

Planning Committee

Date: Wednesday, 30th June, 2021

Time: 11.00 am

Venue: Banqueting Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Sue Craig (Chair), Sally Davis (Vice Chair), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

Permanent Substitutes:- Councillors: Rob Appleyard, Michael Evans, Andrew Furse, Liz Hardman, Ruth Malloy, Vic Pritchard, Matt McCabe, Manda Rigby, 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 39 4414

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 Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen. The Council will broadcast the images and sounds live via the internet

www.bathnes.gov.uk/webcast. 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**

****COVID alert:** From 6 May 2021 all formal Council meetings, of whatever nature, must take place physically. However, we are constrained by health and safety considerations and social distancing measures. This means that room capacities are significantly reduced, and the visiting public may be prevented from entering a meeting room if it is at capacity. In this period, we encourage people to view the meeting online if possible. Further details are available from the Democratic Services Team.

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. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point.

6. **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, 30th June, 2021

at 11.00 am in the Banqueting Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will ask the Democratic Services Officer to draw attention to the emergency evacuation procedure.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. 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.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

5. 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.

6. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 40)

To confirm the minutes of the meeting held on 2 June 2021.

7. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 41 - 124)

The following application will be considered in the morning session (from 11am):

- 21/00435/EREG03 – Ministry of Defence Storage and Distribution Centre, Pixash Lane, Keynsham

The following applications will be considered in the afternoon session (from 2pm):

- 20/04067/FUL – Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath
- 21/02044/FUL – Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath
- 21/01646/FUL – 3 Barrow View, Timsbury Road, Farmborough, Bath
- Tree Preservation Order 2021 – Land Adjacent to Meadow Barn, Wick Lane, Pensford

8. TREE PRESERVATION ORDER REPORT (Pages 125 - 132)

9. PLANNING ENFORCEMENT BRIEFING REPORT (Pages 133 - 136)

The Committee is asked to note the report.

10. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 137 - 142)

The Committee is asked to note the 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>

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 2nd June, 2021, 11.00 am

Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Vic Clarke, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson and Hal MacFie

11 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

12 ELECTION OF VICE CHAIR

RESOLVED: To elect Cllr Sally Davis as Vice Chair for the ensuing Council year.

13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

14 DECLARATIONS OF INTEREST

- Cllr Hal MacFie declared an interest in planning application no.21/01558/LBA – Liberal Democrats, 31 James Street West, Bath. This related to his work for the Liberal Democrat Party. Cllr MacFie stated that he would leave the meeting while this item was discussed.
- Cllr Sally Davis stated, for transparency as there was no conflicting interest, that with regard to application no. 21/01303/LBA - Keynsham Conservative Club, 22 High Street, Keynsham - the Keynsham Conservative Club was not the same as the Conservative Party and, although she and Cllr Clarke are members of the Conservative Party, they are not members of the Keynsham Conservative Club.

15 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

16 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.

17 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 5 May 2021 were confirmed and signed as a correct record.

18 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 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. 21/01163/FUL

Site Location: Parcel 3875, Warminster Road, Bathampton, Bath – Change of use from agricultural land to dog walking paddock with associated boundary fencing, gates, parking, storage shed and shelter, as well as improvements to the existing agricultural track to provide a suitable all weather surface to connect the site entrance to the car parking area.

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

A representative from Bathampton Parish Council spoke against the application.

The applicant spoke in favour of the application.

Cllr Sarah Warren, local ward member, spoke against the application. She expressed concerns regarding the impact of additional traffic on the dangerous A36 junction. She also highlighted the adverse impact of increased noise on local amenity, risk of dog attacks and the safety of children using the Scout Hut. There would also be an adverse impact on the ecology of the area.

Officers then responded to questions as follows:

- An application should only be refused on highway grounds if it would result in a severe impact or severe cumulative impact.
- Highways England have raised no objection to the proposal.
- The restricted width of the bridleway is considered to be satisfactory based on the estimated number of vehicles per day. Only one vehicle would be permitted per booking session and there would be a designated parking area. A traffic management plan will also be put in place.
- The Case Officer felt that the condition relating to the number of dogs using

the facility at any one time would be enforceable. It would be reliant on someone making a complaint if there was a breach of condition which could then be investigated.

- Dog waste bins would be provided.
- The application is not considered to be inappropriate development in the green belt and therefore, is acceptable in principle.
- Any nuisance caused by the use of the paddock (such as noise nuisance) could be reported to the Environmental Protection Team.
- If members had concerns about the lack of management on the site then this could be included as a reason for refusal.

Cllr Jackson expressed concerns about the management of the site and noted that the proposal could result in a loss of amenity to local residents and other dog walkers.

Cllr Davis felt that that any issues could be managed offsite with the use of appropriate technology.

Cllr Crossley moved the officer recommendation to permit. He stated that there was a need for this type of facility, and he felt that the applicant has addressed the key concerns raised. It would be difficult for someone to be on site all the time. The openness of the green belt would be maintained. This was seconded by Cllr Davis.

Cllr Hughes felt that this may be the wrong location for a dog walking facility and that a better management plan should be put in place.

Cllr Hounsell pointed out that the application does not represent inappropriate development in the green belt. There were no highways objections and a precedent would not be set as each application is considered on its own merits. The conditions provide for a site management plan and he could see no reason to object to the application.

Cllr MacFie the number of vehicle movements may have been underestimated.

Cllr Hodge felt that the proposal did not conserve or enhance the area.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to permit the application subject to the conditions set out in the report.

Item No. 2

Application No. 21/00528/FUL

Site Location: 55 High Street, Twerton, Bath – Erection of a two-storey rear extension. Change of use from 3-bedroom residential dwelling (Use Class C3) to a 6-bedroom House in Multiple Occupation (HMO) (Use Class C4)

The Case Officer reported on the application and his recommendation to permit. He then responded to questions as follows:

- The property is already an HMO and has permission for a two-storey side extension.
- The bulk and size of the extension is considered to be acceptable. The rear

- extension would be about double the size of the permitted side extension.
- There is one parking space on the site and the property is located close to shops and a bus stop.
- The property is not in a residents' permit parking zone.
- Parking standards do not apply to HMO properties.

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

Cllr Hodge felt that the property would be overdeveloped if the application were permitted. She stated that this could have a detrimental impact on the local area.

Cllr Hughes felt that the proposal would have a serious detrimental impact on local residents.

Cllr Jackson felt that the size of the extension was too large and would leave hardly any garden area or green amenity space. It would also have a detrimental effect on a nearby listed building.

Cllr Clark pointed out that there is a shortage of homes in the area and felt that the objections raised were marginal.

Cllr MacFie stated that the application was policy compliant.

The motion was put to the vote and it was RESOLVED by 6 votes in favour and 4 votes against to PERMIT the application subject to the conditions set out in the report.

Item No. 3

Application No. 21/01409/FUL

Site Location: 15 St Catherine's Close, Bathwick, Bath, BA2 6BS – Erection of two-storey rear extension, loft conversion including rear dormer and front roof-light, demolition of existing single-storey garage and “pop-up” rear access and replacement with two-storey side extension. Associated external amendments, including replacement of all existing windows and front and rear landscaping.

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

A local resident spoke against the application.

The applicant spoke in favour of the application.

Cllr Manda Rigby, local ward member, spoke against the application. She stated that the application represented overdevelopment and massing and was unsympathetic to the area. She also highlighted the adverse impact on the Conservation Area and noted that any development must protect or enhance the area. She also expressed concerns about overlooking and the proximity to the neighbouring property.

The Case Officer then responded to questions as follows:

- There is no policy that states that a property cannot be extended up to the boundary. This is a matter of judgement depending on the specific circumstances.
- There are other dormer windows in the area, although these are smaller. The Case Officer felt that the dormer window does not dominate because it is set into the eaves.
- Any overshadowing was not considered to be significant enough to warrant refusal.
- There would be no windows on the side elevation.
- Residential amenity would not be harmed significantly enough to warrant refusal.
- The property is in an elevated position and higher than no. 14 St Catherine's Close.
- The footprint would represent a 120% volume increase.
- The property has a long garden and it was not felt that the rear elevation would adversely affect residential amenity.

Cllr Hounsell noted the rooflight at the front of the property and felt that this may cause disturbance to neighbours. He felt that the dormer window was very large and that the design could be improved.

Cllr Hughes expressed concern about the dominance of the proposal over no. 14 St Catherine's Close.

Cllr Jackson expressed concern regarding the design as she felt it was out of context being such a modern design in a Conservation Area and did not conserve or enhance the area.

Cllr Hodge felt that the proposal was contrary to Policy D2 relating to character and distinctiveness as it would change the character of the area. She was also concerned at the size of the development.

Cllr Bromley felt that the large glazed area could result in light pollution.

Cllr Crossley felt that the extension would be too close to the neighbouring property and that the dormer window was too large. He then moved that the application be refused for the following reasons:

- The size of the extension.
- The impact of the development which would be overbearing and harmful to the character of the area.
- The creation of a terracing effect.
- The proposal would be contrary to policies D1 and D6.
- Harmful impact on the amenity of neighbouring residents.

This was seconded by Cllr Hodge.

The motion was put to the vote and it was **RESOLVED** by 8 votes in favour and 2 votes against to **REFUSE** the application for the reasons set out above.

Item No. 4**Application No. 21/00356/FUL**

Site Location: The Abbey Rectory, Redwood House, Trossachs Drive, Bathwick, Bath – Extensions to existing ancillary building (Retrospective).

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

A local resident spoke against the application.

The applicant spoke in favour of the application.

Cllr Sarah Warren, local ward member, spoke against the application. She stated that trees have been removed from the site without the necessary permissions. She stated that this was a new residential unit which would not have been permitted if it had been made clear on the original application. The accommodation has a living room, kitchen and bathroom for its own use. She pointed out the loss of privacy to the neighbours and stated that the design is out of character with the area. The property is not an ancillary building but is a self-contained dwelling.

The Case Officer responded to questions as follows:

- A tree report was not required for a retrospective application.
- When judging whether a property is ancillary it was important to consider its relationship with the main dwelling including size, shared space, ownership and facilities. Consideration would be given to the nature of the occupation rather than the facilities.
- An annex must be occupied as part of the main dwelling.
- The kitchen area contains a hob and oven but no laundry facilities.
- Enforcement action could be taken if the property was routinely used as a holiday let as this would require planning permission.

Cllr Davis noted that the building was not overlooking any neighbouring properties or detrimental to residential amenity. A condition would be put in place to ensure that the development is used for purposes ancillary to the residential use of the main dwelling. She then moved the officer recommendation to permit. This was seconded by Cllr Clarke.

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. 5**Application No. 21/00206/LBA**

Site Location: The Old Bank, 20 High Street, Keynsham - External alterations for the painting of the first floor on the front elevation.

The Case Officer reported on the application and her recommendation to refuse. She then responded to questions as follows:

- In the 19th century the building would have been a muted or stone colour.
- A number of different colour schemes have been used on the building over

the years and officers would try to agree an acceptable colour scheme with the applicant.

- The black window frames were applied prior to the blue painting scheme.

Cllr Jackson moved the officer recommendation to refuse as she felt that the existing paint colour has a negative impact on the street scene, is out of character and dominant.

This was seconded by Cllr Hounsell who highlighted the responsibility involved in the management of a listed building. He felt that the colour was inappropriate in a Conservation Area.

Cllr Crossley noted that the building had been painted a number of different colours in the past and felt that the cream and blue colour added vibrancy to the street scene.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 vote against to REFUSE the application for the reasons set out in the report.

Item No. 6

Application No. 21/01303/LBA

Site Location: Keynsham Conservative Club, 22 High Street, Keynsham – External alterations to paint the front elevation blue, reverting back to the colour that was in existence when the building was listed in 1975 (Retrospective).

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

The Club Secretary spoke in favour of the application.

The Case Officer confirmed that no discussions have yet taken place regarding an alternative colour for the building.

Cllr Jackson moved the officer recommendation to refuse. This was seconded by Cllr Hounsell who stated that the colour is out of keeping with a Conservation Area.

Cllr Davis hoped that a more suitable colour could be agreed following negotiation.

Cllr Crossley stated that he felt the current paint colour was acceptable.

Cllr Hodge felt that the colour should be a more muted blue.

The motion was put to the vote and it was RESOLVED by 9 votes in favour and 1 vote against to REFUSE the application for the reasons set out in the report.

Note: At this point Cllr Hal MacFie left the meeting, having declared an interest in the following application.

Item No. 7

Application No. 21/01558/LBA

Site Location: Liberal Democrats, 31 James Street West, Bath – External alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.

The Case Officer reported on the application and her recommendation to grant listed building consent.

Cllr Davis suggested that the existing door should be retained for re-use if possible.

Cllr Crossley moved that the Committee delegate to permit the application subject to discussions with the applicant regarding the retention of the existing door. This was seconded by Cllr Davis.

The motion was put to the vote and it was RESOLVED unanimously to DELEGATE TO PERMIT the application and to request officers to hold discussions with the applicant to explore whether the existing door could be retained and re-used and a condition imposed to that effect.

Note: At this point Cllr Hal MacFie returned to the meeting.

19 POLICY DEVELOPMENT

There were no policy development items.

20 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 3.35 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

Date 2nd June 2021

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN
AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
001	21/01163/FUL	Parcel 3875 Warminster Road Bathampton Bath Bath And North East Somerset

Condition wording change:

Following further consideration, the word of Condition 8 has been revised to the following:

{b Usage (Compliance)}

The dog walking paddock hereby approved shall be used by no more than 6 accompanied dogs during any single booking. There shall be no more than 1 booking at any given time. No more than one vehicle shall be permitted per booking session. The operators/owners of the site shall maintain an up-to-date register of the names and addresses of all visitors to the site over the age of 18, including the purpose of their visit and shall make such information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that any intensification of the site can be monitored by the Local Planning Authority in the interests of protecting the residential amenity of neighbouring occupiers and minimising motorised vehicular movements to and from the site, in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

Item No.	Application No.	Address
003	21/01409/FUL	15 St Catherine's Close Bathwick Bath Bath And North East Somerset BA2 6BS 003

Representations

Two additional objection comments have been received. The full detail/text of these comments can be found on the Council's website, the main new issues raised were:

- The proposed drawings show that the existing mature hedge of holly and yew between no.15 and 15 would be removed.
- The concrete post which marks the boundary is not included in the plans.
- There are issues with the drawing of the new hipped roof. It will be built on the boundary, and the hipped roof overhangs the boundary which would be illegal. In order for rainwater to be collected, it will need gutters which would require the side extension wall to be set back from the boundary. This is not shown on the drawings
- The revised plans show that the front elevation of the side extension extends beyond the front elevation of no.14 by 1.22m, not 0.9m as mentioned in the chair report
- the distance from the rear elevation of the side extension is 0.28m not 0.4 meters.
- The recommendation to permit should be conditional to the 0.9m and 0.4m distance

Arboriculture

Demolition plans indicate that the existing hedge between no.15 and 16 will be removed to allow for the landscaping works to the front of the dwelling. The hedge has been identified as an actively managed cypress which does not hold any arboricultural significance. Its removal will therefore not be harmful and is considered acceptable. An informative has been attached which regards the felling of hedges during bird nesting season.

It is also considered that the removal of the hedge will not harm the amenity of the site or neighbouring property given the separation of the properties. Consideration is also given to other dwellings within the street which do not have hedges between sites.

Plans and measurements

As indicated by the objection comments, the front elevation extends beyond the front elevation of no.14 by 1.2 meters, rather than 0.9 meters as references within the committee report. The 0.9 meter projection reference is an error within the committee report. The 1.2 meter projection is accurate and is considered to not be significant enough to cause an adverse residential amenity impact with regards to overshadowing. The extension is also positioned north-east of no.14 which limits the amount of overshadowing to early mornings only. The existing tall hedge will also be retained which minimises any further impact.

Prior to revisions, the rear elevation of the two-storey side extension was aligned with the rear elevation of the host dwelling. The rear elevation of the two-story extension has been revised to be set in 0.4 meters from the rear of the host dwelling. This therefore increases the distance between no.14's side window to minimise any potential impact.

A standard condition is attached to any permitted application which ensures that the development/works shall only be implemented in accordance with the plans as set out within the attached plans list.

Other matters

Concerns have been raised with regards to the drawing of the hipped roof for the proposed two-storey side extension and the eaves/guttering to allow for rainwater collection. The rainwater collection and guttering are included within an internal system so that there is no overhanging on to no.14's property. The rainwater collection system will not be visible externally.

