mast and its utilitarian appearance.

A significant number of the comments also raised concerns about the safety of 5G technologies, citing the following issues - lack of evidence of safety, evidence of harm to humans, animals, insects and plants, concern about impact upon children and other vulnerable people. The perception and fear of harm arising from the proposed mast was also raised as an issue. Some were also concerned about an invasion of privacy and data security risks which it was suggested might arise with 5G technology.

Concern was raised about construction access for heavy vehicles through the narrow lanes of Charlcombe Lane required to erect the replacement mast.

Some comments suggested that there were technical errors with the application. It was suggested that an Environmental Impact Assessment was required alongside a risk assessment. Several suggestions were made that the application was missing details and technical information about the replacement mast and that there was a lack of consultation undertaken.

A few comments were concerned that the proposals were contrary to the Council's declaration of a Climate and Nature Emergency.

Several comments felt that the proposed mast was unnecessary.

There was a suggestion that the proposed mast would attract seagulls to the area.

Several comments considered that the proposals were contrary to many of the policies within the development plan.

2 letters of SUPPORT have been received. The main issues raised were:

The comments considered the technology important and necessary and approved of increased coverage. They warned against decisions being made on anecdotal evidence rather than science.

1 GENERAL COMMENT was received. The main issues raised were:

There was concern that the correct planning process had not been followed due to a lack of site notice (Officer note: A site notice was displayed subsequent to the receipt of this comment and the statutory requirement has been fulfilled). There was also concern that

the application was not accompanied by an environmental impact assessment and that there was limited factual evidence about the impacts of 5G technology.

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

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

RELEVANT CORE STRATEGY POLICIES

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:

SD1 Presumption in favour of sustainable development
DW1 District Wide Spatial Strategy
B4 Bath World Heritage Site
CP6 Environmental Quality
CP8 Green Belt

RELEVANT PLACEMAKING PLAN POLICIES

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

D2 Local Character and Distinctiveness
D5 Building Design
D6 Amenity
D8 Lighting
GB1 Visual Amenities of the Green Belt
NE1 Development and Green Infrastructure
NE2 Conserving and Enhancing the Landscape and Landscape Character
NE2A Landscape Setting of Settlements
NE3 Sites, Species and Habitats
NE6 Trees and Woodland Conservation
PCS1 Pollution and Nuisance
PCS2 Noise and vibration
ST7 Transport Requirements for Managing Development
LCR7A Telecommunications Development

National Planning Policy Framework (February 2019) and the National Planning Practice Guidance (March 2014) can be awarded significant weight.

LEGISLATION

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
The main issues to consider are:

1. Principle of development
2. Green Belt
3. Landscape, visual impact and heritage
4. Trees and woodland
5. Ecology
6. Highways and access
7. Health
8. Very special circumstances
9. Other matters
10. Conclusion

1. PRINCIPLE OF DEVELOPMENT

Policy LCR7A of the Placemaking Plan supports the principle of telecommunications development and states that they will be permitted if they meet the listed criteria.

Criterion 1 requires that the siting and appearance of the apparatus minimises the impact upon visual amenity, character or appearance of the surrounding area. Criterion 4 requires the development not to have an unacceptable effect on areas of ecology, landscapes or heritage assets such as the World Heritage Site. Both criteria are considered further in the landscape, visual impact and heritage section below.

Criterion 2 applies only to apparatus proposed on a building and does not apply in this instance.

Criterion 3 requires that, in the case of new masts, it is demonstrated that the possibility of erecting apparatus on existing masts or structures has been fully explored. There is an existing mast on this site, but it is a relatively small 15m high monopole which is not capable of accommodating all of the equipment and apparatus required to provide the improved 2G, 3G, 4G, and new 5G coverage. It is also proposed that the new mast will be

used by two providers instead of just a single provider. This will reduce the need for additional masts to be in the area whilst ensuring sufficient coverage.

Subject to the consideration of criteria 1 and 4, the principle of a replacement mast in this location is acceptable and consistent with policy LCR7A of the Placemaking Plan.

2. GREEN BELT

In accordance with paragraph 145 of the NPPF, new buildings (or structures) in the green belt are to be regarded as inappropriate development unless they meet one of a few limited exceptions. Paragraph 145(g) sets out an exception for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the green belt than the existing development.

The site contains an existing mast, base station and compound which can all be considered previously developed land. The proposed replacement of the existing mast with a new mast can therefore be considered partial redevelopment of the site.

However, the proposed mast is 5m taller than the existing mast and, more significantly, has a much greater diameter than the existing monopole and contains a much larger mast 'head'. The effect of this increase in size is to create a much bulkier structure which, when combined with the increased height, is considered to have a greater impact upon openness than the existing mast.

It is therefore considered that the proposal does not meet the exception set out in paragraph 145(g) of the NPPF and is therefore considered inappropriate development in the green belt.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The case for very special circumstances is considered in the relevant section below.

3. LANDSCAPE, VISUAL IMPACT AND HERITAGE

The site lies within the Green Belt; the Cotswolds Area of Outstanding Natural Beauty; the indicative landscape setting of the settlement of Bath; and the indicative setting of the Bath World Heritage Site. These multiple designations underscore the quality and importance of the surrounding landscape character, features and views and suggest that it may be sensitive to development which is visually prominent.

Close views of the existing mast are possible from Woolley Lane on the site's western boundary, but the mature boundary vegetation screens close views from Colliers Lane on its southern boundary.

Because of the open sports fields to the mast's north and east, middle distant framed views are possible from the Gloucester Road on the rising eastern slope of the Lam Brook Valley and distant views are possible from the vantage point of Little Solsbury Hill.

The proposed telecoms mast would be 5m taller than the existing mast and would have a much greater diameter and contain a much larger mast 'head'. The effect of this increase in size is to create a visually bulkier structure which, when combined with the increased height be likely to be more prominent in this sensitive area.

However, the increased prominence of the proposals does not significantly change the nature of the development on this site when seen from various viewpoints. The character and appearance of the site remains as one containing a telecommunications mast with associated antennas and equipment, albeit of a larger and more prominent scale.

The adjacent group of Leylandi Cypress trees still provide a decent amount of screening for the proposed mast and act as the primary background within the various viewpoints. The originally proposed light grey finish for the proposed mast and equipment would have been seen against the dark green background of the evergreen foliage of the Leylandii trees. This would be a poor match for the varied colouration of the evergreen foliage.

Following negotiation, it has been agreed that a disruptive (e.g. camouflage) pattern using at least three matt finished colours to match the natural scale and variation of the Leylandii foliage in light, shade and deep shade will be used for the proposed mast. It is considered that securing a suitable paint finish to the mast by planning condition will ensure that the adverse impacts of the proposals can be adequately mitigated. Furthermore, the Landscape Officer has no objection to the proposals.

The application has also been reviewed by the Conservation Officer who has raised no objection in respect of the impact upon the setting of the World Heritage Site. They have considered the impact upon the setting of Twinfield Farm (Grade II listed) which lies approximately 200m to the north of the site. There is limited intervisibility between Twinfield Farm (Grade II) and the proposed mast. Given the distance of 200m, the presence of the existing mast in this location and the intervening tree cover it is considered that the proposals are will preserve the setting and significance of the listed building.

The proposals are therefore considered to conserve the natural beauty of the Area of Outstanding Natural Beauty, the visual amenity of the Green Belt, the landscape setting of the settlement of Bath, the indicative setting of the World Heritage Site and the setting of Twinfield Farm.

4. TREES AND WOODLAND

The site is closely surrounded on its western and southern boundaries by mature boundary vegetation. A tree survey, arboricultural impact assessment and arboricultural method statement has been submitted and demonstrates that the development can be undertaken whilst retaining the surrounding boundary vegetation. These show that a section of hedge (H1) on the northern boundary of the existing site fence would be removed to facilitate access and construction; that excavations for the foundations of the proposed mast would encroach within the Root Protection Areas (RPAs) of existing trees (G1); and that fencing, ground protection and supervisory measures would be employed to protect existing trees from harm during the proposed works.

The Landscape Officer has queried whether it would be possible to move the compound and the mast to avoid the foundations encroaching upon the RPA's of some of the Leyland Cypress trees on the boundary. However, the applicant does not have control over the land to the north and it is considered that the re-use of the existing compound would be overall less disruptive than its wholesale removal and relocation northwards. It is therefore considered that this relatively minor encroachment into the RPAs is unavoidable and there is no objection on aboricultural grounds.

5. ECOLOGY

The site itself is not subject to any ecological designations, although it is near to the Charlcombe Lane SNCI. The proposals for replacement of the existing mast with a new mast do not raise any significant ecological issues other than the potential impact upon the trees and surrounding mature vegetation.

Arboricultural information clarifies that the works will not require tree removal and removal of other vegetation is limited. This work should be completed outside of the bird nesting season; if this is not possible a nesting bird survey will need to be completed by a professional ecologist prior and mitigation put in place prior to pruning or vegetation removal works. This can be secured by condition.

Additionally, the Council's Ecologist has recommended that a scheme of ecological measures such as new planting and habitat creation is secured, in line with the NPPF and emerging local and national policy requirements for schemes to demonstrate biodiversity 'net gain'. This can be secured through a landscaping condition.

The concerns raised by third parties in respect of terms of risks arising from electro-magnetic radiation on local wildlife. There also does not appear currently to be any real consensus or lead from the national / global conservation sector and scientific communities in raising concerns about impacts of 5G on wildlife. However, if an ecological precautionary approach were nevertheless considered to be necessary and appropriate here, then based on the existing structures (and their existing potential ecological impacts) having already been permitted and being already operational, and the location of the site (which although near to a designated Site of Nature Conservation Interest (SNCI) to the south, is not itself within a sensitive habitat or the SNCI), then this scheme could be considered to be appropriately located to avoid and minimise risks to ecology and locations with known ecological sensitivity and is therefore considered unlikely to have any significant impacts upon local wildlife

Furthermore, the scheme complies with existing national standards, guidance and legislation in respect of electro-magnetic radiation and the Council's Ecologist does not consider that there are sufficient grounds to consider there is a likely risk of direct harm from electromagnetic radiation in this location to ecology, in particular protected species or sensitive habitats, sufficiently to object on ecological grounds to this proposal.

6. HIGHWAYS AND ACCESS

The proposal is not likely to generate any significant vehicular trips other than those associated with its construction and occasional maintenance or operational visits from engineers.

The applicant has confirmed that the proposed mast will be delivered to site in sections for ease of transportation, i.e. two columns and one headframe. This will reduce the size of vehicles required to deliver the structure to site and reduce the impact of the construction upon the surrounding local road network.

Access to the site will be achieved via a temporary trackway which will be laid along an existing route which follows runs adjacent to the southern boundary of the field.

The application has been reviewed by the Highways Officer who has raised no objection to the proposals subject to a requirement for a construction management plan to ensure minimal disruption to the road network when being constructed. This can be secured by a planning condition.

7. HEALTH CONCERNS

Numerous comments have raised health concerns about the use of 5G technology. However, the NPPF guidance on this issue is clear and set out in paragraph 116:

Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

The applicant has submitted a certificate of compliance with the ICNIRP public exposure guidelines. This certifies that, when operational, the proposed mast and apparatus used will met the ICNIRP guidelines and will not pose a threat to safety. The ICNIRP guidelines have been prepared following a wide-ranging review of scientific data on the effects of exposure to human health. This has included major reviews from international organisations and original scientific papers. There is no evidence for the induction of cancer, electrohypersensitivity, infertility or other health effects from exposure at the relevant frequencies.

Various findings from other studies have been submitted in response to the consultation on this application. None of these provide evidence which is more compelling than that presented by the recent ICNIRP guidelines. In light of the compliance with the ICNIRP guidelines, it is considered that the proposals will not have any significant impacts upon human health and complies with national and local policy in respect of this matter.

8. VERY SPECIAL CIRCUMSTANCES

As indicated above, the proposals are inappropriate development in the Green Belt which should only be permitted if very special circumstances exist. Paragraph 144 of the NPPF indicates that '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.

It should also be noted that the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and that any harm to the Green Belt should be given substantial weight.

There are several matters which weigh in favour of the application which must be considered in this balance.

Firstly, the proposed replacement of the existing mast is to enable an upgrade to the telecommunications network to be able to support the latest generation mobile technology (5G). The latest generation in mobile technology utilises shortwave length frequencies with a short range than previous generations and therefore there is a need more telecoms sites and equipment to cover the same area.

There is strong support from national government for the 5G network roll out express through the policies of the NPPF. Paragraph 112 states that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Furthermore, paragraph 116 of the NPPF states that Local Planning Authorities must not seek to prevent competition between different operators or question the need for an electronic communications system.

Given the government's stated support for the next generation of mobile technology and the need for a greater number of locations to provide the same level of coverage, it makes perfectly reasonably sense to first seek to upgrade the existing network locations rather than seeking entirely new locations. The applicant describes this as the existing 4G network sites effectively forming the infrastructure "spine" for the next generation of mobile networks.

If this application were to be refused, then the applicant would have to go about finding an alternative location to site the required equipment. Given the need to provide coverage over the same area, this would very likely be limited to similar locations all of which would also be in the Green Belt and would likely be on greenfield land. The proposed location on the site of an existing mast is therefore likely to represent the least harmful location within the green belt.

The application provides information about the benefits that will arise from the roll out of the 5G network. These include enabling higher capacity, increased bandwidth and lower latency than compared to 4G. This will enable significant advancements in terms of connectivity, technology and business. It is difficult to quantify the benefits arising from these advancements, but it is certainly the case that the currently ongoing public health crisis (covid-19) has highlighted the importance of digital connectivity within modern society. These benefits are therefore afforded significant weight in the planning balance.

The accepted need for 5G on this site then raises the question of whether the 5G equipment could be accommodated on the existing mast or a replacement mast of the same height/width. However, 5G operates across multiple spectrums and therefore requires additional antennas and new equipment cabinets. Furthermore, the signals are

more prone to being interrupted by structures and natural features. Given the existing height of the tree surrounding the mast and the need for additional equipment, there is need for a replacement mast which is both higher and wider so as to support the additional equipment in a manner where it will not be interfered with by the existing tree line.

In summary, the accepted need and government support for the next generation of mobile technology combined with the logic of utilising the existing mast site as opposed to an alternative green belt site and the overall benefits of increased connectivity are considered to clearly outweigh the harm to the green belt. No other harm has been identified and it is therefore considered that very special circumstances exist which justify the proposed development in the green belt.

9. OTHER MATTERS

Public Sector Equality Duty

The Public Sector Equality Duty requires public authorities to have regard to section 149 of the Equality Act 2010. The proposals do not raise any particularly significant issues in respect of equalities duty, but a couple of points are noted.

Those with disabilities which limit their independence or elderly people who are home bound can often be reliant upon digital and wireless technology to stay connected to their family and friends and to access public and private services and goods. The proposed improvements to connectivity associated with the roll out of the next generation of mobile networks could potentially benefit these groups.

Privacy and security

Several comments have been received questioning the security of the latest 5G technology expressing concerns that their privacy may be invaded. No evidence has been submitted to substantiate these concerns and there is no reason to consider that the next generation of mobile technology will be any less secure than the current generation. Furthermore, these matters do not concern themselves with the use of the land and are therefore not material considerations.

Climate Emergency

Several comments received suggest that the proposals are counter to the Council's declaration of a climate and ecological emergency. As is discussed in the report above, the proposals are not considered to have any adverse impacts upon ecology and biodiversity. Whilst the construction of a replacement mast and the associated equipment will entail some carbon emissions (as most construction projects do), the operational phase of the development is unlikely to generate a large amount of carbon emissions. Furthermore, new technological contributions to meeting the climate crisis are likely to benefit from the increased connectivity provided by the next generation of mobile technology.

Gulls

Some comments suggested that the replacement mast would attract gulls which would because a nuisance to the local area. There is no indication that there is any gull problem associated with the existing mast and equipment and, although larger than the existing, there is no reason to consider that the proposals will result in any significant increase in the number of gulls in this locality.

Application errors and consultation

Many comments point to supposed errors or inconsistencies in the application documents or that it lacked enough detail to be properly considered. The application has been reviewed by the Local Planning Authority and was considered to meet all the requirements of a valid application when it was registered. Planning applications need only provide a reasonable and proportionate level of detail sufficient to understand what it being proposed. Where information was required to enable an assessment of a particular issue, for example in this case tree surveys and an arboricultural impact assessment, this was requested and provided by the applicant during the application process. Officers are of the opinion that there is enough information to determine the application.

Other comments have questioned whether adequate consultation has been undertaken on this planning application. Officers can confirm that all statutory consultation requirements for this application type, as set out in the Town and Country Planning (Development Management Procedure) Order 2015 have been met alongside the requirements set out in the Council's 'My Neighbourhood' planning protocol document. This includes the erection of a site notice displayed on the site for a period of no less than 21 days.

10. CONCLUSION

The proposed telecoms mast is higher and wider than the existing mast it replaces and, as a result, is more prominent. The increased prominence of the proposals does not significantly change the nature or character of the site which is already in a telecoms use. Subject to a suitable disruptive (e.g. camouflage) paint finish to match the natural scale and variation of the Leylandii foliage, there is no objection to the proposal on landscape or visual grounds. It is therefore considered to conserve the natural beauty of the Area of Outstanding Natural Beauty, the visual amenity of the Green Belt, the landscape setting of the settlement of Bath, the indicative setting of the World Heritage Site and the setting of Twinfield Farm.

However, the increased size and prominence of the mast does mean that it represents inappropriate development in the Green Belt for which very special circumstances are required. The accepted need and government support for the next generation of mobile technology combined with the sensible strategy of utilising site of the existing mast as opposed to an alternative undeveloped green belt site and the overall benefits of increased connectivity are considered to clearly outweigh the identified harm to justify the proposed development.

The proposals comply with nationally proscribed health safeguards and, subject to suitable conditions, does not result in any significant harm to trees, ecology and highways.

It is therefore considered that the proposals accord with the above listed relevant policies of the Bath and North East Somerset Core Strategy and the Bath and North East Somerset Placemaking Plan and, in accordance with paragraph 17 of the National Planning Policy Framework, should be approved without delay.

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 **Construction Management Plan (Pre-commencement)**

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

1. Deliveries (including storage arrangements and timings);
2. Contractor parking;
3. Traffic management;
4. Working hours;
5. Site opening times;
6. Wheel wash facilities;
7. Site compound arrangements;

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

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

3 **Ecological measures and landscaping (Bespoke Trigger)**

The mast hereby approved shall not be brought into use until a landscaping scheme providing measures to benefit wildlife has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall showing details of the following:

1. All trees, hedgerows and other planting to be retained;
2. New native species planting and habitat creation;
3. A planting specification to include numbers, size, species and positions of all new trees and shrubs;
4. A programme of implementation for the landscaping scheme.

The landscape works shall be carried out in accordance with the approved details and the agreed programme of implementation.

Reason: To ensure the provision measures to benefit wildlife and to demonstrate biodiversity 'net gain' in accordance with the NPPF and policy NE3 of the Bath and North East Somerset Placemaking Plan.

4 **Mast Paint Colour and Finish (Bespoke Trigger)**
The mast hereby approved shall not be installed until details and a sample of the painted finish for the mast have been submitted to and approved in writing by the Local Planning Authority. The mast shall thereafter be finished in the approved details prior to it being brought into use.

Reason: To ensure that the painted finish of the mast matches the natural scale and variation of the Leylandii foliage in light, shade and deep shade and to ensure that the adverse landscape impacts of the replacement mast are adequately mitigated in accordance with policy NE2 of the Placemaking Plan.

5 **Compliance with Arboricultural Method Statement (compliance)**
The approved development shall be carried out in accordance with the approved Arboricultural Method Statement (Arbtech, 27th August 2020) and Tree Protection Plan (Arbtech TPP 01). A signed compliance statement from the appointed Arboriculturalist shall be submitted to and approved in writing by the Local Planning Authority on completion of the works.

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

6 **Nesting Bird Protection (Bespoke Trigger)**
No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with NE.11 of the Bath and North East Somerset Local Plan.

7 **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:

1 002 Site Location Plan
215 Max Configuration Site Plan
265 Max Configuration Elevation

2 **Permit/Consent Decision Making Statement**

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

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

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

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

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

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

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

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

Item No: 05

Application No: 20/01636/FUL

Site Location: Friary Dene Warminster Road Hinton Charterhouse Bath Bath And North East Somerset

Ward: Bathavon South **Parish:** Hinton Charterhouse **LB Grade:** N/A

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Alterations to roof and installation of dormer windows

Constraints: Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

Applicant: Mr G. Mock & Mrs J. Bird

Expiry Date: 14th August 2020

Case Officer: Samantha Mason

To view the case click on the link here.

REPORT

Reason for going to committee:

The officer is minded to permit and the parish council have objected, as such the scheme was recommended to the chair of the committee as per the scheme of delegation. The chair stated the following in his decision;

I remain concerned that what began as a two bedroom gate house for Friary Wood has been extended over the years and is now a 7 bedroom, large family home, in the Green Belt. The committee may wish to consider whether this further application represents an

over development of the site. I note the considerable discrepancy between the PC and the officers in terms of the baseline for calculating volumes, and again the committee may wish to consider where that baseline should be, based on the evidence available. Additionally, it is difficult to access the data that would allow for the calculation of volumes. Finally, there is the consideration as to whether or not Highways England should be consulted, as they are responsible for the A36.

The vice chair recommended the application be delegated to officers for decision, in this scenario the chairs decision trumps the vice chair.

Details of location and proposal and Relevant History:

The application refers to a large detached property located directly off the A36 within the parish of Hinton Charterhouse.

Planning permission is sought for the alterations to the roof and installation of dormer windows.

Relevant Planning History:

DC - 07/01608/FUL - WD - 20 June 2007 - Erection of extension at Friary Dene

DC - 07/02577/FUL - WD - 5 November 2007 - Erection of extension at Friary Dene (Resubmission)

DC - 07/03300/FUL - WD - 21 December 2007 - Erection of a two storey infill extension to adjoin buildings
with first floor extension over existing single storey building; two storey extension to South East to
incorporate balcony and loggia beneath and single storey extension to the North West elevation

DC - 08/00701/FUL - PERMIT - 11 June 2008 - Erection of a two storey infill extension to adjoining buildings
with first floor extension over existing single storey building (Resubmission)

DC - 08/03856/FUL - PERMIT - 6 January 2009 - Erection of two porches and a conservatory

DC - 19/05284/FUL - RF - 11 March 2020 - Erection of car port/garden store with roof mounted solar PV
array.

DC - 19/05285/FUL - RF - 11 March 2020 - Raise height of boundary wall alongside the A36 and replace the
pitched roof over the kitchen with a flat roof.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses :

Hinton Charterhouse Parish Council: Hinton Charterhouse Parish Council met on the 9th June and resolved to Object to this
planning application.
1. The Council believes there has already been approximately a 280% increase in the size of this building - which was originally a single storey garage. This proposal would effectively create a new dwelling within the woodland rural setting of the Green Belt and AONB. The proposed increase in the number of windows would also overlook neighbouring properties.
2. The Council is very concerned about accident rates on this section of the A36 and has made numerous representations to Highways England about traffic speeds. It is clear that accident statistics on this part of the A36 are not comprehensive, and that there should not have been permission given from Highways during the initial development.
The entrance gateway in the wall is much less that 4m wide, which means that vehicles sometimes have to wait on the A36, on a bend with reduced visibility within a tree lined section. The Council believes these access hazards are reason enough to object to further development of the property, and any intensification in the number of vehicle movements.

Highways: No objection subject to condition. In summary, the PIC database does not provide evidence on which HDC officers could sustain a recommendation for refusal on highway safety grounds.

Ecology: An ecological survey will be required to inform this application, with recommendations for avoidance and mitigation measures provided. A scheme of ecological enhancement should also be secured by condition if consent is granted.

Representations Received :

Two objections have been received, the following is a sumamry of the points raised;
- Concerns over the planning history of the site
- Privacy concerns
- Drainage concerns
- Parking concerns
- Impact to green belt
- Impact to cotswold AONB
- Concern with design quality
- Concern with residential amenity
- Highways safey concerns
- Ecological impact

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

o Bath & North East Somerset Core Strategy (July 2014)
o Bath & North East Somerset Placemaking Plan (July 2017)
o West of England Joint Waste Core Strategy (2011)
o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:

- Policy GDS.1 Site allocations and development requirements (policy framework)
- Policy GDS.1/K2: South West Keynsham (site)
- Policy GDS.1/NR2: Radstock Railway Land (site)
- Policy GDS.1/V3: Paulton Printing Factory (site)
- Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)

o Made Neighbourhood Plans

Core Strategy:

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

CP6: Environmental Quality
CP8: Green Belt
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
GB1: Visual amenities of the Green Belt
GB3: Extensions and alterations to buildings in the Green Belt.
NE3: Sites, species and habitats
ST7: Transport requirements for managing development

National Policy:

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

SPD's:

The Existing Dwellings in the Green Belt Supplementary Planning Document is also relevant in the determination of this application.

Neighbourhood Plans:

Freshford and Limpley Stoke Neighbourhood Plan

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Character and appearance
- AONB
- Residential amenity
- Highways matters
- Ecology

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

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

The National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this overarching policy are set out in the NPPF. One of these exceptions is the extension of an existing building, providing it does not result in a disproportionate addition over and above the size of the original building.

This national policy advice is to be read together with the relevant development plan. Policy GB3 of the Placemaking Plan states that proposals to extend a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building. In relation to extensions or alterations to existing dwellings the Placemaking Plan states that the SPD 'Existing Dwellings in the Green Belt' (2008) should continue to guide decisions.

The SPD states that limited extensions to a dwelling house may be acceptable, providing that they do not represent a disproportionate addition over and above the size of the original dwelling. It advises that extensions up to about a third the size of the original property are generally considered acceptable. Extensions greater than this are considered inappropriate development.

This proposal seeks increase the roof height of part of the dwelling and add dormer windows. part of the proposal also includes the removal of the pitched roof over the kitchen and the reduction of ceiling height by 200mm.