Item No.	Application No.	Address
004	21/00356/FUL	The Abbey Rectory Redwood House Trossachs Drive Bathwick Bath Bath And North East Somerset BA2 6RP

Representations

Additional comments have been received from a third party which detail historic permissions, use at the property and the use and appearance of the site prior to the current development being undertaken. The full detail of these comments can be found on the Council's website

Item No.	Application No.	Address
005	21/00206/LBA	The Old Bank, 20 High Street Keynsham Bristol Bath and North East

Reason for Referral.

In the report before this Committee it was stated that “Under the Planning Scheme of Delegation (as amended April 2020) this application is required to be considered by Committee as the Town Council supports the application”. This is incorrect. The application has been referred to this Committee under the Planning Scheme of Delegation (as amended April 2020) by the Head of Planning.

Item No.	Application No.	Address
006	21/01303/LBA	Keynsham Conservative Club 22 High Street Keynsham Bristol Bath and North East Somerset

Reason for Referral.

In the report before this Committee it is stated "Under the Planning Scheme of Delegation (as amended April 2020) this application is required to be considered by Committee for a decision as the application is on behalf of a **political party** and as the Town Council supports the application." I have put in bold the words that trigger the need for referral. The application has been made on behalf of the Keynsham Conservative Club.

BATH AND NORTH EAST SOMERSET COUNCIL

MEMBERS OF THE PUBLIC AND REPRESENTATIVES SPEAKING AT THE VIRTUAL MEETING OF THE PLANNING COMMITTEE ON WEDNESDAY 2 JUNE 2021

MAIN PLANS LIST			
ITEM NO.	SITE NAME	NAME	FOR/AGAINST
1	Parcel 3875, Warminster Road, Bathampton, Bath	Moira Brennan (Bathampton Parish Council)	Against
		Alex Walker (Applicant)	For
		Cllr Sarah Warren (Local Ward Member)	Against
3	15 St Catherine's Close, Bathwick, Bath, BA2 6BS	Derek Holden	Against
		Andrew Walker (Applicant)	For
		Cllr Manda Rigby (Local Ward Member)	Against
4	The Abbey Rectory, Redwood House, Trossachs Drive, Bathwick, Bath	Neill Scott	Against
		Michael Muston (Applicant)	For
		Cllr Sarah Warren (Local Ward Member)	Against
6	Keynsham Conservative Club, 22 High Street, Keynsham	Dave Johnson (Club Secretary)	For

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

2nd June 2021

DECISIONS

Item No:	01	
Application No:	21/01163/FUL	
Site Location:	Parcel 3875, Warminster Road, Bathampton, Bath	
Ward: Bathavon North	Parish: Bathampton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Change of use from agricultural land to dog walking paddock with associated boundary fencing, gates, parking, storage shed and shelter, as well as improvements to the existing agricultural track to provide a suitable all weather surface to connect the site entrance to the car parking area.	
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE2A Landscapes and the green set, Policy NE3 Local Nature Reserve, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, All Public Rights of Way Records, SSSI - Impact Risk Zones,	
Applicant:	Messrs A & G Walker	
Expiry Date:	7th June 2021	
Case Officer:	Isabel Daone	

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 Traffic Management Plan (Pre-commencement)

No development or use hereby permitted shall commence until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority and shall include details of access, parking, booking and hours of operation. 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.

3 Parking (Pre-occupation)

Prior to the first use of the site, the proposed parking area shall be constructed and completed in accordance with the approved plans. The areas allocated for parking and turning, as indicated in the approved plans, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate car parking and turning areas are always retained, in the interests of amenity and highways safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan.

4 Ecological Mitigation Scheme (Compliance)

The development hereby approved shall be carried out only in strict accordance with the avoidance, mitigation, compensation and enhancement measures in Section 7 of the approved Preliminary Ecological Appraisal (Gould Ecology, December 2020). If any amendments are required, details shall be submitted to and approved in writing by the LPA.

Reason: to avoid harm to the Bathampton Down and Woodlands Site of Nature Conservation Interest (SNCI) and wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and Policies NE3 and NE5 of the Bath and North East Somerset Council Placemaking Plan.

5 Ecological Monitoring and Compliance Reports (Bespoke Trigger)

No use 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 recommendations in Section 7 of the approved Preliminary Ecological Appraisal (Gould Ecology, December 2020) has been submitted to and approved in writing by the Local Planning Authority. A proposed monitoring scheme and proposed reporting of monitoring findings to the Local Planning Authority in relation to ongoing management shall also be provided with monitoring reports submitted periodically to the LPA in accordance with the approved schedule.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with NPPF and policies NE3 and NE5 of the Bath and North East Somerset Local Plan.

6 External Lighting (Bespoke Trigger)

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

1. Lamp models and manufacturer's specifications, positions, numbers and heights; and
2. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.

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

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

7 Fencing materials (Bespoke Trigger)

The fencing shown on the plans hereby approved shall not be erected on site until a sample of the wire element has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

8 Usage (Compliance)

The dog walking paddock hereby approved shall be used by no more than 6 accompanied dogs during any single booking. There shall be no more than 1 booking at any given time. No more than one vehicle shall be permitted per booking session. The operators/owners of the site shall maintain an up-to-date register of the names and addresses of all visitors to the site over the age of 18, including the purpose of their visit and shall make such information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that any intensification of the site can be monitored by the Local Planning Authority in the interests of protecting the residential amenity of neighbouring occupiers and minimising motorised vehicular movements to and from the site, in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

9 Hours of operation (Compliance)

The use hereby permitted shall only take place between the following hours:

1st October - 29th February: 08:00 - 16:00 hours

1st March - 30th September: 07:00 - 20:00 hours

No visitor use of the site shall occur outside of these hours within further agreement from the Local Planning Authority.

Reason: To protect the residential amenities of the nearby properties and to prevent further intensification of the site in accordance with policies D6 and ST7 of the Bath and North East Somerset Placemaking Plan.

10 Dog waste collection (Pre-occupation)

No use of the development hereby permitted shall be brought into use until the dog waste bins detailed in part 8.4 of the Design, Access & Justification Statement (received 11th March 2021) has been erected on site. Thereafter, the management and removal of dog waste from the site shall be implemented in strict accordance with the method contained within part 8.4 of this statement.

Reason: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

11 Removal of Permitted Development Rights - No means of enclosure (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 fences, gates, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed on the site without a further planning permission being granted.

Reason: In the interests of the appearance of the development and the surrounding area and maintaining the openness of the Green Belt in accordance with Policy CP6 and CP8 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan.

12 Removal of Permitted Development Rights - No outbuildings (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 free standing buildings shall be erected within the site, other than those expressly authorised by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area and maintaining the openness of the Green Belt in accordance with Policy CP6 and CP8 of the Bath and North East Somerset Core Strategy and policies D1, D2, D3 and D4 of the Bath and North East Somerset Placemaking Plan

13 Land use - cease of operation (Compliance)

When the land ceases to be used as a dog walking facility, the building/structures/fence hereby approved shall be removed and the land restored to its former condition before the development took place or to such other condition as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the rural character of the area and visual amenities of the Green Belt in accordance with policy CP8 of the Bath and North East Somerset Core Strategy and policy NE2 of the Bath and North East Somerset Placemaking Plan.

14 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following plans:

Fence Elevations, Shed Elevations. Received 11th March 2021

Proposed Site Plan. Received 11th March 2021

Site Access Plan. Received 11th March 2021

Site Location Plan. Received 11th March 2021

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.

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy

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.

Public Right of Way:

The Authority will only maintain the bridleway to a standard suitable for pedestrians, cyclists and horse riders. Any damage to the surface caused by vehicles must be repaired by the persons responsible. If the paddock ceases to operate, The Authority will not be responsible to provide

ongoing maintenance to the surface of the bridleway to a standard suitable for vehicles. The Applicants must repair any damage and leave the bridleway in a standard acceptable to the Public Rights of Way Team. Care must be taken when using mechanically-propelled vehicles on a bridleway. Motorists must give way to pedestrians, horse riders and cyclists.

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:	02	
Application No:	21/00528/FUL	
Site Location:	55 High Street, Twerton, Bath, Bath And North East Somerset	
Ward: Twerton	Parish: N/A	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Erection of a two storey rear extension. Change of use from 3 bedroom residential dwelling (Use Class C3) to a 6 bedroom House in Multiple Occupation (HMO) (Use Class C4)	
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 NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Long	
Expiry Date:	4th June 2021	
Case Officer:	Hayden Foster	

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 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 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least six 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 ST1 & ST7 of the Bath and North East Somerset Placemaking Plan.

4 Parking (Compliance)

The area allocated for parking and turning, as indicated on submitted plan reference EX/PRO Revision F, 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 Materials (Compliance)

All external walling and roofing materials to be used shall match those of the existing house 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 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.

PLANS LIST:

This decision relates to the following plans received 15th April 2021:

Drawing Number EX/PRO Rev F - Existing and Proposed Plans and Elevations

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.

Condition Categories

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

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

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

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

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

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

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

Community Infrastructure Levy

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.

HMO Advice Note

Please note that you will also require an HMO Licence for your property to operate as an HMO. Planning and HMO licensing are two separate requirements and it is essential that an HMO licence is obtained after receiving planning permission. Although Planning Permission may be granted without an HMO licence, you may legally not be able to use the property as an HMO. If you have any queries, please contact Housing Services by email at hmo_licensing@bathnes.gov.uk or telephone 01225 396269.

Item No:	03		
Application No:	21/01409/FUL		
Site Location:	15 St Catherine's Close, Bathwick, Bath, Bath And North East Somerset		
Ward: Bathwick	Parish: N/A	LB Grade: N/A	
Application Type:	Full Application		
Proposal:	Erection of 2 storey rear extension, loft conversion including rear dormer and front roof-light, demolition of existing single-storey garage and 'pop-up' rear access and replacement with two-storey side extension. Associated external amendments including replacement of all existing windows and front and rear landscaping.		
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, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,		
Applicant:	Mr And Mrs Walker		
Expiry Date:	7th June 2021		
Case Officer:	Danielle Milsom		

DECISION REFUSE

1 The proposed development will represent a built form materially larger than the existing dwelling. The two-storey side extension, two-storey rear extension and rear dormer by reason of its size, scale and form will appear as an incongruous addition to the host dwelling. The development will cause harm to local character and will neither preserve nor enhance the character and appearance of the Conservation Area. This proposal is therefore contrary to policies including D1 of the Placemaking Plan adopted July 2017 and guidance in the National Planning Policy Framework.

2 The proposed development by virtue of its scale, siting, layout and design is considered to cause significant harm to the amenities of neighbouring occupiers (principally no.14 St Catherine's Close) through an overbearing impact from the proposed two-storey side extension. The proposal would therefore be contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan (July 2017) and guidance in the National Planning Policy Framework.

PLANS LIST:

This decision relates to the following plans:

Revised Drawing - 10 May 21 - 21015-00-300-P02 - Lower Ground Floor Proposed

Revised Drawing - 10 May 21 - 21015-00-301-P03 - Ground Floor Proposed

Revised Drawing - 10 May 21 - 21015-00-302-P03 - First Floor Proposed

Revised Drawing - 10 May 21 - 21015-00-303-P03 - Second Floor Proposed

Revised Drawing - 10 May 21 - 21015-00-304-P03 - Roof Plan Proposed

Revised Drawing - 10 May 21 - 21015-00-305-P03 - South-East Elevation Proposed

Revised Drawing - 10 May 21 - 21015-00-306-P03 - North-West Elevation Proposed

Revised Drawing - 10 May 21 - 21015-00-307-P03 - South-West Elevation Proposed

Revised Drawing - 10 May 21 - 21015-00-308-P03 - North-East Elevation Proposed

Revised Drawing - 10 May 21 - 21015-00-309-P03 - Section A-A Proposed

Revised Drawing - 10 May 21 - 21015-00-310-P02 - Section B-B Proposed

Revised Drawing - 10 May 21 - 21015-00-320-P03 - Block Plan Proposed

Community Infrastructure Levy

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

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

Item No:	04	
Application No:	21/00356/FUL	
Site Location:	The Abbey Rectory, Redwood House, Trossachs Drive, Bathwick	
Ward: Bathavon North	Parish: Bathampton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Extensions to existing ancillary building (Retrospective).	
Constraints:	Agric Land Class 1,2,3a, Policy B4 WHS - Indicative Extent, Policy CP9 Affordable Housing Zones, Housing Development Boundary, MOD Safeguarded Areas, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Tree Preservation Order,	
Applicant:	Mr & Mrs Michael Muston	
Expiry Date:	9th June 2021	
Case Officer:	Sam Grant	

DECISION PERMIT

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 Ancillary Use (Compliance)

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Abbey Rectory, Redwood House, Trossachs Drive, Bathwick, Bath, Bath And North East Somerset, BA2 6RP; and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

This Decision relates to the following plans:

OS Extract	29 Jan 2021	01	LOCATION PLAN
Drawing	29 Jan 2021	02	BLOCK PLAN
Drawing	29 Jan 2021	06	GROUND FLOOR PLAN
Drawing	29 Jan 2021	07	FIRST FLOOR PLAN
Revised Drawing	22 Mar 2021	AR03	REAR ELEVATION
Revised Drawing	22 Mar 2021	AR04	NE SIDE ELEVATION
Revised Drawing	22 Mar 2021	AR05	SW SIDE ELEVATION

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.

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.

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:	05		
Application No:	21/00206/LBA		
Site Location:	The Old Bank, 20 High Street, Keynsham, Bristol		
Ward: Keynsham North	Parish: Keynsham Town Council	LB Grade: II	
Application Type:	Listed Building Consent (Alts/exts)		
Proposal:	External alterations for the painting of the first floor on the front elevation		
Constraints:	Agricultural Land Classification, Air Quality Management Area, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, District Heating Priority Area, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Western Inns Ltd.		
Expiry Date:	29th April 2021		
Case Officer:	Caroline Power		

DECISION REFUSE

1 The redecorated front elevation is considered to be at odds with the character and significance of both listed buildings, their setting and to the setting of other listed buildings in close proximity as well as to the general character and appearance of the conservation area. This proposal is considered cause less than substantial harm that is not outweighed by any public benefits and fails to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 196 of the NPPF.

PLANS LIST:

Drawing	04 Mar 2021	DRAWING OB1	FRONT ELEVATION AS EXISTING
Drawing	04 Mar 2021	DRAWING OB2	FRONT ELEVATION AS PROPOSED
OS Extract	18 Jan 2021	SITE LAYOUT PLAN	
OS Extract	18 Jan 2021	SITE LOCATION PLAN	

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given 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.

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

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:	06		
Application No:	21/01303/LBA		
Site Location:	Keynsham Conservative Club, 22 High Street, Keynsham, Bristol		
Ward: Keynsham North	Parish: Keynsham Town Council	LB	Grade:
IISTAR			
Application Type:	Listed Building Consent (Alts/exts)		
Proposal:	External alterations to paint the front elevation blue, reverting back to the colour that was in existence when the building was listed in 1975 (Retrospective).		
Constraints:	Agric Land Class 3b,4,5, Air Quality Management Area, Conservation Area, Policy CP12 Centres and Retailing, Policy CP9 Affordable Housing Zones, Policy CR3 Primary Shopping Areas, Housing Development Boundary, Listed Building, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,		
Applicant:	Mr David Johnson		
Expiry Date:	21st May 2021		
Case Officer:	Caroline Power		

DECISION REFUSE

1 The redecorated front elevation is considered to be at odds with the character and significance of this listed building and its setting and to the setting of other listed buildings in close proximity as well as to the general character and appearance of the conservation area. This proposal is considered cause less than substantial harm that is not outweighed by any public benefits and fails to meet the requirements of policy HE1 of the Bath and North East Somerset Placemaking Plan 2017 and paragraph 196 of the NPPF.

PLANS LIST:

OS Extract	26 Mar 2021	SITE LOCATION PLAN
Other	18 Mar 2021	FRONT ELEVATION PAINT COLOUR - SUBMISSIO...
Photo	18 Mar 2021	ELEVATION 2021 - STATEMENT 1

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 39-43 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given 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.