It is understood that the dwelling was once a lodge building to the larger estate of Friary Wood. This was separated and formed its own planning unit some time ago. There is however no planning history record at the site prior to 2007.

The 2007 application were withdrawn and later two application for various extensions/ additions were permitted in 2008. Prior to the 2008 applications the site comprised a dwelling house and a large outbuilding. Not all of the 2008 applications extensions have been built out and completed, there is still extant consent for a conservatory and 2nd storey extension.

The agent has submitted the following volume calculations with the scheme;
Original volume: 1,118m3
Volume including previous built out additions: 1,245m3 (11% increase)
Volume including extant consents: 1,428m3 (11% + 16% = 27% increase)
Volume to be removed under this scheme: 43m3 (4% decrease)
Proposed volume added under this scheme: 80m3 (7% increase)
Overall proposed volume: 1,465m3 (31% increase)

The agent's calculations show that the proposal results in a development within the proportionate guidelines of one third the original volume.

During the course of the application the volume calculations have been disputed by neighbours. This is because a document submitted with the 2007 application refers to the original building as being 889m3. Additionally, in the 2008 application delegated report the officer makes a single reference to the original volume of the building being 986m3, no volume calculations were submitted with these schemes. There is therefore some discrepancy over the original volume.

As such the officer has undertaken volume calculations for this application. it is noted that the dwelling and large outbuilding have been joined by a link building and now form the dwelling to be extended, therefore it is correct to consider the volume of both building as the original volume.

The term original building is defined as meaning 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally' within the NPPF. As mentioned, there is no planning history prior to 2007. The aerial mapping shows a dwelling and outbuilding on site in 1975 when the records date back to. A photograph of the site from 1964 submitted with the 2007 application appears to show a dwelling and outbuilding in line with that detailed on the original plans submitted. As such, having no evidence otherwise, the original volume of the buildings on site has been calculated by the officer using the plans submitted as existing under the 2007 application. the following calculations have been concluded:

Original as per 07/01608/FUL - 1112m3
Proposed as 20/01636/FUL - 1270m3 - 14% increase
Proposed including extant extensions - 1400m3- 26% increase
Proposed volume overall including the present schemes removals and additions - 1437m3 - 29%

These calculations have also been run by other officers in the team who concluded similar figures. As such the officer is content to acceptable the agent's calculations and concludes that as a result of this and previous application there has been a cumulative volume increase of the building by 31%. As such the proposed development does not represent

inappropriate development in the green belt and it would not be harmful to openness or the purposes of including land within the green belt. The proposal accords with policy CP8 of the adopted Core Strategy and policy GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

CHARACTER AND APPEARANCE:

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

The proposal will result in the increased roof height of the eastern part of the existing dwelling by increasing the height of the eaves, the overall roof height will increase but the roof will not look disproportionate to the main house due to the increase in the eaves. Dormer windows will also be introduced to provide greater accommodation in the roof space. This part of the dwelling will remain subservient in height to the western part of the dwelling. the dwelling house is already a large detached building situated in a large plot that has been extended and altered previously. The proposal is considered to integrate with the existing dwelling through the use of matching materials. The site already has the appearance of an extended dwelling and it is not considered that the proposal will result in a design that is unacceptable. Additionally, there are limited wider views of the dwelling.

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

AONB:

The site is in the Cotswolds Area of Outstanding Natural Beauty. There will be limited visibility of the alterations given the wooded area to the rear of the site and the boundary treatment. Parts of the roof are already visible from some views and the alterations will be read in the context of the existing view of the dwelling house.

The proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with policy NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 15 of the NPPF.

RESIDENTIAL AMENITY:

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

The proposal would increase the height of part of the dwelling; however, the dwelling is set rather centrally within the plot away from neighbours' boundaries and it is not considered that it would result in additional overshadowing to warrant refusal.

The proposal will see the introduction of several dormers to the roof. The dormers on the south will face towards the shred access road and are set some distance from the boundary with the neighbours, it is not considered they would result in significant overlooking. The dormers to the north will look towards the residential neighbour, however there is a distance of around 18m to the boundary and 40m to the neighbour's rear elevation. The boundary is treed, and overlooking is therefore limited in any case. The neighbour benefits from a large plot and it is not considered that it will be extensively overlooked as a result of this application.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with policy D6 of the Placemaking Plan for Bath and North East Somerset (2017) and paragraph 17 and part 7 of the NPPF.

HIGHWAYS SAFETY AND PARKING:

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

Plan reference 2378/1 indicates that, currently, the dwelling benefits from seven-bedrooms which require the provision of three off-street, car parking spaces to accord with the requirements of the authority's adopted parking standards. It is noted from plan reference 2378/3 Revision C that the works will reduce the number of bedrooms to six, which also requires the provision of three off-street, car parking spaces. Plan reference 2378/7 appears to indicate that there is adequate space available within the red line boundary for the applicant to provide the required number of off-street, car parking spaces together with on-plot turning to ensure that cars can manoeuvre and enter the A36 in a forward gear.

The applicant proposes to retain the existing, gated vehicular access to the application site in its current form.

Officers note that a letter of objection to the proposals includes reference to highway safety, including the "acute and well documented highway safety issues with the substandard access arrangement from the application site onto the A36T". Interrogation of the authority's Personal Injury Collision (PIC) database for the previous 60-months (01/05/2015 to 30/04/2020) record five collisions, all at which occurred at the A36 and Branch Road priority junction.

Given that the database does not identify any PICs on the A36 'link' between its junctions with Branch Road and Green Lane/Friary Lane during the 60-month period between 01/05/2015 to 30/04/2020, there is no evidence that retaining the existing vehicular access in it current form will be prejudicial to highway safety, whilst acknowledging that the database does not include information relating to 'damage only collisions' or 'near misses'.

In summary, the PIC database does not provide evidence on which HDC officers could sustain a recommendation for refusal on highway safety grounds.

The concerns relating to traffic management during the construction period are also noted, however it is not considered that the scheme is of a sufficient scale to warrant a construction management plan, the site has a large garden area where build materials can be stored and there will be no need to obstruct the trunk road due to the works. Shared access arrangements will need to be dealt with between neighbours as a civil matter.

In this instance Highways England (HE) have not been consulted on the scheme as the proposal is for a householder development that does not include any alterations to the existing access, as such there was not trigger to consult HE as set out in the Development Management Procedure Order.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

ECOLOGY:
Following discussions with the agent a Preliminary Bat Roost Assessment report (Ellendale Ecology, July 2020) which has been submitted is welcomed. The building inspection has been completed by a suitably qualified and licensed ecologist in accordance with best practice standards. The classification of the building as being of negligible potential to support roosting bats has been sufficiently justified. There are no lofts and the building is in excellent condition, having been re-roofed 10 years ago. Therefore, no further surveys will be required.

The council's ecologist has recommended no objection subject to conditions. However she has stated that as existing windows will be altered, the impacts of light spill onto nearby bat habitats needs to be considered. It is considered relatively unlikely that any potential foraging habitats or linear dispersal corridors for light-sensitive bat species would be impacted based on the findings of the report. The agent has provided further written correspondence that internal lighting will be designed to minimise light spill so as not to impact on the bats. Given the location of the site, its existing use as a dwelling, limited new windows and the findings of the report it is not considered necessary in this instance that any further information on internal light spill is required, external lighting will however be controlled by condition to avoid impacts on nearby habitats.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 **Materials (Compliance)**
All external walling and roofing materials to be used shall match those of the existing building in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan and Policy CP6 of the Bath and North East Somerset Core Strategy.

3 **Implementation of Wildlife Scheme (Bespoke Trigger)**
Within six months of completion of the development hereby approved, a report produced by a suitably experienced ecologist confirming and demonstrating, using photographs, completion and
implementation of the mitigation and enhancement recommendations set out in Section 5.1 of Bat Emergence Survey report (Jenny Bennett Ecology, July 2020), shall be submitted to and approved in writing by the Local Planning Authority. The report shall include evidence that precautionary measures have been implemented and at least one bat roost and/or bird nesting feature has been included in the scheme.

Reason: To demonstrate compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) and to provide biodiversity gain in accordance with NPPF and policies NE3 and D5e of the Bath and North East Somerset Placemaking Plan.

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

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

5 **Plans List (Compliance)**
The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

PLANS LIST:

1 This decision relates to the following plans:

11 May 2020 2378-3 C Proposed Floors Plan
11 May 2020 2378-4 B Proposed Elevations
11 May 2020 2378-7 Site And Location Plans

2 **Permit/Consent Decision Making Statement**

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

3 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

4 **Responding to Climate Change (Informative):**

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

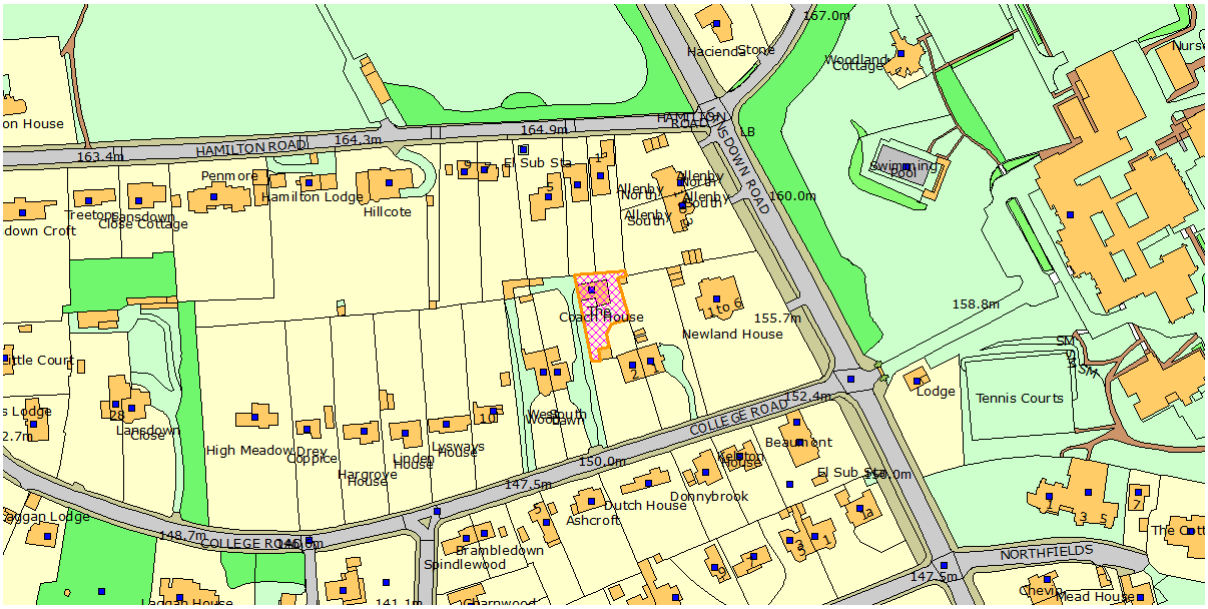
5 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

Item No: 06

Application No: 20/02932/FUL

Site Location: The Coach House College Road Lansdown 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 rear and side extension

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, SSSI - Impact Risk Zones, Tree Preservation Order,

Applicant: Mr and Mrs Stenning

Expiry Date: 30th October 2020

Case Officer: Chloe Buckingham

To view the case click on the link here.

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Cllr Lucy Hodge has made a formal request that whether the officer is minded to permit this application it is determined in public by committee. The chair of committee has decided to take the application to committee for the following reason:

Whilst I think the applicant has responded to the reasons for refusal previously at committee, I think the committee may wish to consider whether they have gone far enough.

DESCRIPTION OF SITE AND APPLICATION:
The application relates to a detached dwelling located within the Bath Conservation Area and World Heritage Site.

The scheme proposes the erection of rear and side extension.

Relevant Planning History:

DC - 03/00842/FUL - REFUSE - 6 May 2003 - Extension to existing dwelling forming bedroom/study
DC - 07/03578/FUL - PERMIT - 18 February 2008 - Erection of single-storey extension to the North and Eastern elevation to provide playroom and an additional ground floor bedroom.
DC - 08/04725/FUL - PERMIT - 13 February 2009 - Erection of a rear single storey extension.
DC - 20/01249/FUL - REFUSE - 2 July 2020 - Erection of rear and side extension.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
CONSULTATIONS:

Highways: No objection subject to one condition.

Cllr Lucy Hodge- call in request to committee if the officer is minded to approve the application for the following reasons:

1) Detrimental effect on the amenity of the neighbours in terms of privacy and overlooking from the need to use a roof top walkway to access the home office/shed. Neighbours are concerned that the existence of a home office/shed (constructed under permitted development) has not been given due consideration in the application and is not mentioned in the design and access statement. The proposed single storey side extension will extend to the boundary, removing side access from ground level to the home office/shed, which will then only be accessible by walking across the flat roof.
2) Incremental development giving rise to overdevelopment of a backland site in terms of scale and historical relationship between the coach house and main building (contrary to policy D7). As a result of this proposal, the footprint of the Coach House will be larger than that of St. Elmo to which it is ancillary. The proposal seeks to create a large modern house from what was a small coach house conversion.
3) The proposal does not preserve or enhance the special character of the Conservation area in terms of the layout and integrity (contrary to policies HE1, and BD1) and does not contribute positively to the local character and distinctiveness, in terms of plot patterns and scale (contrary to policy D2). There are no other developments of an ancillary building to a large family house in a backland location in this area of Lansdown within the Conservation area.
Incremental development to a four or potentially five-bedroom family house brings with it the possibility of increased resident and visitor parking. When three cars are parked, there is not space to turn within the Coach House curtilage giving rise to the need for traffic to reverse down the narrow shared access driveway with safety implications for the residents of St. Elmo.

Finally, attention has been drawn to a number of inconsistencies in the application, including misleading representation of the driveway and home office/shed, which should be addressed before determination.

Third Party representations: 1 comment and 17 objection comments received. The main points being:

- The current application does not differ in any material way from the application which was refused planning permission last month.
- There are no reasons why the last application was refused or the officers' report on that application - or on the current one. These are important documents and should be accessible.
- Noise
- Insufficient amenity space.
- New application is for 4 not 5 bedrooms, one bedroom has become a study.
- The shed/office is still visible on the proposed plans so not being demolished as per the discussion at the last committee meeting.
- Plans include reconstruction of the north boundary wall. If the permissions of access are granted, there is no easy access to affect this construction without significant disruption to neighbouring properties.
- Site access on the plans is still erroneously shown as being straight and 4 metres wide along the western boundary of St Elmo. In fact the drive is away from the boundary, barely 2 metres in width in part and curved. Access would be a problem morning and afternoon when the Royal High School is in session. Safety aspects would also need to be addressed.
- The cladding of the existing east facing bathroom in zinc is not in-keeping with the character and appearance of the area.
- The Design and Access Statement claims the plot is 1000 m2 (0.1 hectare) when it is closer to 400 m2. Even the planning consultant's covering letter states 540 m2 but I assume he's including the easement across the St Elmo driveway - which is not part of the Coach House plot.
- The proposed first floor doorway cannot be for 'roof maintenance access only' when it will become the ONLY access to the current home office/shed.
- This home office has been in continual use since construction under Permitted Development in 2017 but is not included in any drawings except misleadingly as a 'shed' on the site location plans.
- These proposals cannot 'largely replicate those previously approved in application no 08/04725 (as note 5.1 page 6 in the Design and Access Statement) because that application for a new ground floor study was fully implemented in 2008.
- How can bedroom 2 have an ensuite bathroom with a dormer window (note 4.2 of page 4 in Design and Access Statement) when bedroom 2 is shown in drawings to the rear of the ground floor?
- The red line in the site location drawings should include the whole site, including any access to a public highway.
- Notice should have been given to anyone owning land that is included in the proposal but doesn't belong to the applicant.
- The scaled location site plan has a dotted line showing a 4 metre wide straight access to College Road across our front garden. This is incorrect. The Coach House easement is along a winding driveway that is only 2 metres wide along much of its length.

o Overdevelopment of the site.
o Negative impact on the character and appearance of the main dwelling and surrounding dwellings, as well as having a negative impact on the setting of the conservation area.
o The driveway is too narrow and there is no turning space.
o There will be an increase in traffic and the safety of other residents, particularly children, will be compromised.
o Overlooking and loss of privacy for surrounding occupiers.
o The garden area is not adequate for a 5-bed dwelling.
o The parking area is not adequate and the three parking spaces are not sufficient to show the 2.4 x 4.8m dimensions.
o Issues regarding traffic and noise during construction phase.
o Damage to the shared drive.
o This is an expansion of the previously refused application from 2008.
o The East elevation is incorrect.
o Raises question of subsidence if the steps are removed.
o Structural impact of removing steps on the surrounding walls and structures to the other side of the wall.
o Restricted access for emergency services.
o The proposal fails to provide adequate space to access garden borders to enable proper maintenance.
o Loss of wildlife due to loss of garden space.
o Storage of garden equipment/bins and bikes.

Comments on revised plans: 5 objections received. The main points being;

o Confirmation of the removal of the office/shed and the access door on the second floor are welcomed.
o All previous comments still remain.
o A condition to ensure that the office/shed is removed within 3 months of the start of the development and a condition regarding no new doors/access on upper north elevation.
o It's a 49% increase in floor area.
o D&A statement says plot is 1000m2 but covering letter says 540m2

POLICIES/LEGISLATION
POLICIES:

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:
o Core Strategy (July 2014)
o Placemaking Plan (July 2017)
o B&NES Local Plan (2007) - only saved Policy GDS.1 relating to 4 part implemented sites
o Joint Waste Core Strategy
o Made Neighbourhood Plans

The following B&NES Core Strategy policies should be considered:

CP6 Environmental Quality

CP2 Sustainable construction
B4 World Heritage Site

The relevant Placemaking Plan policies should be considered:

DW1 District Wide Spatial Strategy
D2 Local character and distinctiveness
D4 Streets and Spaces
D5 Building Design
D6 Amenity
ST1 Promoting sustainable travel
ST7 Transport Access and Development Management
HE1 Historic Environment

LEGAL FRAMEWORK
o Town and Country Planning Act, 1990

NATIONAL PLANNING POLICY FRAMEWORK, February 2019

o The NPPF has been considered in light of this application but does not raise any issues that conflict with the aforementioned local policies which remain extant.

NATIONAL PLANNING PRACTICE GUIDANCE
Due consideration has been given to the recently published NPPG

There is a duty 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 of the surrounding conservation area.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
PRINCIPLE OF PROPOSED USE:
The site is located within the built-up residential area of Bath where the principle of development is accepted subject to compliance with all other policies.

CHARACTER AND APPEARANCE:

The existing dwelling is a detached two storey house which is set back from the road and within the original curtilage of the main house known as St Elmo on College Road. The property is screened on all boundaries with its neighbours by high stone walls.

The scheme proposes to add a single storey rear and side extension which are similar in size to the extensions proposed in the permitted application reference 08/04725/FUL. It is noted that the proposed two storey extension to the rear in the previous application has been removed. Revised plans also confirm that the existing shed/office building will be removed and a condition shall be attached to ensure that within three months of commencement of the works this office/shed is removed.

The proposed materials are a mixture of buff Bath stone to match the garden walls with reconstituted Bath stone to match the existing rear wall. The pitched roof will be constructed from slate and new zinc cladding will be attached to the dormer. Dark grey aluminium windows and dark grey steel crittel doors are also proposed.

A section of wall will be re-built and revised plans show that the lean-to shed and the stair will be removed and the door on the first floor has been removed. This is considered acceptable and a condition shall be attached to ensure that the wall is re-built so as to be matching in materials and appearance to the existing wall.

Objection comments have been submitted to explain that the scheme is over-development of the site and that there is inadequate garden space for a five-bedroom property (the study one the ground floor is included as another bedroom). An objection comment has been submitted to explain that this is a 49% increase in floor area. However, it is confirmed that the increase in floor area will be from 114m2 to 156m2 which is a 36.8% increase in floor area. Overall, the proposed extensions are considered to be in-keeping with the size, proportions, design and materials of the existing building.

It is considered that the size, design and use of materials of the proposed extensions are acceptable and in-keeping with the host property. The scheme is not considered to be readily visible within the conservation area and World Heritage Site and as such the proposal would preserve the setting of this part of the Bath conservation area and World Heritage Site. The garden space leftover is also considered to be sufficient for this size of property. The scheme is in compliance with policies D2, D4 and HE1 of the Placemaking Plan (2017).

PLANNING OFFICER'S ASSESSMENT OF HIGHWAY IMPACTS:

Objection comments have been submitted to explain that the increase from a 4-bed to a 5-bed property means that three parking spaces are required in the standards set out in policy ST7 of the Placemaking Plan. However, the comments have explained that the driveway is too narrow and that there is no adequate parking and turning space. However, the standards set out in policy ST7 relate to new-build dwellings only and these new standards would not restrict existing singular residential properties from extending their properties and creating a new bedroom.

Concerns have been expressed regarding an increase in traffic and concern regarding the safety of other residentials, particularly children. However, the inclusion of one additional bedroom is not considered to create any significant increase in traffic. Construction vehicles will be temporary and the applicant would need to be mindful not to block the shared access at any point.

Concern has also been expressed regarding damage to the shared drive. However, any damage to the drive would be a civil matter between the owners of the drive and would not be a material consideration within the planning assessment.

Comments have explained that the scheme will restrict access for emergency services, however, the access and driveway will remain as existing and the increase in size of the property is not considered to create any issues over and above the existing situation for the access of emergency vehicles. During the construction phase the applicant should be mindful not to block the shared access.

Whilst the scheme is considered compliant with policy ST7, a pre-commencement construction management plan is considered necessary in this instance due to the positioning of the property and to ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan. Permission to attach this condition has been sought and confirmed in the email dated 2nd November 2020.

RESIDENTIAL AMENITY:

Objection comments have been received to explain that there will be over-looking and a loss of privacy for neighbouring dwellings as a result of the scheme. However, the roof maintenance access door to the rear has been removed within the revised plans. It is also considered that this is a built-up residential area where a certain level of over-looking is accepted. Therefore, the level of over-looking and loss of privacy for neighbouring dwellings as a result of the scheme is considered to be normal for areas such as these and there are not considered to be any significant negative residential amenity impacts for any surrounding occupiers.

Whilst the door for roof access has been removed and confirmation that the shed/office will be removed has been received, it is considered necessary to attach a condition so that this does not become a roof top patio to ensure there is no loss of privacy for surrounding occupiers in accordance with policy D6 of the Placemaking Plan (2017).

Due to the distances between the property and other residential dwellings (approx. 35-37m to the rear, 24m to the front and 26m to the South West) and also the nature and scale of the extensions there are not considered to be any significant negative impacts for surrounding occupiers or future residents of the dwelling.

Previous comments explained that the plans do not take the gradient of the land into consideration and that the gradient of the land is not correct particularly on the West elevation. However, the shading on the plans represents the dwelling being cut into the earth and that the land behind the boundary wall is at a higher level (approximately 1m). The Coach House is approximately 1m higher than the neighbouring garden to the west. It is considered that the plans are clear and the gradient of the land in which the dwelling sits is taken into consideration.

The proposal is considered to be compliant with policy D6 of the Placemaking Plan (2017).

ARBORICULTURE:

Trees on and adjacent to the property are protected by the Bath Conservation Area designation. A Tree Preservation Order also exists within properties in Hamilton Road immediately to the north.

The submissions indicate that trees are present but do not fulfil the local list of requirements because no tree survey or arboricultural impact assessment has been provided.

The arboriculture officer has explained that the redline boundary appears to incorporate soft landscaping immediately adjacent to South Lawn. The arboriculture officer has gone on to explain that the loss of trees and other vegetation here would have an adverse effect on the appearance of the locality and no replanting on site would be possible as mitigation. Furthermore, the arboriculture officer has explained that the redline also incorporates the tree involved in the S211 notice, reference 20/00895/TCA which was indicated to be within the grounds of St Elmo 2 College Road. However, after further investigation and discussion with the applicant it has been confirmed that no trees or other vegetation is proposed to be removed and the existing trees on site will be protected by a pre-commencement arboriculture method statement and tree protection condition.

It has been clarified by the applicant that the existing retaining wall to the northern boundary is in a poor state of repair and would need replacing within the next year or so as it has been affected by root damage from the trees in the neighbouring garden. Therefore, it is proposed that a section of the existing wall as indicated on the attached plan is removed and rebuilt during the works to the new extension and a condition shall be attached to ensure that the wall is re-built in a manner in-keeping with the existing wall.

A plan has been received to show the retention of two trees and a condition shall be attached regarding an arboriculture method statement and a tree protection plan to ensure the existing two trees on the boundary along this section of the wall can be retained.

The ground level to the neighbours garden on the northern boundary is only approximately 600mm lower than the top of the boundary wall and significantly higher than the ground level to the Coach House side of the boundary. It has been confirmed that the new retaining wall will be the same height and location as the existing. Therefore, it is considered that the tree roots can be protected during the works.

The arboriculture officer has explained that tree protection measures are possible to protect the Magnolia to the front of the property from harm, however, this tree is not readily visible to the general public so has less importance compared to trees towards the frontage. Nevertheless, this tree should also be taken into account when producing the method statement and protection plan. As this is a pre-commencement permission has been received from the applicant to attach the condition as confirmed in the email dated 10th June 2020.

OTHER ISSUES:
Objection comments submitted explain that there will be an issue regarding traffic and noise during the construction phase. However, this will be temporary and the scheme is a small-householder application. However, the applicant should be mindful of the times of works and deliveries of materials so as to be respectful to neighbouring properties.

Comments have explained that the red line does not show the access driveway to the highway and no certificate has been served on the owner. However, revised plans have been submitted and show that the driveway access to the highway is now included in the red-line boundary. Concern has been expressed to explain that the applicants do not own the access but do have a right of access over it. However, as the access and driveway is in relation to the site this access needs to be included in the red line boundary irrespective of who is the owner. Certificate B has also been signed and notice has been served on the owners of the site. Therefore, the ownership of the access is clear but this needs to be a part of the red line as this is the sole access for the site.