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

Responding to Climate Change (Informative):

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

Item No:	07	
Application No:	21/01558/LBA	
Site Location:	Liberal Democrats, 31 James Street West, City Centre, Bath	
Ward: Kingsmead	Parish: N/A	LB Grade: II
Application Type:	Listed Building Consent (Alts/exts)	
Proposal:	External alterations for the replacement of the front door and fanlight above with a matching design, plus the installation of secondary glazing within the ground-floor front elevation windows.	
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 3b,4,5, Air Quality Management Area, Policy B2 Central Area Strategic Policy, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Flood Zone 2, Listed Building, LLFA - Flood Risk Management, MOD Safeguarded Areas, Policy NE1 Green Infrastructure Network, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,	
Applicant:	Clive Dellard	
Expiry Date:	11th June 2021	
Case Officer:	Helen Ellison	

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 Reinstatement of original door (Compliance)

Within 2 months from the point at which 31 James Street West permanently ceases to be used as an office of a Member of Parliament, the original front door shall be reinstated in its original position.

Reason: In the interests of the fabric of the listed 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.

3 Plans List (Compliance)

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

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

PLANS LIST:

This decision relates to the following drawings;

Date: 30.03.2021 Drwg. No. 4142-018 Drwg. title: Front door - as existing
Date: 30.03.2021 Drwg. No. 4142-020 Drwg. title: Secondary glazing - as proposed
Date: 30.03.2021 Drwg. No. 4142-021 Drwg. title: Site plan
Date: 03.06.2021 Drwg. No. 4142-019 G Drwg. title: Front door - as proposed
Date: 13.05.2021 Drwg. No. 4142-022 Drwg. title: Front door - existing & proposed elevations (comparison)
Date: 30.03.2021 Drwg. No. 4142-001 Drwg. title: Location plan

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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.

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.

Bath & North East Somerset Council		
MEETING:	Planning Committee	AGENDA ITEM NUMBER
MEETING DATE:	30th June 2021	
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	21/00435/EREG03 6 May 2021	B&NES Ministry Of Defence Storage And Distribution Centre, Pixash Lane, Keynsham, Bristol, Bath And North East Somerset Redevelopment and consolidation of existing depot site and adjacent land with associated staff parking and access and landscaping works to include the provision of the following: (i) a public re-use and recycling centre (RRC); (ii) material recovery facility (MRF); (iii) waste transfer station (WTS); (iv) Trader (bulky waste); Trade Waste Transfer Station (TWTS); (v) vehicle fleet storage and maintenance; (vi) MOT centre (public); (vii) BANES Parks and Grounds maintenance storage; (viii) BANES Highways winter service and salt store; and ancillary offices.	Keynsham East	Tessa Hampden	PERMIT
02	20/04067/FUL 26 February 2021	Mr & Mrs Jeremy & Sarah Flavell Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath, Bath And North East Somerset Extension and alteration to existing Cottage and creation of two detached dwellings.	Lambridge	Samantha Mason	PERMIT
03	21/02044/FUL 22 June 2021	William Drewett Crewcroft Barn, Hinton Hill, Hinton Charterhouse, Bath, Bath And North East Somerset Barn conversion and alterations to the original building to form straw bale passivhaus standard dwelling.	Bathavon South	Chloe Buckingham	REFUSE
04	21/01646/FUL 1 June 2021	Mr And Mrs Dennis And Catherine Taylor 3 Barrow View, Timsbury Road, Farmborough, Bath, Bath And North East Somerset Erection of first floor side extension	Clutton And Farmborough	Isabel Daone	REFUSE

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 21/00435/ERE03
Site Location: Ministry Of Defence Storage And Distribution Centre Pixash Lane
 Keynsham Bristol 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: Reg03 app with EIA attached

Proposal: Redevelopment and consolidation of existing depot site and adjacent land with associated staff parking and access and landscaping works to include the provision of the following: (i) a public re-use and recycling centre (RRC); (ii) material recovery facility (MRF); (iii) waste transfer station (WTS); (iv) Trader (bulky waste); Trade Waste Transfer Station (TWTS); (v) vehicle fleet storage and maintenance; (vi) MOT centre (public); (vii) BANES Parks and Grounds maintenance storage; (viii) BANES Highways winter service and salt store; and ancillary offices.

Constraints: Saltford Airfield 3km buffer, Agric Land Class 3b,4,5, Contaminated Land, Policy CP9 Affordable Housing Zones, Policy ED2A Strategic & Other Primary In, LLFA - Flood Risk Management, Policy NE5 Ecological Networks, Placemaking Plan Allocated Sites, Railway, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: B&NES

Expiry Date: 6th May 2021

Case Officer: Tessa Hampden

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

REPORT

Reason for reporting to committee

This application is reported to committee as the applicant is the Council, and it involves more than two properties. Therefore in line with the Scheme of Delegation, it must be referred to committee. The application has also been called to committee by Cllr Wait as he considers the committee should have an overview of the large scale development on the site.

Site description and proposal

The application relates to land located off Pixash Lane and Worlds End Lane on the north eastern edge of the settlement of Keynsham. The land extends to approximately 4.07ha and consists of an existing public recycling facility which occupies its north west quadrant; two green fields which occupy its north east quadrant, and the former MoD storage site which occupies its south western quadrant. The site also formally contained the detached and ancillary buildings of Old Longfield Nursery and Downfield Farm, but these have recently been demolished.

The site is bounded to the west by Pixash Lane; to the north by the main Bristol to Bath Railway Line; to the east by open farmland fields; and to the south by World's End Lane. The site lies within the low lying and relatively flat Avon River Valley but ground levels rise to its north to the Cotswolds Plateau and to its south to the Hinton Blewitt and Newton St Loe plateau. The Green Belt boundary lies just to the north and east of the site.

The application seeks planning permission for the redevelopment and consolidation of the existing depot site and adjacent land with associated staff parking and access and landscaping works. The development forms part of a district wide strategy to accommodate a new consolidated depot that has been designed to meet current and future predicted needs over a 40-year time period on a site that has been assembled specifically for this purpose. The development includes the provision of the following:

- (i) a public re-use and recycling centre (RRC);
- (ii) material recovery facility (MRF);
- (iii) waste transfer station (WTS);
- (iv) Trader (bulky waste); Trade Waste Transfer Station (TWTS);
- (v) Vehicle fleet storage and maintenance;
- (vi) MOT centre (public);
- (vii) BANES Parks and Grounds maintenance storage; and
- (viii) BANES Highways winter service and salt store & ancillary offices.

The planning application has been submitted with a voluntary Environment Statement that has been informed by a Scoping Opinion provided by the Local Planning Authority.

Relevant planning history

20/04388/DEM - Prior approval required 29 December 2020 - Demolition of existing maintenance facility (2 no. buildings); existing agricultural buildings (4 no. buildings)

ancillary to agricultural holding); and 2 no. existing dwellings (Longreach and Downend Farm).

21/00191/DEMA - Approve - 12 February 2021 - Demolition of existing maintenance facility (2 no buildings), existing agricultural buildings (4 no buildings ancillary to agricultural holding) and 2 no existing dwellings (Longreach and Downend Farm)

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Planning Policy - No objection

Drainage Engineer - No objection subject to conditions

Archaeology - No objection subject to conditions

Conservation - No objection

Environmental Monitoring/Air Quality - No objection subject to conditions

Network Rail - No objection

Ecology - No objection subject to conditions

Natural England - No objection subject to conditions

Conservation - No objection

Environment Agency - no objection subject to conditions and an Environmental Permit being secured

Contaminated Land - no objection subject to conditions

Cllr Wait - Requests that this application should be heard at committee. Whilst appreciating that each application needs to be treated on its own merit, the committee should have an overview of the large scale development on that site. The media and public who are largely unaware of these plans should be kept informed in the spirit of openness and transparency which are the fundamental considerations of this council

Keynsham Town Council - Support - There are no planning reasons to object to the application as the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017. The granting of permission on this application should be under the proviso that the development proposal including the construction process, materials used, and design should adhere to the B&NES Council's Sustainable Construction Planning Document checklist and all Environmental Policies.

Compton Dando Parish Council - Comments only - They have concerns over the increase in traffic especially as this is already increasing due to the housing developments in the area. The Parish Council request that the replacement sites for the Midland Road site in Bath, should be up and running before work starts on the Pixash Lane development.

6 objections have been received. The objection comments can be summarised as follow:

- Lack of publicity prior to submission
- Traffic and access issues including queuing/parking on Pixash resulting in the blocking of third party access
- Impact on traffic if a Bath recycling site is not secured
- Impact of air quality on nearby residents both through operations on site and increase in traffic
- Lack of details in relation to extraction and odour suppression equipment
- Concerns of the siting of facilities in close proximity to the neighbouring occupiers
- Increased vermin/seagulls
- Noise/odour issues
- General residential amenity concerns
- Inappropriate piecemeal development
- Lack of consideration for residents
- Cumulative impact of development
- Ecological implications
- Loss of privacy
- Visual impact
- Construction management issues
- Drainage concerns

POLICIES/LEGISLATION

The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o 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 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

SD1: Presumption in favour of Sustainable Development

KE1: Keynsham Spatial Strategy

KE3A: Land adjoining East Keynsham: Strategic Site Allocation

CP2: Sustainable Construction

CP5: Flood Risk Management

CP6: Environmental Quality

CP7: Green Infrastructure
CP13: Infrastructure Provision
CP4 District Heating

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:

KE1: Keynsham Spatial Strategy
KE3A: Land adjoining East Keynsham: Strategic Site Allocation
D1: General Urban Design Principles (see extract below)
D2: Local Character and Distinctiveness
D4 - Streets and spaces
D5 - Building design
GB1 - Visual amenities of the Green Belt
D6: Amenity
D8: Lighting
ED2A: Strategic and Other Primary Industrial Estates
H1 - Historic environment
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PCS7A Foul sewage infrastructure
CP5 Flood Risk Management
CP13 Infrastructure Provision
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development
H5 - Retention of housing stock

Relevant policies from the Joint Waste Core Strategy include:

- o Policy 1 - Waste Prevention
- o Policy 2 - Non-residual waste treatment facilities (excluding open windrow composting)
- o Policy 11 - Planning Designations
- o Policy 12 - General Considerations

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

Environmental Statement

Given the likely significant effects on the environment of the proposed development an Environmental Statement (ES) has been submitted with the application. The ES sets out the findings of the assessment of environmental effects, and measures to mitigate those impacts where appropriate.

The EIA Regulations state that the Council cannot grant planning permission in respect of an EIA application unless it has first taken the environmental information into consideration and must state in its decision that it has done so. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development.

The assessment of environmental effects and proposed mitigation form an integral part of the consideration of the proposed development set out in this report. To avoid repetition the findings of the ES are reported below as part of the assessment of the planning issues, together with responses to consultations and other representations received.

Principle of development

The application site is located within the Policy KE3a site allocation within the Placemaking Plan (PMP). Policy KE3a allocates land to the north of the A4, as identified on the Policies Map and on Diagram 23 (strategic site allocation concept diagram) for around 30,000sqm of employment floorspace within use classes B1(b) and (c), B2 and any employment use not falling within the National Policy Framework (NPPF) definition of a main town centre use. Paragraph 95A of the PMP states that Policy KE3a was amended from that originally allocated in the Core Strategy (CS) to include the Pixash Lane waste site in order to enable the delivery of a waste management facility.

PMP Policy KE1 explains that an element of the strategy for Keynsham is to retain and extend the Pixash Lane Industrial Site as an area for business activity. The development is broadly in line with this objective.

Policy 2 of the West of England Joint Waste Core Strategy (JWCS) is supportive of the provision of non-residual waste treatment facilities on land that is allocated in the Development Plan for industrial or storage proposals.

The site formally contained two residential properties but these have been now been demolished under a Prior Approval Notification. However, there was no expectation within PMP policy KE3a that these use would be retained.

The principle of development is therefore supported.

Paragraph 95A of the PMP states that development of such a waste facility would be subject to the PMP principles set out in Policy KE3a and the policies in the Joint Waste Core Strategy. The relevant placemaking principles will be considered in the wider assessment of these proposals.

Master Plan

Policy KE3a requires the submission of a comprehensive masterplan which needs to be consulted on publicly, and agreed by the Council, reflecting best practice as embodied in 'By Design' (or successor guidance), ensuring that development is well integrated with neighbouring areas.

A Masterplan has been submitted with the application and this encompasses the whole of the employment site allocation. The level of detail that has been provided in the submission is sufficient to comply with the requirement in Policy KE3a.

Highway safety

A Transport Assessment (TA) and subsequent addendums to this TA have been submitted to and reviewed by the Council's Highway Team. The scope of the TA submitted in support of the application assessed the impact of the development between The Globe roundabout and Broadmead roundabout.

The traffic generation is based upon the worst-case scenario whereby the existing Midland Road RRC visits transfer to Pixash Lane. BANES Waste Services Team have forecast 329,423 visits to Pixash Lane across the year April 2027 to March 2028, should no new facility be provided in Bath. However, this is the worst case scenario and it is understood that the Council has committed to provide ongoing household recycling facilities in Bath, which is the subject of separate consultation and delivery project. Based on the worst case scenario, the number of visits on a typical day will increase from 464 to 852.

Most of the staff arrive between 06:00 hours and 07:00 hours with refuse collection vehicles (RCVs) departing shortly afterwards. RCVs return from their 'second round' between 14:00 hours and 15:00 hours with most staff departing shortly afterwards. The TA forecasts 23 two-way trips during the am peak period (08:00 hours to 09:00 hours) and two, two-way trips between 17:00 hours and 18:00 hours (recognised pm peak period).

Given that appropriate survey data is not available for the Globe roundabout and that there is currently no indication as to when reliable traffic flow data can be collected, officers accept the applicant's Transport Consultant's conclusion that the impact of the traffic forecast to be generated by the proposals on the operation of the 'Globe' roundabout will be small and does not warrant further investigation.

TA Addendum 3 concludes that the vehicular trips forecast to be generated by the proposed consolidated site will not have an adverse impact on the operation of Broadmead Roundabout. The results of the modelling exercise have been independently reviewed by Aecom, one of the authority's framework partners, who conclude that the model is now validated. The impacts of the trips forecast to be generated by the development on Broadmead Roundabout are acceptable.

The highest Sunday peak demand is the only occasion on which queuing traffic is forecast to impact on the operation of the local highway network. The TA concludes that it is not appropriate to implement physical off-site mitigation measures to control queues that are unlikely to occur. The applicant proposes to introduce control measures to manage demand during peak periods to spread the arrivals and departures more evenly across the week and/or day. ANPR cameras proposed for the consolidated site will allow future demand to be monitored enabling peak periods to be predicted in advance and an on-line booking system to be implemented to manage the throughput and associated queuing at peak times. The number of bookings will be adjusted to ensure that no queuing traffic will impact upon the local highway network. Officers

acknowledge that this booking system has worked very well during lockdown for Midland Road site primarily to manage social distancing restrictions however it also proved beneficial to managing highway impact. The implementation of a booking system will control the throughput and ensure that no queuing traffic will impact upon the local highway network.

The NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Based on the assessment of this application, there is not considered to be a severe highway impact.

Improvements to the existing pedestrian and cycle network for the extent of the red line boundary together with improvements between the application site and the A4 Bath Road, which include enhancement of the existing crossing of the A4 will be secured as part of the permission. Extending the improved walking and cycling infrastructure further east along World's End Lane could be delivered as allocated sites served by World's End Lane come forward.

Onsite parking

The TA confirms that 72 existing members of the Ashmead Road Depot currently park on-street. The TA identifies a demand for between 140 and 154 parking spaces, with the additional demand being between 68 and 82 spaces which can be accommodated by the proposed number of 83 off-street, car parking spaces.

Should the Staff Travel Plan not meet the targeted reduction in the number of single occupancy car trips, the proposed staff car parking area to the east of the main

administrative building and workshop building is likely to be overcapacity, with the possibility of overspill parking activities. The applicant has provided a written undertaking that any overspill car parking activities will be accommodated within the application site with no effect on the off-site, on-street highway network.

The operational areas of the proposed site will not be occupied by council vehicles during the day meaning that they can be made available for staff parking, if required. Shared use of the 14 small vehicle spaces has been incorporated into the parking calculations and a similar shared use of the medium sized vehicle and HGV spaces could accommodate at least a further 100 staff cars. Therefore officers are persuaded that under the worse-case scenario, all staff related parking activities could be accommodated.

Site access

The operational access to the application site is proposed to be taken from Pixash Lane, via a vehicular access constructed directly opposite the eastern extent of Ashmead Road. Whilst the creation of a four-arm crossroads is contrary to good design practice, it is recognised that the long-term aspiration of the authority is to downgrade the section of Pixash Lane north of Ashmead Road to remove motor vehicles, thereby encouraging travel by more sustainable means of transport. This does not however form an adopted policy. Implementation of the authority's long-term aspiration will remove north-south vehicular movements from the section of Pixash Lane, north of Ashmead Road, with the east-west direction of travel becoming the predominant movement. Therefore, officers raise no objection to the creation of a four-arm crossroads given the likely impact of implementing the long-term aspiration.

At detailed design stage, details such as highway signage, carriageway markings, tactile and corduroy paving, street lighting etc. will be assessed. Should planning permission be granted, all works within the adopted public highway and/or the creation of new highway, will be secured through a Section 278 Agreement (or similar) which will require the applicant to submit the detailed design package of the works.

The proposed relocation of the World's End Lane / Pixash Lane priority junction is acceptable in principle with a detailed design package being submitted, should planning permission be granted.

A Construction Management Plan has been submitted and this is considered to be acceptable. This can be secured via condition. The Sustainable Staff Travel Plan is considered to be acceptable

The following 'off-site' highway works will be secured as part of the development:

Prior to Commencement of Phase 1 Works

- Implementation of a highway signage strategy to discourage vehicles from using the section of Pixash Lane, between the A4 Bath Road and World's End Lane.

Prior to Completion of Phase 1 Works

- All highway works on Pixash Lane, including highway signage, carriageway markings, associated paving and any required Traffic Regulation Orders (TROs), as indicated on submitted plan reference 20024-GA05 Revision A (or a variation agreed by the Local Planning Authority);
- All highway works to World's End Lane, including its priority junction with Pixash Lane up to and including the Pixash Lane tangent points, including highway signage, carriageway markings, associated paving, and any required Traffic Regulation Orders (TROs) as indicated on submitted plan reference 20024- GA05 Revision A (or a variation agreed by the Local Planning Authority);
- Installation of tactile paving at the two existing pedestrian crossing points of the A4 Bath Road, including within the current central pedestrian refuge; and Page 21 of 24
- Installation of Real Time Information (RTI) screen in the existing pair of bus shelters on the A4 Bath Road, east of its priority junction with Pixash Lane.

Ecological considerations

Chapter 11 of the ES describes the assessment methodology, the baseline ecological conditions at the site and surroundings, the likely significant ecological effects, the mitigation measures required to prevent, reduce or offset any significant adverse effects, and the likely residual effects after these measures have been implemented. This, and the accompanying reports have been reviewed by the Council's Ecologist and Natural England.

The scheme will require removal of a significant amount of the existing trees, hedgerows and vegetation from within the site with the exception of a limited extent of retained habitat including the southern section of the eastern boundary hedgerow. It is accepted that the existing habitats on the site are overall not considered to be of irreplaceably high ecological value. The factors that are of particular ecological value relate more to existing levels of habitat connectivity, and existing levels of darkness which provide for suitable conditions for bat flight routes.

In response to officer and Natural England comments, revised plans were submitted which demonstrated reduced light spill levels, alongside amendments and increases to landscaping and perimeter planting. These changes were designed to improve screening effects and provide a stronger east-west link along the southern boundary of the site, to maintain suitable connective habitat and sufficiently dark conditions for bats including light-sensitive horseshoe bats to use these features as flight routes.

The proposal acknowledges the ecological impacts of removal of the central hedgerow but considers that the creation of the eastern hedgerow would compensate for the loss of internal hedgerow, and alongside the eastern woodland would provide sufficient foraging and commuting habitat for horseshoe bats. This assessment is accepted. The provision of an additional 100m of off-site compensatory hedgerow is also now proposed. It is recognised that Placemaking Principle 8 attached to PMP KE3a and the accompanying Concept Diagram references the retention of this hedgerow. The purposes of this is to provide a strong landscape and green infrastructure framework. Given the replacement planting, it is considering that this aim is still achieved.

The site falls within 500m of the River Avon which lies to the north, and approximately 10km from component sites of the Bath Bradford on Avon Bats SAC which lies to the east.

The River Avon is considered to provide supporting habitat to the SAC and provides habitat connectivity through rural and urban landscapes. Therefore habitat connectivity to the River Avon, and its proximity to the development site is a factor in assessing potential impacts of the proposal on the SAC. Following an Appropriate Assessment in accordance with the Regulations, BANEs officers, as the competent authority, has ascertained that the project would not have an adverse effect on the Bath and Bradford on Avon Bats SAC either alone or in combination with other plans or projects. This has been agreed by Natural England.

The scheme has been design so that connective landscape perimeter planting is provided and further strengthened, and planting and lighting is designed to provide suitable dark, connective, flight route conditions and habitat for bats including light-sensitive horseshoe bats associated with the SAC. Light spill modelling and lighting design state that conditions will remain dark and suitable for the use of retained and replacement and new planting by horseshoe bats.

Compliance with the landscaping scheme will be secured via the approval of the revised landscape plans. Long term habitat retention and maintenance are described in the submitted LEMP and adherence to this will be secured by condition. Long term monitoring and reporting will be requested as a part of this. Post completion monitoring and ground checks of operational lighting levels will be secured by condition.

An ecological follow-up report to demonstrate all features and measures have been completed and are in accordance with the approved details will also be secured by condition.

The limited extent of green infrastructure through and within the site remains of some concern to the Ecologist. The Ecologist does however recognise that in the overall balance, the need for the facility may justify an absence of green infrastructure within and through the site. In addition, whilst the centre of the site will no longer provide suitable conditions this is suitably compensated by the design and connectivity of the new planting.

Proposed replacement and compensatory habitat provision comprise on-site perimeter tree and shrub belt planting, and off-site provision comprising an area of wildflower meadow creation and areas of new / reinforcement hedgerow planting, as detailed in the Biodiversity net gain and LEMP documents.

A Biodiversity Net Gain quantitative assessment has been undertaken using the DEFRA 2.0 (beta) metric, to demonstrate the change in biodiversity by comparing the existing to the proposed habitats. The proposed measures are sufficient to achieve a net gain for biodiversity and in this case the proposals are considered appropriate to the scheme. The BNG measures can be secured via condition.

Landscape Impact

Policy NE2 infers that development will only be permitted where it conserves or enhances local landscape character, landscape features, local distinctiveness and important views; that development should seek to avoid or adequately mitigate any adverse impact on landscape. PMP principles 7,8 and 9 attached to PMP KE3a also relate directly to landscape matters.

Chapter 10 of the Environmental Statement, and the accompanying Landscape and Visual Impact Assessment (LVIA) undertakes an assessment of landscape character and visual amenity. It has considered the baseline conditions of the application site and its landscape setting. Sensitive receptors have been identified and an assessment of the potential effects arising from the proposed development during construction and at operation years 1 and 15 following completion has been made.

15 key public viewpoints were agreed for assessment, including close range views from the junction of Pixash Lane and Ashmead Road, World's End Lane and views from the Bristol and Bath Railway Path. Medium range views included views from the Bristol and Bath Railway Path, and from a public footpath at northern edge of Manor Road Community Woodland. Longer range views assessed included views from the public footpath south of Willsbridge/ Longwell Green and a view from Kelston Roundhill.

An assessment of the potential impacts on local landscape character during the construction phase has been carried out. This demonstrated that the landscape effects of the development would range from minor to moderate adverse effects on landscape character during construction. The assessment of visual effects concluded that during construction, visual effects are predicted to range greatly between neutral to substantial adverse and that the severity of the effect would generally reduce with increasing distance from the site. These impacts would be temporary and short lived.

The effect during operational phase will be permanent and the effects have been assessed 1 year and 15 years post construction. After 15 years the impacts on landscape character would reduce to neutral for all but the immediate locality of the application site itself as the proposed planting matures to visually contain and screen the development. Whilst the landscape character would fundamentally change due to the loss of open agricultural land, this is to be expected on an allocated site. The development would not appear incongruous in close range views due to the context of the adjoining industrial estate.

It is recognised that there would be some adverse effects on visual amenity at close-range views where the difference from the existing situation would be most apparent. The development will be noticeable from the views such as Pixash Lane, and World End Lane. It would be difficult to completely conceal these buildings from these views given their scale and the function of the site. However along the southern boundary there would be a tall hedgerow and individual trees set within it. This would serve to lessen the prominence the development experienced at the public frontage.

This LVIA has informed the landscape strategy and the necessary mitigation. For example, the light white roof of the Pixash Works building in Ashmead Industrial Estate is highly conspicuous in a number of views and it is therefore vital the design of the buildings within this scheme better reflect their sensitive location. Further, the additional planting must be sufficient to screen the proposed buildings from these views.

Overall, appropriate mitigation measures for the site have been identified during the construction phase and operational phases. Substantial new tree planting at the boundaries is proposed with an emphasis at the northern and eastern boundaries. The proposed trees would include semi-mature stock with eventual mature heights of 10-20m.

Substantial heights of trees at planting would give a degree of visual screening at the outset of operation. Future mature tree heights of up to 20m would relate to the maximum heights of the tallest components of the development, the tallest of which would be the ventilation extract flue at 20m above the MRF finished floor level. Additionally, the species selection would include both evergreen and deciduous trees to ensure a degree of year-round screening.

Areas of native structure planting would be associated with the blocks of new tree planting. By year 15 in the assessment, the structure planting would develop into a dense woodland block with a range of tree age, height and form when viewed in combination with the semi-mature planted stock.

Further to the tree planting mounding would be provided across the northern, eastern and south western boundaries which will effectively increase the height of trees planted on it. In the south west the mounded landform will aid in screening the RRC.

Roof and facade cladding materials on proposed buildings would be of visually recessive colours based on a limited palette of grey tones. Further to this, the MRF has been designed with a pattern of contrasting greys to its northern façade helping to visually break up the mass of this large building.

The submission concludes that the nature of the proposed development is in principle in-keeping with the existing landscape character, but only when combined with a landscape scheme of substantial tree and shrub planting concentrated at key boundaries so as to give effective containment and physical separation to otherwise anomalous land uses and character. There are no reasons for officers to disagree agree with this conclusion and officers are now satisfied that sufficient landscaping is in place to achieve these aims.

Beyond the site, to the north east and east the landform rises to reach a ridgeline above Upton Cheyney, North Stoke and Kelston to include locally significant high points such as Kelston Roundhill 4km to the east. This elevated region is within the Cotswolds AONB. It is noted that Natural England have advised that the LPA consider consulting the AONB Board although it must be recognised that they are not a statutory consultee.

The impacts upon the landscape character including that of the AONB has been fully considered in the LVIA and by officers. The Council are therefore considered to have fulfilled their duties in this regard and subject to the mitigation being in place, there is not considered to be harm to the landscape character of the AONB or its setting,

Paragraph 141 of the NPPF makes clear that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use and retain and enhance landscapes, visual amenity and biodiversity. Bath and North East Somerset Council's adopted Local Plan Policy GB1 states that development within or conspicuous from the Green Belt should not prejudice but should seek to enhance the visual amenity of the Green Belt by reason of its siting, design or the materials used for its construction. Subject to the robust landscape scheme and appropriate choice of materials, the development is not considered to harm the visual amenities of the Green Belt.

Site layout/design

As an allocated site, there is an acceptance that the character of the site will change as a result of the development. Given the nature of uses within the scheme, the development will naturally appear as an extension to the Ashmead Industrial Estate which is characterised by commercial development generally comprising light industrial units and office buildings. However, careful consideration must be given to matters such as scale, siting, materials and landscaping to ensure that the development does not compound any visual harm caused by this existing development as identified in the LVIA.

The development proposes a significant amount of built development on the site. It is however recognised that the scheme needs to design modern fit-for-purpose waste and recycling management facilities that are future proofed to allow increases from future housing growth. The submission explains that the scale of the development reflects the volumes and capacities required to establish the most efficient and sustainable operation. For example, the largest proposed facility on the site will be the MRF building. Predicted waste modelling forecasts have been used to determine storage capacity requirements and therefore the size of the building. Similar forecasts have been used to establish the sizes of other areas, such as the WTS, which takes into account current and project recycling trends.

Similarly the layout has been informed through functional requirements as well as site constraints. This allows for limited Green Infrastructure within the site and this has therefore been focussed on the site boundaries. However, a green wall with climbing plants has been included to the western elevation of the salt barn and across the retaining wall to the south. This aids in softening the built form in views from the west and on the approach from Pixash Lane.

The site is arranged to clearly separate public and council use. Public functions, such as the RRC, are located to the front of the site to give them greater prominence on the approach from Pixash Lane. The siting of the office building and public uses towards the frontage of the site will allow the site to have an active frontage which is beneficial to the public realm.

The design of the buildings is generally dictated by their function as industrial buildings. The buildings will be primarily be constructed from within dark grey cladding which again reflects their function as modern industrial buildings but has also been driven by the need for the buildings to appear recessive in a wider contextual setting. An element of traditional materials, including natural lias limestone is to be used in the office building in compliance with Policy KE3a.

Overall, the scale, siting, appearance and landscaping of the scheme is considered to be acceptable.

Arboricultural Matters

Policy NE6 states that development will only be permitted where it seeks to avoid any adverse impact on trees of wildlife, landscape and amenity value; includes appropriate retention and new planting of trees; and if it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development compensatory provision is made in accordance with the guidance in the Planning Obligations SPD.

The majority of trees within the site will be removed to accommodate the proposal. However, this change has in part been accepted through the concept diagram attached to KE3a in order for it to accommodate the necessary highway improvements and house the employment buildings. As reference above, PMP KE3a and the accompanying Concept Diagram references the retention of a hedgerow running north to south, the purposes of this was to provide a strong landscape and green infrastructure framework. Given the replacement planting, it is considered that this aim is still achieved. Overall the planting plan demonstrates that proposed tree removal can be fully compensated on site with new planting.

The Arboricultural Officer has raised some concerns with regards to pinch points in the green infrastructure provision near the dogleg along the eastern boundary and north western most corner. However, whilst it is recognised that these areas of green infrastructure are narrower, there are still considered to be sufficient and represent an appropriate tree belt.

Heritage

The application has included a supporting heritage statement and the conclusions of the report in respect of built heritage is agreed with. There are no objections to the demolition of the buildings or with the impact on the nearby listed buildings.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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. Here it is considered that the setting of this listed building is preserved.

The submitted Heritage Statement concludes that there is little potential for highly significant archaeology on the site but there is potential for Roman remains relating to a possible road and other pit features. These will require investigation and possibly further archaeological excavation of areas of the site. This can be secured via condition.

Residential amenity

PMP policy D6 requires that development must allow for appropriate levels of amenity and allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light. Further it should not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbances. Policy 12 - General Considerations of the Joint Waste Core Strategy 12 advises that the application must consider the adverse effects on residential amenity including noise, fumes, vibration, glare, light pollution, dust, litter, odour and vermin.

The nearest existing residential properties are located to the south on the north side of Bath Road. A care home is currently being erected on the corner of Bath Road and Pixash Lane which will, when occupied, increase the number of occupiers who may be impacted upon by the development if the operations are not properly controlled. Third parties, including representatives of the care home, have raised concerns.

The applicant has submitted an Operational Statement which summarises the proposed operational activities and associated opening times. It is imperative to note that the site will be operated in accordance with an Environmental Permit issued by the Environment Agency. The permit will only be granted once the Environment Agency are satisfied that the operations on site will not cause unacceptable harm to any nearby receptors. The permit will contain specific conditions to ensure that emissions such as noise, air, odour and dust from the site are regulated and will ensure that all operations on site are carried out in accordance with the specific management plans approved by the Environment Agency as part of this permitting regime. The Environment Agency will be in charge of enforcing any conditions attached to that permit.

Officers do not have any reason to believe that this permit will not be granted. The application has demonstrated that the scheme has been designed to minimise the impact upon the nearest neighbouring occupiers. The proposed Material Recovery Facility and Waste Transfer Station which have the potential to cause nuisance, have been located on the northern edge of the site (159m from the Care Home) and emissions from these functions are further mitigated by being contained within a building and the use of extraction systems.

The canopy above the RRC is angled to deflect sound back into the site, a 4m high wall to the full length of RRC area serves as acoustic barrier. The RRC lower level is also set below World's End Lane. A landscaped buffer offers further screening of the site.

The submitted noise assessment appraises the impact during construction and operational phases of the development. Mitigation measures have been identified within the acoustic report which are relevant to the construction phase and accordingly a condition should be included to control this phase.