Concern has been expressed regarding subsidence if the steps are removed as well as the structural impact of removing steps on the surrounding walls and structures to the other side of the wall. However, this is something that will be looked into when the applicant apply for building regulations sign-off and is not something which can be assessed at planning application stage.

Other comments received have explained that he proposal fails to provide adequate space to access garden borders to enable proper maintenance. However, whilst this is something that the applicant should consider, this is not a material planning consideration and does not have an impact on the outcome of this application.

Comments submitted have explained that the loss of garden space will result in a detrimental loss of wildlife. However, the extension is not considered to give rie to any significant loss of wildlife because this is a smaller household extension and there is sufficient garden space left over. Any loss of wildlife as a result is considered to be negligible.

Comments have been submitted regarding the lack of storage for garden equipment, bins and bikes. However, it is not considered that this proposal will have any signifcant impact on the existing situation with regard to the storage of bins, bikes and garden equipment. It is up to the owner of the property to consider this. There is sufficient garden space leftover and the owner of the dwelling can decide how to use this space to provide storage for such things.

There are no permitted development rights retrictions on the property and even if there were this would just require the submission of a full application rather than a certificate of lawfulness if the scheme were permitted development.

Comments have been submitted to explain that the extension is too close to the boundary wall and trees of the neighbouring garden. However, in term of the planning assessment, there are no issues regarding building up to the boundary in terms of character, appearance or residential amenity. If there is any damage to the wall as a result of the build then this is a civil matter between the applicants and the neighbours. A pre-commencement tree method statement and tree protection condition shall also be attached to the permission to ensure that there is no damage to the trees during the build.

A comment has been submitted to explain that there are no reasons why the last application was refused or the officers' report on that application or on the current one. However, as the previous decision was recommended for approval by the officer and the

committee overturned and refused the scheme, no report was necessary for this application. The refusal reasons as stated by committee are available to view on the decision notice dated 2nd July 2020 which is uploaded to the public file. The reasons for refusal are as follows:

1 The proposal amounts to over-development of the site and the extensions are of a poor-quality design and as such the scheme will not preserve the character or appearance of this part of the Bath Conservation Area. Furthermore, the siting of the new rooflights will have a significant negative overlooking/loss of privacy impact on neighbouring occupiers to the East, South and North of the site. The scheme is contrary to policies D2, D4, D5, HE1 and D6 of the Bath and North East Somerset Placemaking Plan (2017).

2 The increase from a 4-bed to a 5-bed property will exacerbate the existing highways situation at the property. Cars will have to reverse down a narrow driveway which will have a significant negative highway safety impact contrary to policy ST7 of the Bath and North East Somerset Placemaking Plan (2017).

Objection comments have been submitted to say that the Design and Access statement claims the plot is 1000m2 whereas the covering letter says 540m2. It is confirmed that the correct size of the plot is 540m2.

CONCLUSION:

For the reasons set out above, it is recommended that this application is granted permission subject to conditions.

There is a duty 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 of the surrounding conservation area. Here it is considered that due to the size, scale, design and materials proposed the scheme preserves the setting of conservation area.

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 **No Terrace/Balcony Use (Compliance)**

The roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area.

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

3 **Boundary Wall (Compliance)**
The boundary wall shall be re-built so that it is the same size, height, materials and appearance as the existing boundary wall.

Reason: To preserve the character and appearance of the site in accordance with Policies D2, D4 and HE1 of the Bath and North East Somerset Placemaking Plan.

4 **Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)**
No development shall commence until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The arboricultural method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statement to the local planning authority. The statement should include the control of potentially harmful operations such as site preparation (including demolition, clearance and level changes); the storage, handling and mixing of materials on site, burning, location of site office, service run locations including soakaway locations and movement of people and machinery. No development or other operations shall thereafter take place except in complete accordance with the approved details.

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore these details need to be agreed before work commences.

5 **Arboriculture - Compliance with Arb Method Statement (Pre-occupation)**
The approved development shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturalist has been submitted to and approved in writing by the Local Planning Authority.

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

6 **Office/shed removal (Compliance)**
The office/shed shall be removed as stated within three months of commencement of the works.

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

7 **Construction Management Plan (Pre-commencement)**
No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.

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

8 **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 plan references;

1903 - S 101, 1903 - S 102, 1903 - SP 101 and received 14th August 2020.

1903 - P 002 - P1, 1903 - P 101 - P1, 1903 - P 102 - P1, 1903 - P 201 - P1, 1903 - S 001 - P1 and 1903 - S 201 - P1 received 9th October 2020.

2 **Permit/Consent Decision Making Statement**

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

3 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

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 **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.

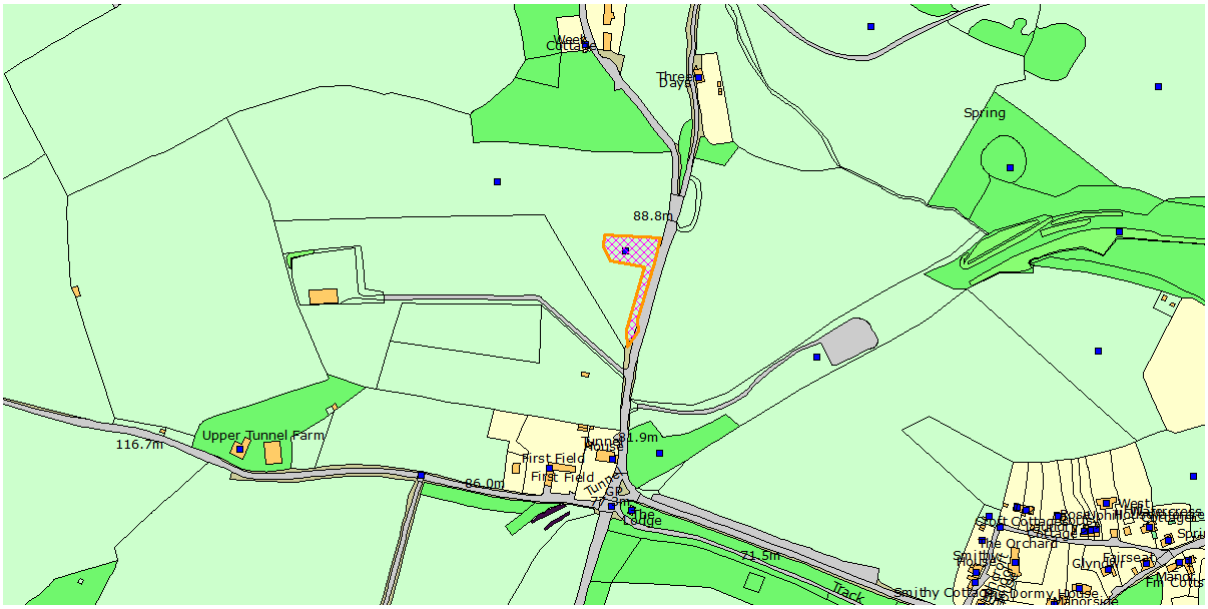
Please note all conditions should be read fully as these headings are intended as a guide only.

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.

Item No: 07

Application No: 20/02593/FUL

Site Location: Cromwell Farm Combe Hay Lane Combe Hay Bath Bath And North East Somerset



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

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Extension of time for the existing temporary rural workers dwelling and dairy building at Cromwell Farm, Combe Hay Lane, Combe Hay, Bath for an additional 3 years.

Constraints: White Ox Mead Air Strip 3km buffer, Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs Shellard & Smith

Expiry Date: 19th November 2020

Case Officer: Hayden Foster

To view the case click on the link here.

REPORT

Reasons for reporting application to committee

The application is being referred to the committee as the parish council have objected to the application contrary to the case officer recommendation to permit.

The application has been referred to the chair of the development management planning committee in line with the planning scheme of delegation. The chair has determined that the application should be considered by the committee.

Site Description and Proposal

Cromwell Farm is located to the west of Combe Hay village. The site is currently classed as being in agricultural use and includes one barn close to the eastern boundary. The existing site is a sloping site with a rural character.

This is an application for the extension of time for the existing temporary rural workers dwelling and dairy building at Cromwell Farm, Combe Hay Lane, Combe Hay, Bath for an additional 3 years.

Planning Application History

o 12/01071/AGRN - Agricultural Prior Approval NOT Required - 2 April 2012 - Provision of new access and track.
o 12/02076/AGRN - Agricultural Prior Approval NOT Required - 6 June 2012 - Erection of an agricultural building.
o 13/05525/AGRN - Agricultural Prior Approval NOT Required - 15 January 2014 - Erection of an agricultural building.
o 15/02685/AGRN - Agricultural Prior Approval NOT Required - 1 July 2015 - Erection of an agricultural building.
o 16/06049/FUL - WITHDRAWN - 30 March 2017 - Temporary (3 years) siting of a static caravan for use as an agricultural workers' dwelling.
o 17/06011/FUL - PERMIT - 15 March 2018 - Erection of a temporary (3 year) rural workers dwelling.
o 18/01618/COND - DISCHG - 16 May 2018 - Discharge of conditions 4, 5, 7 and 8 of application.
o 18/03945/FUL - PERMIT - 6 November 2018 - Additional use of the existing agricultural storage building for livestock housing.
o 19/04564/FUL- PERMIT- 16 January 2020 - Erection of a dairy and agricultural storage building (Retrospective).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses:

Combe Hay Parish Council

Objection comments had been received 18th September 2020 from the parish council. Combe Hay Parish Council objects to this application on the following grounds:

1 Policy RE4 of the Placemaking Plan allows for dwellings outside of the housing development boundary only when certain criteria are met. They are that
1.1 there is a clear and functional need for a full-time worker to live on site - when the PC visited the site it was made clear to them that the milking was carried out by an employee of one of Mr Shellard's other businesses in Wellow.
1.2 The business is financially viable - the PC has seen no evidence of a viable business. In

particular: 1.21 the application states that the business has been trading for 2 years but the business case submitted in 2017 has not been updated and no figures have been produced for the two years of trading (only 6 months of which has been under Coronavirus restrictions). Where are the audited accounts for the horse milking business for these years? Without this information it is impossible to assess whether or not there is a viable business and the application should therefore not be allowed to proceed Anecdotally it is believed that that little horse milk has been produced for sale over the last two years.
1.22 The applicant only has short term leases for the vast majority of the farm's land. The land in the applicant's ownership would be insufficient to generate the income set out in the original business case.
1.3. the need is for accommodation for a full time worker and occupancy should be restricted to rural workers - given that the business is very small scale and that the majority of the work relates to the milking process which is not carried out by those who occupy the property it is difficult to see the need for a full time worker. The two-bedroom property is currently occupied by Mr and Mrs Smith and their 3 small children. Mr Smith does not work in the farm business.
2. Policy RE4 must also be read in the light of national policy that development should only be permitted in the green belt under very special circumstances. The PC does not believe that special circumstances exist which would justify this extension. The harm created in allowing this extension substantially outweighs the benefit in granting it. In particular:
2.1 in the words of BANES' own officer in response to the original application 'the construction of the proposed dwelling would neither conserve nor enhance the local landscape and would be contrary to Policy NE2'. BANES' own officer was also of the view that the development' would prejudice rather than enhance the visual amenities of the green belt and would therefore be contrary to Policy GB1' . Since then the position on site has got worse with the dairy building, additional parking and turning areas plus assorted small sheds. The site has been comprehensively over-developed and permitting this application would be contrary to Policies NE2 and GB1.
2.2 New floodlighting has been installed contrary to conditions attached to the original permission. The new lighting causes significant light pollution and harm on the local wildlife and, including bats.
2.3 Foals and mares graze on land through which runs a public footpath which has caused walkers to feel in danger when using the path.
2.4 The buildings can be seen not only from the public footpath but also from Combe Hay Lane, contrary to what is said in the application.
2.5 There are drainage and road safety issues arising from the fact that the property opens out on to Combe Hay lane at a point where the road narrows on the brow of a hill. The condition of the road appears to have worsened significantly since the property has been occupied. The road outside the property entrance suffers from significant surface water and potholes and if the fields on the other side of the road are used by the horses then they will have to cross over this (at times busy) country lane near the brow of a hill.

Following the submission of an agricultural appraisal the parish council provided further comments 2nd October 2020. In summary the following is noted:

'Without any real data, this application is incomplete, and the report cannot be relied upon if the Council is to discharge its duty to act rationally and fairly. The Council is under an obligation to make all reasonable investigation and take into account all relevant things. The failure to provide any financial evidence must mean that this application should be

rejected especially when taking into account the Council's own officers opinion that this development will cause substantial harm to the green belt. A view that was taken before even before the dairy was erected without permission. What was a pleasant grazing field in the green belt is now a comprehensively over developed site known locally as Shed City - all to support the milking of 6/7 mares.'

Further comments had been submitted 13th October 2020 following a submission of further information by the agent. In summary the following comments have been made:

'It has not been demonstrated that there is a business here that justifies the current overdevelopment of this site. It is government policy that temporary permissions should only be extended in exceptional circumstances. This application should be refused.'

Highways

No objection.

Ecology

No objection subject to conditions.