Whilst the operation of the site will be strictly controlled by the Environmental Permit, the technical assessments have confirmed that proposal will not create adverse noise and odour impacts beyond the application site boundaries. These have been reviewed by the Council's Environmental Monitoring and Health Officer who have raised no objection to the scheme.

Concerns have been raised with regards to the loss of privacy to neighbouring buildings resulting from people using the site. However, there is a sufficient distance between the site and neighbouring dwellings, with screening in place, to ensure that there is not significant loss of privacy.

Overall, on the basis of the above, and noting the need for an Environmental Permit to control the operation of the site, the development is not considered to result in an adverse impact upon the neighbouring occupiers. It is noted that a third party has requested that a number of conditions are included on any permission. Whilst it is noted that it is important to control measures identified, these will be managed through the Environmental Permit. Planning conditions should not repeat matters covered by other legislation, and the conditions are therefore not necessary.

Air Quality

An Air Quality Assessment has been submitted as part of the ES and this has been reviewed by the Council Officers. The overall approach of this assessment is acceptable. The report is broken into three sections, construction dust, operational effects and odour.

The assessment shows that the nitrogen dioxide and PM10 concentrations will remain below 40 $\mu\text{g}/\text{m}^3$ and PM2.5 concentrations remain below 25 $\mu\text{g}/\text{m}^3$ although there are some negligible effects at some locations. As concentrations are predicted to remain below the objectives there is no objection to the development.

The report shows that if mitigated the effects of construction dust are insignificant. To mitigate the effects of the demolition and construction dust shown in the air quality assessment a condition is recommended to ensure that there is no impact on local residents. It is also recommended that deliveries to site are scheduled out of peak times to reduce congestion on the A4 Bath Road.

Contaminated Land

A Land Quality Statement was submitted with the application. This has reviewed by the Council's Contaminated Land Officer and taking account of the findings and recommendations of the report, there are no objections to the development subject to conditions.

Drainage

The application was accompanied by a drainage strategy which complies with Part H of the Building Regulations, and the SuDS hierarchy pursuant to Paragraph 80 of the NPPF. This has been reviewed by the Council's Drainage Engineer who is satisfied that this provides a suitable drainage solution that will not result in any increase to flood risk. There is therefore no objection subject to the detailed drainage package being secured via a planning condition.

Sustainable construction

The application included a detailed Sustainability Statement and the Council's Sustainability Construction Checklist. This demonstrates that sustainable construction has been given full consideration in the design process.

The benchmark for demonstrating that energy efficiency has been "maximised" as required by CP 2 is a 19% reduction in regulated emissions compared to that required by the Building Regulations. 10% of this reduction must be from renewable energy sources (see below) and the remaining 9% may be from other means (such as energy efficiency/building fabric etc.)

Policy SCR1 requires (for developments of 10 or more dwellings or 1000sqm but excluding B2 and B8 uses) a reduction in carbon emissions (from anticipated regulated energy use) of at least 10% by the provision of sufficient renewable energy generation. The 10% reduction must be achieved by means of renewable energy generation not by means of low-carbon technologies or other means of reducing carbon emissions.

The Sustainable Construction Checklist demonstrates compliance with the above policies. It is noted that not all buildings on the site are required to be assessed as they are not heated. However, sustainable construction has been duly considered for the site as a whole. Measures across the wider site include:

- The buildings on the new site have been designed to avoid the installation and use of natural gas and the site runs almost entirely on electricity.
- Use of Mechanical Ventilation with Heat Recovery (MVHR) systems, to improve on controlled ventilation requirements and to integrate with high levels of air tightness.
- Careful consideration of window sizes and window type, to maximise beneficial solar gain and daylight, but to control heat loss and overheating.
- Generally heating (and cooling where required) by a high-efficiency, heat recovery VRF system with appropriate control.
- A dedicated CO2 air-to-water heat pump for the production of hot water.
- Inclusion of 450 sqm of solar PV panels
- The site operation will also require reasonable water capacity for wheel washing and hose down, and a rainwater harvesting system is considered for this use.

Planning Policy CP4 states that the use of district heating will be encouraged. The policy sets out district heating "priority areas" and "opportunity areas". Sites within "priority areas" will be expected to incorporate infrastructure for district heating and connect to existing systems when and when available. Sites within "opportunity areas" will be encouraged to incorporate infrastructure for district heating and expected to connect into any existing systems if possible.

The design of the new buildings requiring heating and/or cooling, will be designed so that they can be connected to the future heat network once that has been implemented. This will include future connection points, and distribution routes identified as part of the infrastructure development

Planning balance/conclusions

The development is located on an allocated site and is therefore supported in principle. The development will result in significant improvements in the services provided for current and future residents in the BANES area.. In order for the Council to continue to meet its duty of care for recycling and the transfer and disposal of household waste, it must have appropriate facilities. The provision of operational depots that are well-designed and maintained to accommodate the necessary infrastructure to allow the Council to perform this function is considered to be a significant public benefit.

The proposed development will result in the removal of trees and hedgerows, but these will be adequately replaced. Whilst the proposals will change the landscape character and have visual amenity impacts particularly from the most immediate views., this is not considered to be unduly harmful. Any changes in character to the site is a natural result of the development of an allocated site for this purpose, and subject to substantial planting to mitigate the impact, the overall impact is considered to be acceptable. The matters of noise and odour and other forms of nuisance associated with the operational development will be controlled through the Environment Permit and enforced by the Environment Agency.

The application has been assessed based on the worst case scenario in terms of highway impact, but subject to highway improvements and mitigation measures, the development is not considered to result in any significant highway safety issues or result in a severe highway impact.

The development is therefore considered to comply with the relevant policies of the Development Plan including those within the Joint Core Waste Strategy.

It is therefore recommended that planning permission is granted subject to a number of conditions. As referenced above, conditions are not considered to be necessary to control matters covered by the Environmental Permit.

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 Phasing Plan (Compliance)

The construction of the development hereby approved shall not proceed other than in accordance with the approved phasing plan PXH-SRA-00-L1-DR-A-PL-170 P02 or in accordance with an amended phasing plan as submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary that the stages of development and the provision of associated public services and infrastructure follow a co-ordinated sequence.

3 Highway Signage Strategy (Pre-Commencement)

No work shall commence on the development site until a highway signage strategy has been submitted to and approved by the Local Planning Authority in accordance with a design and specification to be approved in writing by the Local Planning Authority, and to be fully implemented to the satisfaction of the Local Planning Authority.

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.

4 Highway works (Pre-Commencement)

No operation of the Phase 1 development shall commence until the highway works indicated on submitted plan reference 20024-GA05 Revision A (or a variation agreed by the Local Planning Authority), have been constructed to the satisfaction of the Local Highway Authority.

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.

5 Parking (Compliance)

The internal transport arrangements including circulation lanes, stacking lanes, footways, areas allocated for parking and turning, as indicated on submitted plan references 20024-GA05 Revision A and 157-801 Revision P4, shall be kept clear of obstruction and shall not be used other than for the purpose intended and in connection with the development hereby permitted.

Reason: To ensure sufficient operation, manoeuvring, circulation, 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 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.

7 Drainage (Pre commencement)

Prior to the commencement of any works on site, details of the provision for the sustainable disposal of surface water within the site, so as to prevent its discharge onto the public highway, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be fully implemented in accordance with the approved details.

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

8 Visibility Splay (Pre-occupation))

No occupation of the development shall commence until the visibility splays shown on drawing number 20024-GA05 Revision A have been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay 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 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least 30 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.

10 Motorcycle Parking (Pre-occupation)

No occupation of the development shall commence until motorcycle parking for at least 24 motorcycles 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.

11 Travel Plan (Compliance)

The development shall be operated in accordance with the approved Travel Plan prepared by MWT dated April 2021 or as otherwise approved in writing by the Local Planning Authority

Reason: In the interest of encouraging sustainable travel methods

12 Construction Traffic Management Plan (Compliance)

The development shall be constructed in accordance with the approved Construction Traffic Management Plan prepared by MWT dated January 2021 or as otherwise approved in writing by the Local Planning Authority.

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.

13 Stage 3 Road Safety Audit)

The completed highway works shall be subject of an independent Stage 3 Road Safety Audit (RSA). The audit will be undertaken in accordance with GG119 and the audit brief together with the CV of the Audit Team Leader and Audit Team Member shall be submitted to and approved in writing by the LHA. A representative of the LHA shall be present at the Stage 3 RSA site visit an observer and a representative of Avon and Somerset police shall be invited to attend the daytime and night-time site visits.

Reason: In the interest of highway safety.

14 Closure of Access (Bespoke Trigger)

Prior to the operational of phase 2 of the development being brought into use, the existing access on Pixash Lane shall be permanently closed and a footway/verge reinstated, including the raising of dropped kerbs, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is served by a safe access in the interests of highway safety in accordance with Policy ST7 of the Bath and North East Somerset Placemaking Plan

15 Programme of archaeological work (Pre-Commencement)

No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and 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 significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development work

16 Archaeological field evaluation (Pre-Commencement)

No development shall commence until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the Local Planning Authority, and has secured the implementation of a subsequent programme of archaeological recording and/or mitigation work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the Local Planning Authority. 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 significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan. This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

17 Construction Environmental Management Plan (CEMP) (Compliance condition)

The development hereby approved shall be implemented only in full accordance with the approved Construction Environmental Management Plan dated April 2021 by Ethos.

Reason: to avoid harm to wildlife and protected species during site preparation and construction

18 Biodiversity Net Gain and Landscape and Ecological Management Plan (LEMP) (Compliance condition)

The proposed habitat provision, biodiversity offsetting, and long term implementation of the Ecological Management Plans, and Monitoring, Remediation and Review, as detailed in the approved "Biodiversity Net Gain Results" document dated April 2021 by Ethos and the implementation of the approved Landscape and Ecological Management Plan (LEMP) dated January 2021 by Ethos shall be carried out and completed fully in accordance with the approved details. Reports of findings of all monitoring and any remediation

requirements and progress, and review and proposed changes to the LEMP and Ecological Management Plans as applicable, shall be submitted to and approved by the Local Planning Authority following each monitoring and review occasion.

Reason: to avoid net loss to biodiversity and to deliver additional net gain for biodiversity in accordance with the requirements of NPPF and emerging national legislation and Local Plan Policy.

19 External Lighting (Compliance and Bespoke Trigger)

All external lighting associated with the development hereby approved must be installed maintained and operated only in strict accordance with "ADDENDA TO REP05 EXTERNAL LIGHTING STATEMENT R1" reference 4605 REP08 ADDENDA (E3 Consulting Engineers, 14 April 2021). No additional or replacement new internal or external lighting shall be installed that is not in accordance with approved details, without full details of proposed new lighting being first submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed lamp models and manufacturer's specifications; proposed lamp positions, numbers and heights with details also to be shown on a plan; details of predicted lux levels and light spill; and 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; 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.

20 Light Level Monitoring (bespoke trigger)

Within six months of operation of the new external lighting system a compliance report of light spill levels shall be completed showing operational light levels within and adjacent to bat habitat, at intervals at ground level and at heights above ground level. In addition, details of a proposed a long term Light Level Monitoring and Remediation Plan, designed to

monitor the continued effectiveness of the scheme and its lighting, light containment and controls, and to demonstrate continued avoidance of light spill onto sensitive features and bat habitat, shall be submitted to and approved in writing by the Local Planning Authority. The Light Level Monitoring and Remediation plan shall thereafter be implemented and adhered to.

Reason: to rule out any future risk of harm to bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation arising from light spill onto bat habitats

21 Bat Mitigation and Bat Monitoring Scheme (bespoke trigger)

The development hereby approved shall be implemented fully in accordance with all approved bat mitigation measures including approved landscape and lighting design and as detailed in the approved Ecological reports and Demolition Bat Survey Report (Ethos, Nov 2020). Within six months of completion of bat mitigation measures a Bat Monitoring Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Bat Monitoring Scheme shall provide details of proposed monitoring of bats and roosts and mitigation features at the site including: horseshoe bat activity along linear habitat features; bat monitoring of all bat mitigation features and the bat house (and its condition and maintenance requirements). The monitoring shall be carried out for a

minimum of a 10 year period and frequency and timings of monitoring shall be defined in the scheme. The Bat Monitoring Scheme shall thereafter be carried out in accordance with approved details. A report of all monitoring findings shall be submitted to the Local Planning Authority within 2 months of each monitoring exercise.

Reason: to demonstrate and monitor continued adherence to and effectiveness of bat mitigation and avoid harm to bats and their roosts and horseshoe bat activity.

22 Ecology Follow-up Report (post-construction / Pre-operational)

No operation of the development hereby approved or new external lighting for the relevant completed development phase (as applicable) shall commence until a report produced by a suitably experienced ecologist and based on a post-construction site visit, confirming and demonstrating, using photographs, completion and implementation of all ecological and

protected species, bat and horseshoe bat mitigation and compensation measures applicable to that phase, including (but not limited to): adherence to the approved CEMP; implementation of all new planting and habitat creation; completion of reptile translocation and mitigation and bat mitigation schemes; 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 Ecological and protected species including horseshoe bat mitigation in accordance with approved details, to prevent ecological harm

23 a Construction Dust Environmental Management Plan)

No development shall commence until a Construction Dust Environmental Management Plan for all works of construction and demolition has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall comply with the guidance the BRE Code of Practice on the control of dust from construction and demolition activities. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policies D6 and PCS3 of the Bath and North East Somerset Placemaking Plan.

24 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.

25 Tree Protection Plan - Implementation (Compliance)

No development activity shall commence until the protective measures as stated in the approved annotated tree protection plan are implemented. The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policy NE.6 of the Placemaking Plan and CP7 of the Core Strategy. 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.

26 Hard and Soft Landscaping (Compliance)

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 (phasing) 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 in accordance with Policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

27 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.

28 Sustainable Construction Details -Renewable Energy (Pre-Occupation)

The relevant parts of the development shall achieve an overall reduction in carbon emissions of at least 19% as compared to the Building Regulations Part L baseline; at least 10% of the overall reduction shall be by means of on site renewable energy

generation and the remaining 9% by other means (for example energy efficient construction).

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted for approval to the local planning authority together with the further documentation listed below:

- o Table 2.1 Energy Strategy (including detail of renewables)
- o Table 2.2 Proposals with more than one building type (if relevant)
- o Table 2.3 (Calculations);
- o Building Regulations Part L post-completion documents for renewables;
- o Building Regulations Part L post-completion documents for energy efficiency;
- o Microgeneration Certification Scheme (MCS) Certificate/s

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

29 Contaminated Land - Remediation Scheme (Pre-commencement)

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

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

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

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

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

30 Contaminated Land - Verification Report (Pre-occupation)

No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in

writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

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

31 Contaminated Land - Unexpected Contamination (Compliance)

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

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

32 Operational Statement (Compliance)

The development hereby approved shall be carried out only in accordance within the operational hours as cited within the approved operational statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

33 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:

0 20 Apr 2021	13478-CRH-XX-00-DR-C-5050-P3	PROPOSED DRAINAGE LAYOUT
20 Apr 2021	157-002_P5	LANDSCAPE PLAN
20 Apr 2021	157-004_P5	PLANTING PLAN - 1 OF 4
20 Apr 2021	157-005_P5	PLANTING PLAN - 2 OF 4
20 Apr 2021	157-006_P5	PLANTING PLAN - 3 OF 4
20 Apr 2021	157-007_P5	PLANTING PLAN - 4 OF 4
20 Apr 2021	3611-PL-150-P06	PROPOSED SITE PLAN - LOWER
20 Apr 2021	3611-PL-151-P05	PROPOSED SITE PLAN - UPPER
20 Apr 2021	3611-PL-152-P05	PROPOSED SITE PLAN - ROOF
20 Apr 2021	3611-PL-161-P03	PROPOSED N - S SITE ELEVATIONS
20 Apr 2021	3611-PL-162-P03	PROPOSED E - W SITE ELEVATIONS

20 Apr 2021	3611-PL-230-P03	OFFICES AND WORKSHOP - N - S ELEVATIONS
20 Apr 2021	3611-PL-232-P03	OFFICES AND WORKSHOP - E - W ELEVATIONS
20 Apr 2021	3611-PL-240-P04	RRC - LEVEL 0 PLAN
20 Apr 2021	3611-PL-242-P04	RRC - ROOF PLAN
20 Apr 2021	3611-PL-241-P04	RRC - LEVEL 1 PLAN
20 Apr 2021	3611-PL-251-P04	RRC - N - S ELEVATIONS
20 Apr 2021	3611-PL-252-P03	RRC - E - W ELEVATIONS
01 Feb 2021	13478-CRH-XX-00-DR-C-5001-P1	PROPOSED CONTOURS PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5002-P1	PROPOSED PAVEMENT CONSTRUCTION PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5051-P1	PROPOSED IMPERMEABLE AREAS PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5055-P1	PROPOSED OVERLAND FLOOD ROUTES PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5051-P1	PROPOSED IMPERMEABLE AREAS PLAN
01 Feb 2021	13478-CRH-XX-00-DR-C-5055-P1	PROPOSED OVERLAND FLOOD ROUTES PLAN
01 Feb 2021	157-008_P4	TREE RETENTION AND REMOVAL PLAN
01 Feb 2021	157-401_P4	TREE PIT STANDARD HEAVY STANDARD TREE
01 Feb 2021	157-402_P4	TREE PIT SEMI MATURE TREE
01 Feb 2021	157-403_P4	TREE PIT SEMI MATURE IN HARD LANDSCAPE
01 Feb 2021	157-501_P4	SITE SECTIONS A-A AND B-B (NORTHERN BOUNDARY
01 Feb 2021	157-502_P4	SITE SECTIONS C-C AND D-D (NORTHERN BOUNDARY
01 Feb 2021	157-503_P4	SECTIONS E-E AND F-F (SOUTHERN BOUNDARY)
01 Feb 2021	157-504_P4	SITE SECTIONS G-G AND H-H (EASTERN BOUNDARY
01 Feb 2021	157-505_P4	SITE SECTIONS I-I AND J-J (WESTERN BOUNDARY
01 Feb 2021	157-506_P4	SITE SECTION K-K (WESTERN BOUNDARY)
01 Feb 2021	157-801_P4	ILLUSTRATIVE MASTERPLAN 1:500 @A1
01 Feb 2021	157-803_P4	ILLUSTRATIVE MASTERPLAN
01 Feb 2021	20024-GA01-04 REV A	ACCESS PLANS
01 Feb 2021	20024-GA05 REV A	OVERVIEW OF SITE ACCESS ARRANGEMENTS
01 Feb 2021	210128	AREAS DIAGRAM
01 Feb 2021	3611-PL-010-P03	EXISTING SITE PLAN - BUILDING KEY
01 Feb 2021	3611-PL-020-P02	EXISTING SITE BLOCK PLAN
01 Feb 2021	3611-PL-021-P02	EXISTING N-S CONTEXT ELEVATIONS
01 Feb 2021	3611-PL-022-P02	EXISTING E-W CONTEXT ELEVATIONS
01 Feb 2021	3611-PL-025-P02	EXISTING CONTEXT SECTIONS AA-BB
01 Feb 2021	3611-PL-026-P02	EXISTING CONTEXT SECTIONS CC-DD
01 Feb 2021	3611-PL-050-P05	DEMO PLAN
01 Feb 2021	3611-PL-065-P02	BAT HOUSE DETAILS
01 Feb 2021	3611-PL-110-P06	COMP MASTERPLAN
01 Feb 2021	3611-PL-165-P02	PROPOSED SITE SECTIONS AA-BB
01 Feb 2021	3611-PL-166-P02	PROPOSED SITE SECTIONS CC-DD
01 Feb 2021	3611-PL-200-P02	MRF-WTS - LEVEL 0 PLAN
01 Feb 2021	3611-PL-201-P02	MRF-WTS - LEVEL 1 PLAN
01 Feb 2021	3611-PL-202-P02	MRF-WTS - ROOF PLAN
01 Feb 2021	3611-PL-212-P02	MRF-WTS - E-W ELEVATIONS
01 Feb 2021	3611-PL-215-P02	MRF-WTS - SECTIONS
01 Feb 2021	3611-PL-220-P02	OFFICES-WORKSHOP - LEVEL 0 PLAN

01 Feb 2021	3611-PL-221-P02	OFFICES-WORKSHOP - LEVEL 1 PLAN
01 Feb 2021	3611-PL-222-P02	OFFICES-WORKSHOP - ROOF PLAN
	3611-PL-235-P02	OFFICES-WORKSHOP - SECTIONS
01 Feb 2021	3611-PL-255-P02	RRC - SECTIONS
01 Feb 2021	3611-PL-260-P02	TWTS-SALT STORE - LEVEL 0 PLAN
01 Feb 2021	3611-PL-261-P02	TWTS-SALT STORE - ROOF PLAN
01 Feb 2021	3611-PL-271-P02	TWTS-SALT STORE - N-S ELEVATIONS
01 Feb 2021	3611-PL-272-P02	TWTS-SALT STORE - E-W ELEVATIONS
01 Feb 2021	3611-PL-275-P02	TWTS-SALT STORE - SECTIONS
01 Feb 2021	3611-PL-280-P03	WB CONTROL OFFICE - LEVEL 0 PLAN
01 Feb 2021	3611-PL-281-P03	WB CONTROL OFFICE - ROOF PLAN
01 Feb 2021	3611-PL-285-P03	WB CONTROL OFFICE - ELEVATIONS
01 Feb 2021	3611-PXH-SRA-00-00-DR-A-PL-001-P02	SITE LOCATION PLAN
01 Feb 2021	157-SCH-003_P4	PIXASH WES DEPOT PLANTING SCHEDULE

0 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.

0 The development must be operated in full accordance with an Environmental Permit issued by the Environment Agency

0 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

0 The Local Highway Authority (LHA) requires the developer to submit full construction details regarding the delivery of the off-site highway improvements. All works will need to be approved by the LHA and suitable supervision in place prior to commencement of the works. Further information in this respect may be obtained by contacting the LHA

0 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: 20/04067/FUL
Site Location: Waterworks Cottage Charlcombe Way Fairfield Park Bath Bath And North East Somerset



Ward: Lambridge **Parish:** N/A **LB Grade:** N/A
Ward Members: Councillor Rob Appleyard Councillor Joanna Wright
Application Type: Full Application
Proposal: Extension and alteration to existing Cottage and creation of two detached dwellings.
Constraints: Article 4 HMO, Agricultural Land Classification, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, 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 NE3 SNCI, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs Jeremy & Sarah Flavell
Expiry Date: 26th February 2021
Case Officer: Samantha Mason
 To view the case click on the link [here](#).

REPORT

Reason for Committee:

The local ward councillor requested the application be heard before committee should the officer be minded to permit. In this instance the officer is minded to permit, and in line with the Scheme of Delegation the application was referred to the Chair of the committee for a decision on whether it be heard at committee or delegated. In her decision the Chair recommended committee, saying 'The officer and applicant have worked together during the application process to address the concerns and objections raised against this

complex development. The final proposal is now largely policy compliant, but given the number of varied comments made by third parties and the judgement applied to assess planning balance against policy, I believe that this would benefit from open debate by the planning committee.'

Details of location and proposal and Relevant History:

The application refers to a site is located in the Fairfield Park residential area of Bath, within the World Heritage site but outside of the Conservation Area. The Green Belt bounds the site to the north along with the AONB.

Planning permission is sought for extension and alteration to the existing cottage along with the creation of two detached dwellings

Relevant Planning History:

There is no relevant planning history on this site.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

CONSERVATION:

16th Dec 2020: Object. The proposed development will require the demolition of Waterworks Cottage that is recommended as a locally listed heritage asset. There will consequently be significant harm caused to this non-designated heritage asset through its loss that would be contrary to policy.

17th March 2021: Scope for revision. Whilst I recognise that the scheme has been revised to retain the existing cottage, which is a great improvement, thus resulting in the harm from its loss being much reduced, however, the scheme still results in an awkward addition to the front of the locally listed heritage asset and the additional development within its grounds, thereby undermining its tranquil setting. The scale of harm is of a minor nature and the scheme will need to be considered against paragraph 197 of the NPPF.

HIGHWAYS:

13th Nov 2020: additional information required in regards to parking space details, cycle spaces, rights of acces, swepth path analysi for emergancy vehicles and waste management strategy.

5th Feb 2021: Revisions required to parking area of plot 1 and plot 2 in terms of spaces and highwasy saftey.

3rd March 2021: further information in regards to the swepth path still required.

11th March: HDC officers consider that the two-way vehicular trips which will be generated by 'Plot 3' represent an intensification of use of the unadopted, private access road, therefore, the applicant should be requested to amend the plan, or prepare an alternative

plan, which demonstrates, by means of swept path analysis, that the junction of Charlcombe Way and the unadopted, private access road is fully accessible to a 'large' car. The applicant should also be requested to demonstrate that visibility of 2.4-metres by 25- metres is available in both directions from the unadopted private access road onto Charlcombe Way.

8th April 2021: Officers consider that the junction of Charlcombe Way and the private access road, in its current form, is sub-standard in terms of width and visibility and is therefore unsuitable to safely accommodate the additional two-way vehicular trips which will be generated by proposed 'Plot 3'. The applicant should be requested to investigate options to address the highway concerns summarised above.

12th May 2021: No objection. A vehicular access to the application site exists and, currently, motor vehicles are required to reverse onto Charlcombe Way with little or no visibility of other motor vehicles using the carriageway or vulnerable road users. Having reviewed the PIC data, there is no evidence that the use of the current access is prejudicial to highway safety. Whilst officers note that the access is sub-standard in terms of width and visibility, there are no opportunities to improve the current situation. We note that 'Plot 3' includes the provision of on-plot turning facilities which will allow future occupiers to enter the adopted public highway in a forward gear, which we recognise to be an improvement in highway safety terms.

DRAINAGE:

26th Nov 2020: No objection

9th Feb 2021: No objection.

LANDSCAPE:

26th Nov 2020: No objection subject to conditions

ECOLOGY:

30th Nov 2020: further information required in regards to the ecological mitigation and enhancement scheme, as well as specifically to frogs.

22 Feb 2021: more information required to rule out the risk of harm to protected species (great crested newt); more information on risk of impacts to SNCI and more information on net biodiversity gain required.

21st April 2021: Further to submission of revised plans and Biodiversity Net Gain calculation, some additional information is still awaited, and some further clarification and revisions are requested; these issues must be addressed prior to determination to enable the ecology objection to be withdrawn.

18th May 2021: DNA test results for the pond have been submitted confirming great crested newt is not present in the nearby pond, and further checks have been carried out to ascertain whether there is badger activity on the site. No active setts were present. lighting plans need clarification as does BNG calcs and future maintenance.

11th June 2021: No objection subject to conditions. Ecological maintenance is recommended to be secured via s106.

Representations Received :

Cllr Appleyard: 'If you are mindful to permit this application can I request that it is put before the committee for a wider discussion please. This application has attracted concern from a very large number within this community and close neighbouring ward residents who feel the loss of a historic building should be a major concern in any deliberations, I believe the number of objector's comments exceed 180 and rising. There are also concerns on the over development of the site and together with ecological concerns on elements such as toads and bats this reinforces the request that a wider consideration is given to this application'

Cotswolds Conservation Board: In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.² The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) give explicit consideration to the Board publications.

326 objections have been received to the scheme; the following is a summary of the points raised. Please be aware that prior to determination all public comments are available for viewing on the council's website, it is not possible to repeat all the comments verbatim here.

- Demolition of cottage unacceptable
- Cottage should be listed
- Cottage has historical significance
- Harm to setting of cottage
- Harm to conservation area
- Overdevelopment of the site
- Concern with height of proposals
- Overbearing
- Residential amenity concerns
- Overshadowing
- Loss of privacy
- Impact the living conditions of existing residents
- Extension to cottage is harmful, will impact on the front
- New dwelling will harm the setting of the cottage
- Design of new dwellings out of character
- Contemporary design not acceptable
- Scale, layout and materials concerns
- Visually intrusive
- Loss of garden
- Access concerns, particularly to plot three, narrow roads
- Concerns with swept path analysis and manoeuvring
- Construction traffic and construction works concerns
- Congestion and increased traffic

- Highways and pedestrian/ road user safety concerns
- Proposed driveways inadequate
- Reversing onto highway
- No infrastructure capacity
- Impact on local toad migration and other amphibians
- Tranquillity disturbed
- Impact to wildlife
- Impact to protected species
- Badgers on site
- Loss of habitat and biodiversity
- Harm to SNCI
- Detract from AONB
- Ethical concerns
- Landscape impacts
- Streetscene impacts
- Protected hillside
- Loss of views of the cottage
- Impact on residential amenity
- Impact to local walkers
- Suburban rural area of Bath
- Geotechnical constraints
- Stability issues
- Groundwater constraints
- Site too steep
- Light pollution
- Impact to world heritage site outstanding universal values
- Harm to green belt, inappropriate development in green belt
- Applicant removed a tree from site
- Contrary to policy LCR1 - Safeguarding local community facilities
- Not sustainable development
- Contrary to NPPF and development plan
- Additional pollution
- Noise and disturbance
- Climate emergency
- Local democracy
- Misleading drawings, insufficient information
- No housing need
- Unreasonable to amend scheme
- Damage during construction
- Utilities capacity insufficient
- No site notice
- Land ownership concerns
- Impact to telegraph pole, landline and broadband
- Right of way over access concerns, in regards to footpath to cottage

Bath Preservation Trust:

(Summary) Objection to loss of cottage and on grounds of scale, massing, density, overdevelopment of the site, harm to conservation area, AONB, Green Belt, Townscape, landscape, urbanising effect, design not in keeping, flat roof form not in keeping. This application is therefore contrary to Section 16 of the NPPF, and Policies B1, B4, BD1,

CP6, D1, D2, D3, HE1, NE2, and NE2A of the Core Strategy and Placemaking Plan, and should be refused or withdrawn.

Charlcombe Toad Rescue Group:

(summary) Objection. Due consideration has not been given to the population of amphibians in the locality, particularly common toads, which would be put at risk by development of the land at Waterworks Cottage in Charlcombe Way. Local ecological emergency declared. Contrary to policy NE5.

Frog life:

(Summary) Objection on nature conservation grounds. The building of two additional properties will reduce the habitats available to this species: grass, shrubs and other ground vegetation. The additional housing will further fragment the corridors of habitats that toads use to reach the breeding lake; the amphibians that currently migrate through the gardens of Waterworks Cottage will no longer be able to do so. The movement of vehicles and general disturbance during construction will disrupt and kill common toads during their spring

migration and breeding period, and the juvenile dispersion period in the summer. The addition of two extra parking spaces, in addition to the existing parking area, will mean two additional cars travelling on the roads increasing road mortality for the toads and other amphibians.

Avon Reptile and Amphibian Group (ARAG)

(summary) Objection. ARAG does not feel that the revisions to the proposed development or the ecological mitigation

go far enough to safeguard the amphibian populations that almost certainly utilise this site as a migratory route, an overwintering hibernacula, as general amphibian habitat or more likely a combination of all three.

CPRE:

(Summary) objection. Oppose demolition of NDHA Cottage. Development represents loss of countryside and overdevelopment of the site. impact on protected landscape of green Belt, AONB, and world heritage site. local green space more important than ever.

Cotswolds Conservation Board:

(Summary) Comment. In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) give explicit consideration to the following Board publications:

3 comments of support have been received as follows:

- No impact to wildlife or local area
- No impact to toad migration
- It will upgrade existing cottage
- No realistic historical link left as altered over time
- Good comprise compared to the proposed demolition of the cottage
- Modern properties meet energy standards

- More family housing net gain to environment
- Sustainable construction

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
 CP2: Sustainable Construction
 CP3: Renewable Energy
 CP5: Flood Risk Management
 CP6: Environmental Quality
 CP8: Green Belt
 CP9: Affordable Housing
 CP10: Housing Mix
 SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
 D2: Local character and distinctiveness
 D.3: Urban fabric
 D.5: Building design
 D.6: Amenity
 D7: Infill and backland development

GB1: Visual amenities of the Green Belt
H5: Retention of existing housing stock
HE1: Historic environment
NE2: Conserving and Enhancing the landscape and landscape character
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development
H7: Housing accessibility
SCR1: On-site renewable energy requirement
SCR5: Water efficiency
SU1: Sustainable drainage policy
LCR9: Increasing the provision of local food growing
PC55: Contamination

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 to consider are:

- Principle of development
- Character and appearance
- Residential amenity
- Highways matters
- Flooding and drainage
- Technical matters
- Any other matters
- Planning balance

BACKGROUND:

The initial application as submitted proposed to demolish the existing bungalow on site and build three new dwellings on the site. Following the high level of local objection and confirmation that the cottage is a Non-Designated Heritage Asset the applicant revised the application, the application now retains (and extends) the cottage and proposes two additional dwellings on site.