Representations Received:

One comment has been received in summary the following is noted:
o It needs to be considered whether this is a genuine attempt to build a new business.
o Many objections have been received citing amenity concerns, viability concerns and the need for the dwelling.

33 supporting comments have been received. In summary the following comments have been made:
o The proposal fits in within the area and meets all the policy requirements applicable.
o The extension proposed is essential to support the business.
o The delays encountered by the business had been out of the applicant's control.
o The use on site does not present residential amenity concerns, the buildings do not negatively impact the Green Belt.
o The use of the site does not present highways issues.
o The business is new and niche and should be allowed to continue to grow.
o The products produced present numerous health benefits.

23 objections have been received. In summary the following comments have been made:
o The application has presented a lack of information/ up to date financial information.
o There is a lack of substantial evidence of a sustainable business on site.
o There is no need/ lack of justification for full time residence on site.
o The milking of mares is conducted by someone off site.
o The need for a dwelling does not appear to comply with policy.
o The dwelling appears more as a family dwelling rather than an agricultural worker dwelling.

o The site is not being used as a working farm.
o There appears to be a lack of evidence of the business being marketed/ advertised.
o The site is overdeveloped presenting visual harm to the Green Belt.
o The livestock are situated too close to residential dwellings.
o There are road safety concerns due to animal movements and increased road movements.
o The access lane is narrow the business use creates hazards, there are also visibility concerns.
o There are instances of floodlighting being used at night causing residential and ecological concerns.

POLICIES/LEGISLATION
On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

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

Core Strategy:

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

CP2: Sustainable Construction
CP5: Flood Risk Management
CP6: Environmental Quality
CP7: Green Infrastructure
CP8: Green Belt
DW1: District-wide Spatial Strategy

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban Fabric
D4: Streets and Spaces
D5: Building design
D6: Amenity
GB1: Visual Amenities of the Green Belt
NE1: Development and Green Infrastructure

NE2: Conserving and Enhancing the Landscape and Landscape Character
NE2A: Landscape Setting of Settlements
NE3: Sites species and habitats
NE6: Trees and Woodland Conservation
RE2: Agricultural Development
RE4: Essential dwellings for rural workers
ST2A: Recreational Routes
ST7: Transport access and development management
SU1: Sustainable Drainage

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
Cromwell Farm is located to the west of Combe Hay village. The site is currently classed as being in agricultural use. The existing site is a sloping site with a rural character. The site is situated outside of a defined settlement boundary. The site is also situated just outside of the Cotswolds Area of Outstanding Natural Beauty (AONB).

This is an application for the extension of time for the existing temporary rural workers dwelling and dairy building at Cromwell Farm, Combe Hay Lane, Combe Hay, Bath for an additional 3 years.

Principle of Development- Green Belt

As noted above the proposal seeks an extension of time for an additional three years for an existing temporary dwelling permitted under Reference: 17/06011/FUL and a dairy unit permitted retrospectively under Reference: 19/04564/FUL. The main aim of the proposal is for a horse dairy enterprise producing mare's Milk. The initial submission sought to have the business established by 2021, and thereafter establish an essential need for a permanent presence on site and the continual justification for the dairy building.

Background
At first there was immediate interest for the raw product of mare's milk. However, there were delays in getting the necessary licencing to sell the milk for human consumption, from the relevant agencies, partly due to this being a niche product and accompanying red tape.

It is noted that most of the mares were signed out as 'out of the food chain' via the passports, which was advised as the way forward by the ministry, and which also allayed

the perception that surplus horses might be sold for meat, and potentially affect the marketing of the product.

The applicants were then advised by the Food Standard Agency that as the horses were signed out of the food chain, which included the foals produced, the milk produced from those horses and progeny, could not be used for human consumption. A licence to produce milk using two mares not signed out of the food chain had been achieved. As such a start had been made, while a determination for how to increase production was considered.

Further issues arose with regards the stability of fresh mare's milk which can be prone to destabilisation. As such an investment into pasteurised mare's milk, which can be frozen up to 3-4 months had been pursued. Such milk retains similar qualities to raw milk. The trailing of this milk led to further delays, while also the need to apply for a further licence.

Assessment
Within the previous submission Policy RE4 of the Bath and North East Somerset Placemaking Plan had been of consideration. This policy in addition to National Policy Framework (NPPF) Section 5 paragraph 79, Section 6 paragraph 83 are of consideration.

Policy RE4 allows for the construction of a dwelling outside of a housing development boundary where it provides accommodation for an agriculture or forestry worker. The application has been referred to an agricultural assessor to assess the applications compliance with policy RE4 and sections 5 and 6 of the NPPF.

Policy RE4 sets out the criteria for which an agricultural workers dwelling will be considered which is as follows;

1) New dwellings will not be permitted outside a Housing Development Boundary in the open countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside and where it can be demonstrated:

i) There is a clear and functional need for a worker to live on the holding

The most common reason for a functional need is to ensure there is somebody experienced to be able to deal quickly with emergency animal welfare issues that are likely to arise throughout most of the year, and during the middle of the night. In the case of the current application foaling is applicable.

Many of the duties on site would be considered routine. For example: milking, splitting up mares and foals, handling, checking, and treating etc. Such duties would be carried out during the working day, with a check first and last thing.

During foaling extra vigilance and frequent observation would be required out of normal working hours. Based on the information sourced there would appear to be more potential health issues associated with horses compared with for example cattle and sheep. Given the number of horses and foals on site at any one time there is a functional need for there to be somebody within easy access of the land and buildings at Cromwell Farm throughout the year and for most of the time. The proposal, therefore, meets the above criterion.

ii) The business is financially viable

It is noted that the uncertainty arising over Covid-19 and how this might impact on sales has raised caution over the future and ability in the shorter term to demonstrate a stable viable business. Regardless, the agricultural assessor has indicated that due to the projected income and profitability there is no reason why the business will not prove to be a viable enterprise into the foreseeable future.

The proposal, therefore, meets the above criterion.

iii) The need for the accommodation is for a full-time worker

The dwelling is currently occupied by the applicant and her family. The applicant alongside family members carry out the milking of mares through to bottling and packing. This is in addition to horse husbandry, land maintenance and relief milking.

The agent has reiterated that the works highlighted above are carried out by the applicant and family, with additional part time help. As with previous permissions the occupancy of the dwelling can be conditioned to a person solely or mainly working within the horse milking enterprise and to any resident dependants.

The proposal, therefore, meets the above criterion.

An assessment has also been made as to the justification for an extension of time for the dairy building. The agricultural appraisal notes that the dairy building is clearly part and parcel of an agricultural unit. The appraisal also notes that the dairy building is integral to the business and a separate building as opposed to creating something within an existing building, would almost certainly be considered a must in the interest of food hygiene standards.

Conclusion
Given the assessment made above there is an essential need for the continued provision of the rural workers dwelling on site, and there is a justified requirement for the dairy building, both for the proposed temporary period. The buildings subject to this application have already been permitted for a temporary period. The sitting, size and scale of the building's remain unchanged. Therefore, the proposed extension of time is not considered to result in harm to the openness of the Green Belt.

As such the proposal is acceptable in principle and complies with the guidance as set out within sections 5, 6, and 13 of the NPPF, policy CP8 of the Bath and North East Somerset Core Strategy, and policies GB1, RE2 and RE4 of the Bath and North East Somerset Placemaking Plan.

Character and Appearance

With regards to the temporary dwelling the proposal is an extension of time for an approval granted under Application Reference: 17/06011/FUL. The assessment as part of the previous submission had noted that the building has been sited to minimise its impact

on the surrounding landscape and when viewed from a distance would appear as part of the existing farm buildings.

With regards to the dairy unit this building had been permitted retrospectively under Reference: 19/04564/FUL. It is noted that Reference: 17/06011/FUL allowed for a larger mobile home. However, a separate building had been constructed for the dairy unit, which had been considered not to cause harm to the openness of the Green Belt. In this instance a temporary permission, to tie in with the temporary permission for the mobile home, is considered appropriate.

Despite being located on higher ground, the proposal is not considered to harm the appearance of the surrounding landscape. The size, scale and sitting of the proposed buildings have already been permitted. The current submission does not alter the size, scale and sitting of the buildings.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4, D5, GB1 and NE2 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

Residential Amenity

As noted, the use on site has already been established through permissions Reference: 17/06011/FUL and 19/04564/FUL. The current proposal seeks an extension of time to these existing temporary uses. Comments received have raised concern about livestock being close to residential properties outside of the site.

The lawful use of the existing site is for agriculture and as stated above the proposed enterprise is agricultural. It is to be expected that there will be some smells associated with agricultural land and this would not be expected to be in excess of any agricultural enterprise that would be found within the countryside. It is noted that the site has permission for the housing of livestock under Reference: 18/03945/FUL. The Bath and North East Somerset Environmental Protection and the Drainage Teams raised no objections or concerns regarding this use. The proposed development does not influence this previous decision given it is for the workers dwelling and dairy building.

Concerns have also been raised with regards to Highways safety, and external lighting. These factors have been assessed in detail below. However, Highways Development control cite no objection. The Bath and North East Somerset Ecologist also cites no objections subject to conditions.

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

Highways

Several comments received have highlighted highways safety concerns. As such the Bath Highways Development Control Team (HDC) have been consulted. Within the response received it is noted that the impact of the temporary dwelling and dairy building were examined by Highways at the time of the previous application Reference: 17/06011/FUL and found to be acceptable. No objection was raised subject to planning conditions requiring improvements to the access and parking.

The pre-occupation conditions that required improvements to the site access and provision of 2no. car parking spaces have subsequently been discharged. A review of injury accident data reveals no records of accidents reported to the police on the highway in the past 3 years in the vicinity of the site.

The applicant has complied with previous planning conditions, and this extension of time will not allow for any greater intensification of the use of the site over and above what was previously consented in 2017, therefore HDC have no objection to this application.

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

Ecology

Given the nature of the proposal and comments received the Bath and North East Somerset Ecology Team have been consulted. Within the response received it is noted that there is no objection in principle to the proposals. There are no designated sites in proximity; the closest component unit of the Bath and Bradford-on-Avon Bats Special Area of Conservation is 3.3km from the site. It is noted that conditions were attached to both 17/06011/FUL (Condition 6) and 19/04564/FUL (Condition 2) to control external lighting. Details of any external lighting fittings were required to be approved by the LPA before installation, to protect habitat for light-sensitive bat species.

Comments received have highlighted evidence contrary to these conditions, external lighting has been installed. The ecology team note that there is no evidence that these conditions have been discharged. Therefore, installation of external lighting would be a breach of previous planning consents. This matter would require referral to the Planning Enforcement Team.

The ecology team has no objection to the proposals, providing any external lighting is sensitively designed. The ecology team therefore recommend a condition for details of external lighting to be provided if necessary.

Given the comments raised above the Bath Ecology Team have no objection to the proposal subject to conditions. The application is considered to comply with policies NE1, NE3, NE5, D5e and D8 of the Bath Placemaking Plan subject to compliance with conditions.

Trees

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF.

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.

Conclusion

In conclusion the proposal is acceptable in principle and complies with the guidance as set out within sections 5, 6, and 13 of the NPPF, policy CP8 of the Bath and North East Somerset Core Strategy, and policies GB1, RE2 and RE4 of the Bath and North East Somerset Placemaking Plan.

A bespoke condition is to be attached to any permission granted. The agent/ applicant has been made aware of the implementation of this condition.

Based on the assessment made above it is recommended that the application be permitted subject to conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Plans List (Compliance)**

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

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

2 **External Lighting (Bespoke Trigger)**

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

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

3 **Occupation (Compliance)**

The occupation of the temporary rural workers dwelling hereby approved shall be limited to a person solely or mainly working within the horse milking enterprise and to any resident dependants. If the use of the land for horse milking ceases, the mobile home shall be permanently removed from the land.

Reason: To ensure the proposal does not result in an isolated dwelling within the countryside without justification in accordance with policy RE2 of the Placemaking Plan.

4 **Agricultural Use (Compliance)**
The dairy building shall be used for milk preparation, storage and bottling, and agricultural storage only.

Reasons: To ensure the use of the building corresponds with the agricultural nature of the site in accordance with policy RE2 of the Placemaking Plan.

5 **Temporary Permission - Building (Compliance)**
This permission shall expire on 19th November 2023 and the development hereby permitted shall be removed and the use hereby permitted discontinued and the land restored.

Reason: The Local Planning Authority considers that a permanent planning permission is not appropriate in this case because the dwelling and dairy building are essential to support a newly established business.