PRINCIPLE OF DEVELOPMENT:

Policy DW1 of the core Strategy states that the focus of new housing in the district will be Bath, Keynsham and the Somer Valley. Policy B1 of the Placemaking Plan seeks to enable delivery of around 7000 homes across the site, including from windfall sites. It states subject to compliance with all other policy considerations residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt boundary. The site proposed two new dwellings within the defined built up area of Bath. The principle of development is acceptable. This is subject to other material planning considerations discussed below.

HERITAGE:

Policies CP6 of the Core Strategy, HE1 of the Placemaking plan and section 16 of the NPPF have regard to Heritage. The existing site is located outside of the Conservation Area but within the World Heritage site. Waterworks cottage is not listed but is considered to have heritage significance.

Recent information and archive evidence have been provided that confirm that there was a connection between Waterworks Cottage and the Bath Water Works that is situated in close proximity to the site. Map regression and Census material in particular provide strong evidence that the house was occupied by workmen/engineers working on the Waterworks plant.

Waterworks Cottage is a simple traditional stone-built house on the edge of suburban Bath set within a large garden plot. It retains much of its original form through its footprint, internal plan and remnants of some internal features such as fireplace surrounds. However, other external features such as its roof structure and fenestration have been replaced in the recent past, leading to some erosion of its architectural authenticity.

The cottage itself is considered a non-designated heritage asset. The significance of the non-designated heritage asset therefore derives mainly from its historic interest and in part from its architectural interest.

The Conservation Officer has confirmed that with regards to the grounds that the cottage sits within, they do not meet the criteria for separate non designated heritage status, as they form a typical domestic garden curtilage to the cottage and have no special features of particular interest. Nevertheless, they do provide a setting for the cottage.

It is noted that the Historic England Designation team have provided an assessment of the cottage (20th Nov 2020) that concludes; Waterworks Cottage falls short of the level of historic and architectural interest to merit listing on a national basis.

The initial proposal involved the demolition of the existing Waterworks Cottage on site to be replaced by a new dwelling. Given the cottage is a non-designated heritage asset its total loss was not supported. The scheme has now been revised to retain and extend the cottage, along with the erection of two further dwellings.

Policy HE1 requires that justification is provided for proposed works to any heritage assets. The current extended cottage provides for only 2 bedrooms and 1 bathroom at first floor level. The bathroom has to be accessed as a walk through, through one of the bedrooms. The nonoriginal kitchen, which housed provision for a freestanding gas cooker and included a single base unit for a sink and 2 wall units, clearly indicates, together with the above that the existing cottage was not suitable for a small family, to meet today's modern standards of living.

The proposed extension is located on the east elevation of the cottage away from Charlcombe Way, it will replace a small existing porch. A small garden facing lean to will also be removed from this elevation towards the northern end of the cottage, however the single storey side projection will be retained. The extension will provide living accommodation, the existing cottage's living space will be freed up to provide an additional bedroom along with other alterations.

The conservation officer has raised concerns as to whether the extension is required at all, however the extension has been justified in so far as the policy requires and the committee must consider the scheme before it. Given that the cottage is not listed it is noted that it benefits from permitted development rights which could see it extended in some way without the need for planning permission in any case. The single storey side projection was retained at the request of the conservation officer, limiting the location of further extensions.

The glazed link provides a visual separation from the heritage cottage and whilst materials have been used including bath stone, glass and timber, that either match or integrate with the cottage, the design is contemporary so as not to create a pastiche copy. This is considered a successful juxtaposition. Given the topography of the site the proposed extension will not be readily visible from Charlcombe Way. The extension is single storey but has a pitched roof where the ridge sits just below the existing eaves of the cottage. The width is modest in scale, around a quarter of the width of the existing cottage. The scale and massing is considered to be subservient.

Nevertheless, the Conservation Officer however has raised concerns with the location of the extension being on what would be the front elevation, and this type of contemporary design being more akin to side or rear extensions.

There is evidence within the Heritage Impact Assessment, provided by Planning Heritage Conservation Planning Consultancy, that the Cottage may have been extended significantly in the past with evidence that the original door exists to the right-hand side of the current porch door opening. Therefore, it is possible that the placement of the new 2-storey extension is not part of the original 2-up 2-down cottage, originally constructed and not located over the original entrance way. Given the orientation of the property there is no visibility of the east forward elevation and alterations from the public realm. It is also noted that there is a mix of dwelling ages and designs in the locality. Furthermore, the majority of the historic significance is noted to come from the historic connection the cottage has with

the Waterworks and the cottage will be retained and remain legible given the glazed link, subservience, and readable addition.

The Conservation Officer has raised some concern to the siting of Plot 2. This part of the scheme provides for an additional residential unit in close proximity to the heritage asset. Over the course of the application the applicant has reduced the height, set it back into the steep hillside, relocated it and created a green roofscape to provide some subservience to the existing cottage. Nevertheless, it will still result in a structure being located in close proximity to the cottage, impacting upon its historic setting by impacting the central location to which the cottage currently sits in the existing garden.

The garden does form the setting of the cottage, and a garden, albeit smaller, will be maintained for the existing cottage. The lower end of the plot where plot 3 is sited is not considered by the heritage officer to have played an important role in the heritage setting of the cottage. Therefore, the fragmentation of the lower garden to provide the additional plot 3 is not considered to harm heritage significance.

Given the above, the historic association significance of the cottage will be retained, however there will be some impact to the architectural significance, the conservation officer also notes some impact to the setting, although it is noted that this is not why the cottage has been designated as a non-designated heritage asset. The harm arising from the addition of the extension is considered to be, in the words of the NPPF, at the very lower end of less-than-substantial harm. The harm arising from the loss of the central location of the cottage within its current garden due to the positioning of plot 2 is also considered to result in less than substantial harm at the very lower end of the scale. Overall, the combined harm is considered to be the very lower end of less than substantial.

Paragraph 197 of the NPPF states that, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Unlike the requirements for harm to listed buildings, there is no requirement within the NPPF for the harm arising to be weighed against public benefits, it is simply a matter of balanced judgement. Nevertheless, Policy HE1 goes on to require that, even for non-designated heritage assets, the public benefits are to be considered. This is fully considered in the planning balance below.

A number of third parties have raised concerns about the impact of the development on the conservation area. The site is not within a designated conservation area. It's around 150m from the Fairfield conservation area and 370m from Charlcombe conservation area. This is considered sufficient distance that the proposal would not impact on the setting of either area.

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. The World Heritage Site is Designated for its Outstanding Universal Values (OUV). These can be summarised as 1. Roman Archaeology, 2. The Hot Springs, 3. Georgian Town

Planning 4. Georgian architecture, 5. Green Setting of the City in a hollow in the hills, 6. Georgian architecture reflecting social ambitions (e.g. spa culture).

The cottage is Victorian and whilst it is located on the edge of the built area it is outside of the area designated as the landscape setting of Bath. The Landscape Officer has raised no landscape or visual objection to the proposed development. The built form will be within the envelope of the site and doesn't encroach into Charlcombe Valley. The Green Setting of the city is not considered to be harmed as a result of the proposal in the context of the World Heritage Site. As such the proposal is considered to be acceptable in the World Heritage Site setting and complies with Policy B4.

DESIGN:

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.

The site is situated on the northern edge of the settlement of Bath on the rising eastern slope of Lansdown. The large inverted triangular plot in which the existing cottage is situated is bounded to the south west by Charlcombe Way; to the north by the access track to Charlcombe Pumping Station; and to the south east by the garden plots of Combe House and 136 Fairfield Park Road. The site is steeply sloping, levels across the site rise from east (114m AOD) to west (126m AOD).

As outlined above the cottage will be retained and extended and there will be two additional dwellings located within the large garden land of the existing site, one to the north and one to the east down slope.

The proposal is not considered to result in overdevelopment of the site given that garden space is maintained for each dwelling and given the variety of plot and garden sizes locally which are not uniform in character.

The extension to the existing cottage has been thoroughly discussed above in terms of its design. Given the materials, subservience and glazed link it is considered to be an acceptable addition in line with the Design policies listed above.

There is a mix of dwelling design styles and ages in this area, with later extensions and additions, meaning the character of the area is not uniform.

Plot 2 is the proposed dwelling located to the North; its access will be taken from Charlcombe Lane. Plot 3 will be accessed via the unadopted track. Plot two has a flat roof which has been set down in height from the existing cottage. The dwelling will be three storey however given the sloping nature of the site it will appear single storey from street view. The property will have a stepped appearance from the garden. Plot 3 main two storey bulk has a gable roof form, with a single storey projection to the south. There will be glazing within the gable.

Both designs take a contemporary approach, plot 2 more so due to its flat roof. Both use materials that are present on the existing cottage as well as the extension to the cottage, resulting in some readable connection across the site.

The proposed materials are considered to be important in this location given the transition the site provides between the urban built form of the World Heritage Site and the rural countryside. The natural materials proposed including rubble stone, lime stone, timber cladding and glass. This palate of materials is considered acceptable. The proposed location of these materials across the buildings is well thought out. for Plot 2 the street facing elevations will be rubble stone read in context with the surrounding Bath Stone properties and the northern elevations will include the timber which will face towards the rural side of the site. The timber does not dominate the buildings in this instance but adds a contemporary element.

The dwellings are proposed to be built into the slope and will result in some excavation. Locally the area is steeply sloping, and houses are located on the hillside, the design ensures a stepped appearance. Third parties have raised concerns over ground stability. The site is not located in an area designated with stability issues. The NPPF makes clear that the requirement for safe development lies with the developer/ land owner. The proposal will require building regulations also, which is separate to planning.

Overall, the proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the 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.

LANDSCAPE:

Policy NE2 infers that in order to be permitted, development needs to conserve and enhance local landscape character, landscape features, local distinctiveness and important views; that it should seek to avoid or adequately mitigate any adverse landscape impact; and that proposals with the potential to impact on the landscape/townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development. A Landscape appraisal was submitted with the application.

The development site's position on the edge of settlement means that the character of the area to its south is formed by the suburban residential townscape of the Fairfield area of Bath; while the character of the area to its north is formed by the rural pastoral landscape of the Lam Brook Valley. These markedly different characters are broadly reflected in landscape designations with the Green Belt, Cotswold AONB and locally designated landscape setting of the settlement of Bath boundaries running along the access road on the northern boundary of the site; and the Bath World Heritage Site and Conservation Area boundaries lying 250m to its north and 150m to its west respectively.

While the proposed development would be conspicuous from the Green Belt and AONB in some views it is considered that the development will be viewed in context with the

surrounding cityscape and urban residential form. The proposals have been set down into the slope and will follow or step down in height form the existing built form, this along with some green roofing and landscape will ensure an appropriate transition for the edge of the city to the rural beyond.

The Landscape Officer has raised no landscape or visual objection to the proposed development.

The landscaping within the site itself will clearly be reduced due to the built form increase, however there is proposed planting including trees and hedgerow (biodiversity gain is discussed further below). It is considered that conditions be applied regard to the submission, approval, implementation and maintenance of a detailed hard and soft landscape scheme.

Third parties have raised objections to the loss of the view of the cottage to walkers along local walking routes. The right to a view is not a material planning consideration, nevertheless it is not considered that the proposed development will block all views of the cottage, the view will simply include additional development. Visual amenity and landscape harm is a material planning consideration and as concluded above, the impact of the proposal is acceptable.

TREES:

The submitted Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Hillside Trees Ltd October 2020) identifies six trees on site and states that trees T4 and T5 will be removed and trees T1, T2, T3 and T6 will be retained. However, it notes that trees T1 and T2 are suffering the effects of Ash dieback.

Trees T4 and T5 an Apple tree (2m high, 139mm stem diameter) and a Holly tree (3m high, 90mm stem diameter) are judged to be of low quality and therefore there is no objection to their removal.

The site plan shows that a number of new trees will be planted across the site, including around seven in the top western corner to link the site with the wider landscape.

It is understood that some trees were removed from site prior to the application. the site is not within the conservation area, nor were the trees TPO'd, as such their removal did not need consent.

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 site is located on the edge of the built development; there are neighbouring properties to the south and west, with open fields and woodland to the north and the existing large garden of the cottage to the east.

The properties the site on the west of Charlcombe Way sit high above the site given the sloping nature of this area, and are separated by the road. The proposed plot two will appear single storey from the road therefore it is not considered that any impact to residential amenity of dwelling along western side of Charlcombe Way will occur as a result of the development.

Combe Hay is the immediate neighbour of the site to the south-east. The cottages extension will look down the slope and the side elevation will face Combe house, roughly parallel to Combe House's built form. There are no windows in the side elevation. the extension is single storey and therefore whilst the glazing will be taller than head height it won't significantly increase overlooking.

Plot 3 is located at the bottom of the slope of the exiting garden. There are no windows proposed that face towards the gardens of Combe House and 136 Fairfield Road, there will be a door at single storey. The west facing elevation of plot 3 will have two small roof lights that will face towards the existing cottage however this is not considered to result in significant overlooking issues. There is a well-maintained separation gap between the roof of plot 3 and the cottage. The main amenity space of plot 3 will be to the east. Given the topography, length of existing surrounding gardens it is not considered that the proposal will impact amenity space of neighbours of future occupiers.

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 MATTERS:

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.

During the course of the application the scheme has been alerted to retain the existing cottage and provide two additional dwellings. Highways development Control (HDC) have been consulted on this scheme. During the course of the application additional information and revisions have been sought in regards to parking spaces and highways operation/ safety. This information has been forthcoming from the applicant.

In regards to Plot 1 (the existing cottage) the access and parking has been amended so that it is taken from Charlcombe Way. The car parking provision for the 'Existing Cottage' has been revised to indicate two 'standard' spaces alongside one another, which is a policy compliant level. It is now confirmed that the dimensions of each of the spaces accord with the minimum requirement of 2.4-metres by 4.8-metres.

A hedge to the front of 'Plot 2' has been shortened to ensure that the proposed space to the front of the plot 2 (new dwelling) is accessible, which is acceptable. It is acknowledge that by shortening the hedge to the front of 'Plot 2', the applicant has increased the accessibility of the off-street, car parking space proposed to the front of the dwelling. Officers note that the purpose of the hard paved area to the front of 'Plot 2' is to provide one

of the three required off-street, car parking spaces and that this area has the potential to 'double up' as on-plot turning facilities on occasions when one of the 'standard' off-street, car parking spaces is vacant. Given the lightly trafficked nature of Charlcombe Lane combined with the slow speed at which motor vehicles travel along the lane, the arrangement is acceptable to HDC officers.

Plot 3 (new dwelling) is to be accessed via an existing un-adopted road off of Charlcombe Way. Receipt of further information from the developer on 7th May 2021 confirms that the applicant does not own the triangular area of land directly south-east of this existing junction which effectively rules out improvements to its current layout.

The private access road currently provides vehicular access to the remote garage associated with the existing cottage together with access to the water works for Wessex Water vehicles. Currently motor vehicles exiting the application site, via the private access road, are required to reverse onto Charlcombe Way with little or no visibility of other motor vehicles using the carriageway or vulnerable road users, such as pedestrians and cyclists. However, officers have previously acknowledged that there is no history of Personal Injury Collisions (PICs) in the vicinity of the junction of Charlcombe Way and the private access road.

Whilst HDC officers maintain that the existing vehicular access to the site is sub-standard in terms of width and visibility, there is no evidence that its existing use is prejudicial to highway safety. It is also acknowledge that, should planning permission be granted, the private access road will continue to provide vehicular access to parking associated with a single dwelling, as it currently does, given that parking for the existing dwelling will be relocated.

The construction of 'Plot 3' includes the provision of on-plot turning facilities which will enable future occupiers to manoeuvre their car such that they can enter the adopted public highway in a forward gear, albeit via a multi-point manoeuvre, which is a benefit in terms of highway safety as it increases visibility to other motorists using Charlcombe Way as well as vulnerable road users. 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".