PLANS LIST:

1 This decision relates to the following plans received 22nd July 2020:

Drawing Number: 71006/02/001 REV - Proposed Block Plan and Location Plan
Drawing Number: 71006/02/002 REV - Proposed Elevations

2 **Permit/Consent Decision Making Statement**

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

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

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

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

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

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

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

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

4 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

5 **Responding to Climate Change (Informative):**

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

6 **Coal Mining - Low Risk Area (but within coalfield)**

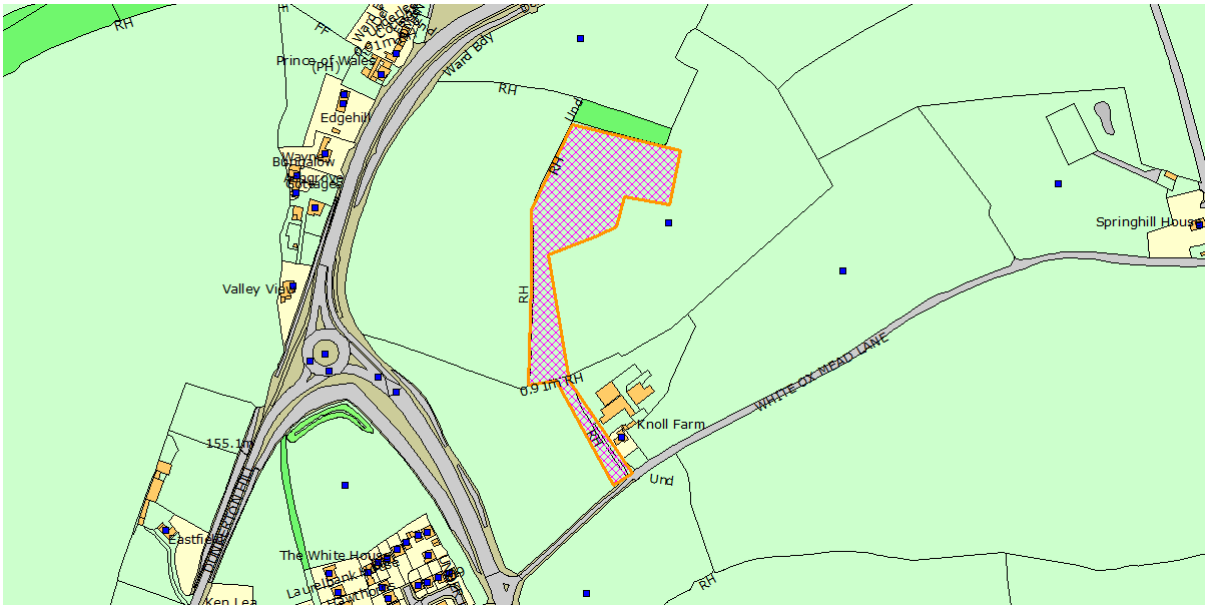
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Item No: 08

Application No: 20/02480/FUL

Site Location: Knoll Farm White Ox Mead Lane Peasedown St. John Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Wellow **LB Grade:** N/A

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Erection of 3no agricultural buildings including Cattle Barn, Workshop/Feed Store, Farmyard Manure/Straw and Hay Shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE3 SNCI, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, All Public Rights of Way Records, SSSI - Impact Risk Zones,

Applicant: Knoll Farm LLP

Expiry Date: 22nd October 2020

Case Officer: Hayden Foster

To view the case click on the link here.

REPORT

Reasons for referral:

The applicant is a Councillor for Bath and North East Somerset Council. According to the scheme of delegation the application should therefore be referred to the Development Management Committee.

Site Description and Proposal:

The application site relates to an area of land in connection with Knoll Farm located to the north of White Ox Mead Lane. The site is located within the Green Belt.

The proposal seeks planning permission for the erection of 3no agricultural buildings including Cattle Barn, Workshop/Feed Store, Farmyard Manure/Straw and Hay Shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.

Relevant Planning History:

o 19/01738/CLEU - LAWFUL - Erection of a two storey dwelling and connected garden and access areas (Certificate of Lawfulness of Existing Use).
o 20/02481/FUL - WITHDRAWN - Change of use of land to allow for an extension to the existing domestic garden, the laying out of an area of hardstanding for car parking purposes and improved biosecurity, along with the minor widening of the site access drive and erection of new and replacement/realigned stone walls and gates (part retrospective consent).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses:

Wellow Parish Council

'Barn no 3 has a large number of roof lights, which cause concern. We have been advised this barn is to be a workshop rather than to house cattle and lighting should therefore not be overnight nor excessive hours. Although Peasedown St John has street lighting, White Ox Mead and the whole area to the east of the A367 doesn't, but it does have nocturnal wild life. We would like to see measures taken to ameliorate any light pollution.

We understand the matter of drainage is being worked on but bear in mind the site sits at the top of a hill, to the north, at the bottom of the hill, is a smallholding, and across the lane, another smallholding. We would not wish these be impacted.

Wellow Parish Council met on Monday 10 August and voted to support this application subject to the above points being satisfactorily dealt with.'

Peasedown St. John Parish Council

'Although some concerns were raised about the possible future implications of the distance between the proposed buildings and the existing farm buildings it was noted that this was not a planning based reason for objection. It was therefore resolved to approve the application based on the information submitted.'

Landscape

'Concerns over the visual impact of some of the proposed construction materials and the potential adverse impact of the access track and hardstanding around the proposed

buildings on the adjacent field boundary hedgerow trees and trees within the adjacent copse.

I consider that these matters should ideally be resolved prior to the determination of this application and that, as a consequence, it is not acceptable in its current form.'

Following the submission of further information, the following comments have been made:

'I still have concerns over the visual impact of construction materials and the lack of mitigatory planting and consider that the proposed development would be more likely to prejudice rather than enhance the visual amenity of the Green Belt and that its adverse landscape impact would not be adequately mitigated as a consequence.

I therefore continue to consider that it is not acceptable in its current form.'

Highways

'Further information is required.'

Following the submission of further information the following comments have been made:

'No objection.'

Drainage and Flooding

'No Objection subject to conditions.'

Following the submission of further information, the following comments have been made:

'No objection following submission of an acceptable drainage strategy.'

Representations Received:

One comment supporting the application has been received. One comment has been received with the following factors raised:

'Having looked at the proposed buildings and the large concrete apron said buildings are sited on, can the Planning Officers assure that all slurry/cattle by products will be securely contained and therefore not allowed to run into the valley and fields below the structures. During winter, the valley always has running water running from the top. It courses through several fields, across White Ox Mead lane, eventually flowing into the River Cam at the bottom. The wildlife in the Cam is very diverse including otters, trout and kingfishers to name a few. This would be of a great concern if it were to be polluted by slurry.'

POLICIES/LEGISLATION

On 13th July the Council adopted the B&NES Placemaking Plan. It now becomes part of the statutory Development Plan for the district, against which planning applications are determined. The statutory Development Plan for B&NES now comprises:

o Core Strategy (July 2014)

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

Core Strategy:

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

CP2: Sustainable Construction
CP5: Flood Risk Management
CP6: Environmental Quality
CP7: Green Infrastructure
CP8: Green Belt
DW1: District-wide Spatial Strategy

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D3: Urban Fabric
D4: Streets and Spaces
D5: Building design
D6: Amenity
GB1: Visual Amenities of the Green Belt
NE1: Development and Green Infrastructure
NE2: Conserving and Enhancing the Landscape and Landscape Character
NE2A: Landscape Setting of Settlements
NE3: Sites, Species and Habitats
NE6: Trees and Woodland Conservation
RE2: Agricultural Development
ST2A: Recreational Routes
ST7: Transport access and development management
SU1: Sustainable Drainage

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

The policies contained within the development plan are aimed at ensuring development is sustainable and that the impacts on climate change are minimised and, where necessary,

mitigated. A number of policies specifically relate to measures aimed at minimising carbon emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The application relates to an area of land in connection with Knoll Farm situated to the north of White Ox Mead Lane. The site is located within the Green Belt but, sits outside of the Landscape setting of Peasedown St. John identified by Policy NE2A of the Bath and North East Somerset Placemaking Plan.

The proposal seeks planning permission for the erection of 3no agricultural buildings including Cattle Barn, Workshop/Feed Store, Farmyard Manure/Straw and Hay Shed along with associated yard areas and access track from Knoll Farmhouse, and other associated works.

Principle of Development- Impact on the Green Belt

Section 13 paragraph 145 of the National Planning Policy Framework (NPPF) notes that the creation of new buildings within the Green Belt should be regarded as inappropriate development. However, the exception to this amongst other things is buildings for agriculture and forestry. The submitted information indicates that the proposed building fall within agriculture use.

Policy RE2: Agricultural Development of the Bath and North East Somerset Placemaking Plan can also be considered relevant. This policy allows for development including the erection of new agricultural buildings and significant extensions/ alterations to existing agricultural buildings. This is provided the following:

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

A farmyard manure/straw and hay shed building is proposed which provides a dual-purpose use. The building will provide dry storage for the cattle winter bedding (straw) and feed (hay). When the feed and bedding are removed, the space would be utilised for housing farmyard manure.

Comments have been received citing concerns regarding surface water run-off from the proposed development. Due to the comments received the Bath and North East Somerset Drainage and Flooding Team have been consulted. Within the response received no concerns or objections had been raised to the proposed development subject to conditions. Following those comments, a drainage strategy had been submitted and the drainage and flooding team consulted once again. Within the comments received it is noted that there are no objections on flood risk or drainage grounds.

From reviewing the proposal there are no unacceptable environmental and/or health impacts which cannot be adequately mitigated; storage and disposal of animal waste is

provided; and the proposed development corresponds with the agricultural activities on the wider site.

Based on the above assessment the proposal is acceptable in principle.

Impact on Landscape - Character and Appearance

The proposal seeks the erection of 3no agricultural buildings including a Cattle Barn (building 1), Farmyard Manure/Straw and Hay Shed (building 2), and Workshop/Feed Store (building 3).

The building measurements are as follows:

- Building 1 - 26.7m by 27.4m - 6m in height to the eaves and 7.3m to the roof pitch
- Building 2 - 27.4m by 7m - 6m in height to the eaves and 7.3m to the roof pitch
- Building 3 - 11.8m by 30.5m - 4m in height to the eaves and 6m to the roof pitch

Due to the sensitive location of the site the Bath and North East Somerset Landscape Team has been consulted. Within the response received concerns had been raised regarding the visual impact of some of the proposed construction materials. Additionally, concerns had also been raised regarding the potential adverse impact of the access track, and hardstanding around the proposed buildings on the adjacent field boundary hedgerow trees and trees within the adjacent copse.

Therefore, the BATHNES Landscape Team considers the development proposal is not acceptable in its current form.

Following correspondence with the agent further information has been provided noting that the materials have been altered. All reference to "plasticoat" has been removed from the external materials. It is also noted that where boarding is proposed, it will be Yorkshire Boarding to the upper elements of the buildings. The lower elements of the building will consist of concrete stock panels. Changes have also been made to the elevations of the proposed Building 1. This building will now incorporate retractable "Galebreaker" sheeting. The roofing materials will remain unchanged and will consist of Natural Grey Fibre Cement Sheeting. A condition can be attached to any permission granted to require the submission of materials.

A revised Site Layout Plan has also been provided. This plan displays all the buildings sited outside of the Root Protection Areas (RPA) of trees. As suggested by the Landscape team a condition requiring the submission of a hard and soft landscaping scheme will also be attached to any permission granted.

Given the changes made, and the siting of the proposed buildings the proposal would be beneficial from an agricultural and logistical basis. Conditions can be attached to any permission granted to ensure the use of materials, hard and soft landscaping are implemented. As such the proposal subject to the implementation of conditions is considered to comply with policies D2, D5, GB1 and NE2 of the Bath and North East Somerset Placemaking Plan and part 12 and 15 of the NPPF.

Residential Amenity

As noted, the site is within an already active farmyard. The proposed buildings will be used as a Cattle Barn (building 1), Farmyard Manure/Straw and Hay Shed (building 2), and Workshop/Feed Store (building 3). No application comments have been received from neighbours citing concerns regarding the use of the proposed buildings currently under consideration.

The proposed development is situated within a wider agricultural holding. A Local Land and Property Gazeteer (LLPG) search has indicated that residential dwellings unrelated to the agricultural holding are situated a significant distance away. This ensures the proposal will not raise residential amenity impacts.

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

Highways and Transport

The proposal would be situated close to an existing farmyard with an established access situated off White Ox Mead Lane. Given the extent of works proposed the Bath and North East Somerset Highways Development Control Team (HDC) has been consulted. Within the response received further information had been requested on the impact these proposals would have in terms of increased vehicular movements and access arrangements.

Following correspondence with the agent it is noted that the gate posts to the site have been designed to be positioned 17m from the Highway, with inward opening gates (allowing vehicles to be off the road). There will also be no increased vehicular movements than those which would have been associated with the previous farm operations.

Following re-consultation with HDC it is noted that there will be no vehicular increases as a result of this Application therefore, no objection is raised.

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

Drainage and Flooding

Given the nature and scale of the proposal the BATHNES Drainage and Flooding Team has been consulted. Within the response received it is noted that the site is located outside of Flood Zones 2 and 3 and is shown to be at very low risk of surface water flooding. The application form indicates that surface water will be managed by way of a Sustainable Drainage System (SuDS). However, no further information has been given.

Although the above is noted an appropriately worded condition had been suggested to ensure further information be provided before works commence. This is to ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management.

Following the above comments, a drainage strategy has been submitted and the drainage and flooding team consulted once again. Within the comments received it is noted that there are no objections on flood risk or drainage grounds. There are also no requirements for pre-commencement conditions to be attached to any permission granted.

Given the above the proposal accords with policy CP5 of the Bath and North East Somerset Core Strategy and Policy SU1 of the Bath and North East Somerset Placemaking Plan.

Trees

The site is bounded to the west by a well treed field boundary hedge and to the north by a small copse. As such an Arboricultural Impact Assessment has been submitted. Following consultation with the BATHNES Landscape Team it is noted that submitted information proposes the agreement of an appropriate schedule to arboricultural monitoring and supervision; the carrying out of trial holes adjacent to Tree 3 (T3); and the erection and approval of appropriate tree protection barriers. The assessment also includes a tree retention, removal and protection plan. The landscape team consider that the conditioning of a certification and confirmation of compliance with this plan on the part of the applicants arboricultural consultant should be added to any planning granted.

It is noted that the layout of the access track has not changed and that the proposed buildings are now closer to the copse on the site's northern boundary. However, the submitted tree survey shows that, except for T3, the proposed works would fall outside the RPA of existing vegetation. Therefore, there are no objections to the proposed revisions to building locations on arboriculture grounds.

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with policy NE6 of the Placemaking Plan for Bath and North East Somerset (2017) and part 15 of the NPPF subject to compliance with conditions.

Conclusion

Several bespoke conditions will be attached to any future permission. The agent/ applicant has been made aware of the implementation of such conditions. It is noted that the agent/ applicant agrees with the use of such conditions.

Based on the comments above the application is recommended for approval subject to compliance with conditions.

RECOMMENDATION

PERMIT

CONDITIONS

1 **Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 **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 **Materials (Bespoke Trigger)**
Prior to the erection of any walling/roofing samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with policies GB1 and NE2 of the Bath and North East Somerset Local Plan and recommendations contained in the Mendip Hills AONB Partnership publication "Agricultural Building Design Guidelines for the Mendip Hills AONB" Supplementary Planning Guidance published December 2001 revised 2013.

4 **Arboriculture - Compliance with Arboricultural Method Statement (Pre-occupation)**
The approved development shall be carried out in accordance with the Tree Retention, Removal and Protection Plan (Drawing No BHA_1002_02). No occupation of the approved development shall commence until a signed compliance statement from the appointed Arboriculturalist has been submitted and approved in writing by the Local Planning Authority.

Reason: to ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy NE6 of the Bath and North East Somerset Local Plan. To ensure that the approved Tree Retention, Removal and Protection Plan is complied with for the duration of the development.

5 **Hard and Soft Landscaping (Pre-occupation)**
Prior to the occupation of the site a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows, and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed levels, walls, fences including protective stock proof fencing and other boundary treatment and surface treatment of the open parts of the site and a programme of implementation.

Reason: to ensure that adequate mitigation for the landscape, ecological and arboricultural impacts of the proposals and the provision of appropriate mitigatory/compensatory/ enhancement planting has been agreed prior to the commencement of the development in

accordance with Policies NE2, NE3 and NE6 of the Bath and North East Somerset Council Local Plan.

6 **Hard and Soft Landscape Implementation (Pre-occupation)**
All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the use of the site or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To ensure that the agreed hard and soft landscape scheme is implemented, and to ensure an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

7 **Hard and Soft Landscaping Maintenance to Completion (compliance)**
Any trees or plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Stock proof protective fencing will be maintained in perpetuity.

Reason: To ensure that the agreed soft landscaping scheme has been established and maintained, and to ensure an appropriate landscape setting to the development in accordance with Policies D1, D2, D4 and NE2 of the Bath and North East Somerset Placemaking Plan.

8 **Agricultural Use (Compliance)**
The proposed buildings hereby approved shall be used for agricultural purposes only and for no other purpose.

Reason: To ensure the use of the buildings correspond with the agricultural nature of the site in accordance with policy RE2 of the Placemaking Plan.

PLANS LIST:

1 This decision relates to the following plans received 15th September 2020:

Drawing Number: P18-2670_01 Sheet No: 01 Rev E - Site Layout
Drawing Number: P18-2670_03 Sheet No: 01 Rev E - Building 1 Elevations
Drawing Number: P18-2670_03 Sheet No: 02 Rev B - Building 1 Plans
Drawing Number: P18-2670_03 Sheet No: 03 Rev D - Building 2 Plans & Elevations
Drawing Number: P18-2670_03 Sheet No: 04 Rev E - Building 3 Plans & Elevations

2 **Permit/Consent Decision Making Statement**

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

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

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

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

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

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

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

4 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

5 **Responding to Climate Change (Informative):**

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

6 **Coal Mining - Low Risk Area (but within coalfield)**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

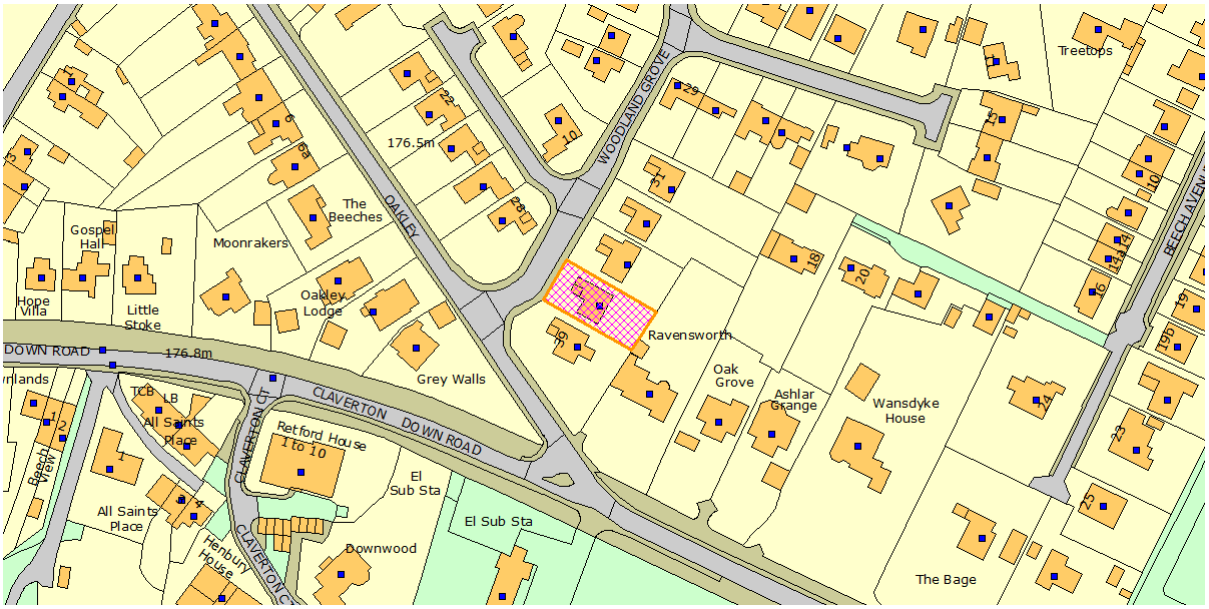
7 **Submission of Samples**

Any samples required by condition should not be delivered to the Council's offices. Please can you ensure that samples are instead available for inspection on site - as soon as the discharge of condition application has been submitted. If you wish to make alternative arrangements please contact the case officer direct and also please make this clear in your discharge of condition application.

Item No: 09

Application No: 20/03595/FUL

Site Location: 37 Woodland Grove Claverton Down Bath Bath And North East Somerset BA2 7AT



Ward: Bathwick **Parish:** N/A **LB Grade:** N/A

Ward Members: Councillor Dr Kumar Councillor Manda Rigby

Application Type: Full Application

Proposal: Erection of a single storey side lean to extension.

Constraints: Article 4 HMO, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Policy CP9 Affordable Housing Zones, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,

Applicant: Mr Simon Barnes

Expiry Date: 9th December 2020

Case Officer: Danielle Milsom

To view the case click on the link here.

REPORT

Reasons for going to committee:

The applicant is a Council employee who has direct links with the Planning Service.

Description

This application refers to a detached, two-storey dwelling located with Claverton Down. The site is situated within a primarily residential area consisting of similar detached

dwellings. The dwelling is constructed from Bath stone with elements of timber. The dwelling is set back from the street with a sizeable front driveway and garden area.

The site is not located within a Conservation Area but is within the Bath World Heritage Site.

Planning permission is sought for the erection of a single storey side lean to extension.

Relevant Planning History:

None of relevance

SUMMARY OF CONSULTATIONS/REPRESENTATIONS
Consultation Responses :

None recieved

Representations Received :

None recieved

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

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

Core Strategy:

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

B1: Bath Spatial Strategy
B4: The World Heritage Site and its Setting
CP6: Environmental Quality
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity

HE1: Historic environment

National Policy:

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

SPD's:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT
The main issues are considered to be:
1. Character and appearance
2. Residential amenity

Character and Appearance

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

The proposed single storey side extension is set back from the front elevation of the protruding garage by approximately 7 meters. It is therefore not largely visible from the street scene. The total width of the extension measures approximately 1.6 meters, with a depth of 4.7 meters. It is proposed that the extension will be fully glazed at all elevations, with glazed doors positioned at the front and rear elevations. Due to the small-scale nature of the proposal it is considered that the side extension will not cause harm to the character and appearance of the site or street scene and is therefore acceptable.

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

Residential Amenity

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

It is unlikely that the single storey side extension will have an impact upon residential amenity. Whilst the side elevation is fully glazed, the neighbouring properties side elevation does not feature any windows. There will therefore not be any direct overlooking. The side extension also does not form a main habitable room, therefore limiting any issues relating to loss of privacy.

Due to its size and location, the extension does not show any potential to cause overshadowing to the neighbouring properties. The proposal is therefore considered to be 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 for Bath and North East Somerset (2017) and part 12 of the NPPF.

World Heritage Site

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 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.

PLANS LIST:

1 This decision relates to the following plans:

Drawing - 13 Oct 2020 - Proposed Front Elevation Plan

Drawing - 13 Oct 2020 - Proposed Side Elevation

Drawing - 13 Oct 2020 - Proposed Site Plan

OS Extract - 4 Oct 2020 - 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 **Permit/Consent Decision Making Statement**

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

4 **Community Infrastructure Levy**

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. **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 development commences, failure to comply with the regulations can result in surcharges and additional payments. 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

5 **Responding to Climate Change (Informative):**

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

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Bath & North East Somerset Council

MEETING:	**Planning Committee**	AGENDA ITEM NUMBER
MEETING DATE:	**18th November 2020**	
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning	
TITLE:	**NEW PLANNING APPEALS, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**	
WARD:	ALL	
BACKGROUND PAPERS: None		
AN OPEN PUBLIC ITEM		

APPEALS LODGED

App. Ref: 19/04441/FUL
Location: 6 Mill Cottages The Shallows Saltford Bristol Bath And North East Somerset
Proposal: Erection of garden gates (Retrospective)
Decision: REFUSE
Decision Date: 29 May 2020
Decision Level: Delegated
Appeal Lodged: 7 October 2020

App. Ref: 20/01610/FUL
Location: 61 Bay Tree Road Fairfield Park Bath Bath And North East Somerset BA1 6NE
Proposal: Erection of single and two storey extension to rear.
Decision: REFUSE
Decision Date: 23 July 2020
Decision Level: Delegated
Appeal Lodged: 7 October 2020

APPEALS DECIDED

App. Ref: 20/01039/FUL
Location: Flat 14 Colleagues House 130 - 132 Wells Road Lyncombe Bath
Proposal: Change of use from 1 x 2 bedroom residential flat (C3) to 1 x 3 bedroom small HMO (C4)
Decision: REFUSE
Decision Date: 5 June 2020
Decision Level: Delegated
Appeal Lodged: 21 July 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 15 October 2020

App. Ref: 20/00214/FUL
Location: Selwood Manor 396 Bath Road Saltford BS31 3DQ
Proposal: Change of use from dwellinghouse (Use Class C3) to mixed use dwellinghouse (Use Class C3) and commercial leisure accommodation (commercial holiday let)
Decision: REFUSE
Decision Date: 8 April 2020
Decision Level: Delegated
Appeal Lodged: 22 May 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 16 October 2020

App. Ref: 20/00856/OUT
Location: Land Between Somer Ridge And Monger Cottages Monger Lane Welton Midsomer Norton
Proposal: Outline application for the erection of a detached house and garage with all matters reserved (Resubmission)
Decision: REFUSE
Decision Date: 23 April 2020
Decision Level: Delegated
Appeal Lodged: 11 August 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 16 October 2020

App. Ref: 20/01423/VAR
Location: Commercial Parking Site Box Road Bathford Bath
Proposal: Variation of condition 9 of application 19/04793/FUL (Erection of a

small car preparation centre and associated external works)
Decision: REFUSE
Decision Date: 23 June 2020
Decision Level: Delegated
Appeal Lodged: 30 June 2020
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 23 October 2020

App. Ref: 19/04914/FUL
Location: Rosemere Homefield Road Saltford Bristol Bath And North East Somerset
Proposal: Erection of a new dwelling and gate house following the demolition of existing dwelling.
Decision: REFUSE
Decision Date: 14 February 2020
Decision Level: Planning Committee
Appeal Lodged: 15 May 2020
Appeal Decision: Appeal Allowed
Appeal Decided Date: 29 October 2020

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