Based upon the available PIC data, officers are unable to demonstrate that the construction of 'Plot 3' would have an unacceptable impact on highway safety, especially as it is recognised that the provision of on-plot turning facilities will enable future occupiers to enter the adopted public highway in a forward gear, which is to be beneficial in highway safety terms. Officers are also unable to demonstrate that the impact of the construction of 'Plot 3' on the local highway network would be "severe".

In summary, a vehicular access to the application site exists and, currently, motor vehicles are required to reverse onto Charlcombe Way with little or no visibility of other motor vehicles using the carriageway or vulnerable road users. Having reviewed the PIC data, there is no evidence that the use of the current access is prejudicial to highway safety. Whilst officers note that the access is sub-standard in terms of width and visibility, there are no opportunities to improve the current situation. Plot 3 includes the provision of on-

plot turning facilities which will allow future occupiers to enter the adopted public highway in a forward gear, which is recognised to be an improvement in highway safety terms.

The Waste Management strategy confirms that that future occupiers of 'Plot 3' will be required to transport refuse and recycling bins to the kerbside for collection, given that B&NES operative does not, as a rule, enter private land for collection purposes, which is acceptable. The waste management strategy is acceptable.

A number of third parties have raised concerns over the construction works and access. The construction period itself may cause some disturbance, however this will be temporary and is not considered grounds for refusal. The site is located on a no-through way road and given the size of the site there will be some ability to store materials/ confine works within its limits. Nevertheless, it is considered a construction management plan will control and seek to limit the impacts of construction. This will be condition.

Third parties have raised concerns to local walkers. Whilst this may be a walking route locally, there is no public right of way adjacent or through the site which will be impacted as a result of the scheme. Walkers/ pedestrians will still be able to traverse the local area as they do now.

Third parties have questioned the finish arrangements for the proposed parking for the Waterworks cottage. Details are shown on the layout and sections, however materials finishes aren't included, the hard landscaping condition will cover this to some extent but a specific condition will be included pertaining to the details of this element.

On balance, HDC officers raise no highway objection for the reasons summarised above, subject to the conditions being attached to any planning permission granted.

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.

FLOODING AND DRAINAGE:

The site is located in Flood Zone 1. The applicant has indicated that surface water will be discharged to soakaways. BGS infiltration maps indicate that this location is likely to be free draining. The Flooding and Drainage Team have raised no objection, noting that all drainage works are to comply with Building Regulations Approved Document Part H noting the requirement for onsite infiltration testing to confirm viability of soakaways and inform their design.

Objectors raised concerns that utility infrastructure including drainage, did not have capacity for two additional dwellings in this location. The Flooding and Drainage Team have not raised concerns on this ground, nor have Wessex Water who regularly comment on applications in regard to local drainage network capacity. The site is located in the built-up area where it is not envisage there will be significant problems with electricity or broadband giving the surrounding house have access to this.

COMMUNITY INFRASTRUCTURE LEVY:

The site would generate additional residential floor space within the Bath city area and is subject to contributions via the infrastructure Levy in line with the Council's adopted Planning Obligations SPD.

SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY:

Policy CP2 of the Placemaking Plan has regard to Sustainable construction. The policy requires sustainable design and construction to be integral to all new development in B&NES and that a sustainable construction checklist (SCC) is submitted with application evidencing that the prescribed standards have been met.

For minor new build development a 19% reduction in CO2 emissions is required by sustainable construction. In this case the submitted SCC shows that a 33.88% CO2 emissions reduction has been achieved from energy efficiency and/or renewables. Therefore the proposed development is compliant with policy CP2 in this instance.

Policy SCR5 of the emerging Placemaking Plan requires that all dwellings meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day. This can be secured by condition.

Policy SCR5 also requires all residential development to include a scheme for rainwater harvesting or other method of capturing rainwater for use by residents (e.g. water butts). These matters can be secured by a relevant planning condition.

Policy LCR9 states that all residential development will be expected to incorporate opportunities for local food growing (e.g. border planting, window boxes, vertical planting, raised beds etc.).

POLLUTION:

Policies PCS1 and PCS2 have regard to pollution, noise, and nuisance. Third parties have raised concerns to all three elements. The proposal is not considered to result in risks of pollution being for an extension and two further dwellings. The impact of additional pollution from cars associated with the development is not considered grounds for refusal given that it meets the required parking standards as prescribed by the placemaking plan. Furthermore, future residents may have electric vehicles. The addition of two dwellings in a residential area is not considered to result in noise pollution to existing residents, it is noted that the two plots will only be bound directly by neighbours to the south east, the road and countryside bounds the other sides. There may be some temporary noise during construction, but this will be strictly controlled by the construction management plan, and will be temporary. Light pollution levels are considered acceptable, and not beyond the normal for a standard house, a lighting strategy has been submitted which is discussed in the ecology section below and will be secured by condition.

ECOLOGY:

An ecological appraisal has been submitted with the scheme, Bat Emergence and Activity surveys have been undertaken, an ecological mitigation and enhancement plan has also been submitted along with a lighting strategy and Biodiversity Net Gain (BNG) calculations.

Further ecology surveys have been undertaken during the course of the application for amphibians and badgers, DNA test results for the pond have been submitted confirming great crested newt is not present in the nearby pond, and further checks have been carried out to ascertain whether there is badger activity on the site. No active setts were present.

The submitted BNG calculations are accepted. A net gain of 10.38% has been achieved on habitat units while a net gain of 928.53 % was achieved on hedgerow units. The revised "Setting Out Site Plan" now includes the complete site and includes a revision to remove a small area of land that is not within the applicant's ownership - an equivalent area of dedicated wildlife enhancement zone has been extended within the site of plot two - these revisions are accepted.

A Lighting Strategy has been submitted, which is welcome. Proposed measures for recessed downward light fittings are accepted, and low-level lighting bollards are accepted. An additional lighting report has been submitted which provides confidence in the ability of the scheme to avoid light spill onto wildlife habitats and within the dedicated wildlife zones.

The council ecologist has questioned who will be responsible for the dedicated wildlife areas and how the long-term maintenance of these, with suitable habitat conditions, will be secured and remain enforceable. Each of the three wildlife enhancement areas falls within one of the three plots. Therefore, each area will be in the ownership of each future owner. The area hatched in red on the 'Setting out Plan' identifies each wildlife enhancement area. The areas will not form part of the domestic curtilage/ garden and will be separated by picket fencing. A condition will be included that secures the Management and upkeep of the Ecological Enhancement areas and habitat zones identified in perpetuity. These areas will be in ownership of each property and a Management Plan in place, set up by a mechanism that ensures the cost and responsibility falls to each future owner to maintain in perpetuity through a management plan condition. The separate delineation of these areas will also be conditioned.

In addition, a long-term monitoring and reporting regime (as requested by Froglife) will be required as part of the Ecological Management Plan, to monitor and evaluate incidence of toads within the site and habitat areas; retention and suitability of habitat for toads; and effectiveness of mitigation measures on amphibians (toads) in the longer term. Details of how this will be resourced and who by to be provided within the Ecological Management Plan.

The council ecologist has no longer raised an objection subject to conditions.

OTHER MATTERS:

Third parties raised concerns that a site notice was not erected. The proposal is not of a scale, or in a location where the requirement for a site notice to be erected is triggered. In accordance with the Development Management Procedure Orders, the council has fulfilled its statutory duty of notify neighbours through serving notice.

Land ownership concerns have been raised. The applicant has signed certificate B and served notice on landowners. It is considered the correct procedure has been followed. The council does not have jurisdiction over land ownership, this is a civil matter.

Objectors have raised concerns over the capacity of local utilities, however the council has no evidence that the proposed two additional dwellings within the city would not be able to link up with the existing utilities of the city, including drainage, electricity and broadband which are all readily available.

Third parties have raised concerns that the unadopted road leading to plot 3 only has right of access for one dwelling however the application seeks to reinstate a footpath to the waterwork Cottage which will exist onto this road. Waterworks cottage will have pedestrian access from Charcombe Lane, as well as vehicular access. Plot 3 will be accessible via the unadopted road. Whilst the applicant may need to seek changes to legal rights of way documents, the footpath will be physically usable. It is not considered that the access concerns raised preclude the granting of permission.

Neighbours have raised concerns about the impact to a telegraph pole located on the very corner tip of the plot next to the existing access. The proposal makes no alterations to the access and therefore will not affect the telegraph pole, it is not proposed to relocate this. as such there should be no impact to landlines or broadband locally. The telegraphy pole is understood to be located on Wessex Water land.

PLANNING BALANCE:

As set out in the sections above, paragraph 197 of the NPPF states that, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policy HE1 of the Placemaking Plan requires that, even for non-designated heritage assets, public benefits are considered in the balance.

The harm is considered to be at the very lower end of less than substantial. It is not considered that there is any harm to the historic association of the cottage with the waterworks as a result of the proposed extension or built form, the cottage will be retained and therefore the historic association significance of the cottage will be retained, however there will be some impact to the architectural significance and the setting (despite the latter not forming part of the reason for its NDHA designation). The harm arising from the addition of the extension is considered to be, in the words of the NPPF, at the very lower end of less-than-substantial harm. The harm arising from the loss of the central location of the cottage within its current garden due to the positioning of plot 2 is also considered to result in less than substantial harm at the very lower end of the scale. Overall, the combined harm is considered to be at the very lower end of less than substantial.

The benefits of the proposal include:

- Removal of a later addition lean to from the cottage, this is afforded minor weight
- High quality extension will modernise the cottage and ensure it remains in its optimal viable use, securing longevity, this is afforded minor weight

- a garden pathway has been physically reintroduced to the rear of the cottage, leading to the access road, to maintain the visual historical link between the cottage and the original Waterwork's building, which has been lost. This is afforded limited weight
- Creation of construction jobs for a temporary period, this is afforded minor weight
- Addition of two further dwellings to the housing supply for the city, this is afforded limited weight
- CIL contributions from the floorspace created by the two additional dwellings, this is afforded minor weight
- Small benefit to highways safety resulting in cars being able to exist the adopted track in forward gear due to the new turning circle, this is afforded minor weight
- Biodiversity net gain achieved on the site, this is afforded limited weight

Individually each of the above benefits is afforded limited weight, cumulatively they are however considered to outweigh the very lower end of less the substantial harm arising from the impact of the extension to the already limited architectural significance of the cottage and the introduction of plot two to the setting of the cottage the garden of which does not form part of the NDHA designation.

The proposal is considered to comply with Policy HE1 of the Placemaking Plan, the Core Strategy and the NPPF. As such the proposal is recommended for permission.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - Submission of Materials Schedule (Bespoke Trigger)

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

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

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

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with 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.

3 Hard and Soft Landscaping (pre-commencement)

No development shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees 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 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 impact of the proposals and the provision of appropriate hard and soft landscape scheme has been agreed prior to the commencement of the development in accordance with Policies GB, NE2, NE2A and NE6 of the Bath and North East Somerset Council Local Plan.

4 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.

5 Hard and Soft Landscaping Maintenance to Completion (compliance)

Any trees or other 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. Hard landscape features will be maintained in perpetuity.

Reason: to ensure that the agreed hard and soft landscaping scheme is established and maintained.

6 Parking (Compliance)

The areas allocated for parking and turning, as indicated on submitted plan reference P01 Revision D, 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.

7 Bound/Compacted Vehicle Access (Pre-occupation)

No occupation of each dwelling shall commence until the vehicular access serving that dwelling 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.

8 Parking Area Details (Pre-commencement)

Prior to commencement details of the finishes to the parking areas for each dwelling, including the retaining walls of Plot one's parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details so approved.

Reason: To ensure adequate off street parking as well as appropriate character and appearance in accordance with Policies ST7 and D1-D5 of the Bath and North East Somerset Council Placemaking Plan.

9 Bicycle Storage (Pre-occupation)

No occupation of the development shall commence until bicycle storage for at least six bicycles (two spaces per dwelling) 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.

10 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.

11 Flood Risk and Drainage - Infiltration Testing (Pre-occupation)

The development hereby permitted shall manage surface water onsite using soakaways as indicated on the application form and/or approved drawings. Soakaways shall be designed and constructed in accordance with Building Regulations Approved Document Part H section 3, noting the requirement for infiltration testing which should be undertaken at an early stage of the development to confirm viability of infiltration techniques.

If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and the development subsequently undertaken in accordance with those approved details.

The soakaways or other approved method of surface water drainage shall be installed prior to the occupation of the development.

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

12 Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) (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, as applicable: a plan showing exclusion zones and specification for fencing of exclusion zones; details and specifications of all necessary measures to avoid and minimise ecological impacts and harm to amphibians (in particular toads) during site preparation, clearance, excavation and construction and from construction traffic for the duration of works; findings of update surveys or pre-commencement checks of the site; and details of an ecological clerk of works. The CEMP shall specifically include (but not be limited to) provision of details as above, method statements and timescales of measures for the avoidance of harm to amphibians (in particular toads), reptiles and badger. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: to avoid harm to wildlife before and during construction

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

13 Ecological Mitigation Scheme (Compliance condition)

The development hereby approved shall be carried out only fully in accordance with the approved Ecological Mitigation and Enhancement Plan dated 27th Jan 2021 and Biodiversity Net Gain Calculation dated 11th March 2021 by Quantock Ecology. All measures shall thereafter be adhered to and features retained and maintained in accordance with approved details.

Reason: to avoid harm to ecology including a regionally important amphibian population (toads) and protected species (including reptiles badger and nesting birds).

14 Ecological Management Plan (Pre-Commencement)

No development shall take place until full details of an Ecological Management Plan, specific to the land areas and habitats shown on the approved "Ecological Mitigation and Enhancement Plan" dated 27th Jan 2021 and "Biodiversity Net Gain Calculation" dated 11th March 2021 by Quantock Ecology, have been submitted to and approved in writing by the local planning authority. These details shall include:

- long term wildlife conservation aims and objectives, to include the provision of wildlife areas,

hedgerows and rough grassland margin with suitable habitat conditions for toads and other

amphibians and wildlife such as reptiles, hedgehog, nesting birds and badger;

- Proposed management and maintenance operations and prescriptions to achieve the stated

aims and objectives

- a plan showing boundaries and locations of the above

- A list of activities and operations that shall not take place and shall not be permitted within the wildlife areas and habitats, for example use of herbicides, waste disposal, inappropriate

maintenance methods, storage.

- Proposed legal responsibility for wildlife areas and habitats, and their long term management

and maintenance costs and implementation, with details of the proposed mechanism to provide

long term planning enforceability for example covenants or legal agreement

- Proposed long term ecological monitoring of toad occurrences and habitat suitability, with proposed reporting and remediation, to include details of who shall be responsible for commissioning and submitting monitoring reports and associated costs. Monitoring reports shall be submitted to the LPA in accordance with agreed timescales.

- All works within the scheme shall be carried out and the land managed and maintained and utilised thereafter only in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: in the interests of securing long term avoidance of harm to biodiversity including local

amphibian population (toads) and their migration route.

15 Ecological Enhancement Areas (Compliance)

The areas of Ecological Enhancement shown on drawing 04 Jun 2021 P17F Setting Out Site Plan shall not form part of the domestic garden of the dwellings whose respective plots they are within. The ecological enhancement areas will be retained in perpetuity. Marked delineation of the ecological enhancement area will be maintained in perpetuity.

Reason: to ensure the ecological net gain achieved by the scheme is maintained in perpetuity.

16 Ecology Follow-up Report (Pre-occupation)

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

Reason: To demonstrate compliance with the CEMP and construction phase ecological mitigation requirements, 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.

17 External Lighting (Bespoke Trigger)

No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; details of predicted lux levels and light spill; and details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees, wildlife habitat, 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 Local Plan.

18 Sustainable Construction (Pre-Occupation)

Prior to first occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) shall be completed in respect of the completed development and submitted to the local planning authority together with the further documentation listed below:

- o Table 2.4 (Calculations):
- o Building Regulations Part L post-completion documents

Reason: To ensure that the approved development complies with Policy SCR1 of the Placemaking Plan (renewable energy) and Policy CP2 of the Core Strategy (sustainable construction).

19 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.

20 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.

21 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

30 Oct 2020 Wessex Water Mains Water And Sewer Map
30 Oct 2020 S01 Existing Site Plan
09 Nov 2020 S03a Existing Site Appraisal
12 Mar 2021 Sko5 Swept Path Analysis Jct
12 Mar 2021 Sko6 Swept Path Analysis Plot 2
02 Apr 2021 S02 Existing Elevations
30 Oct 2020 P00 Existing - Site Location Plan
28 Jan 2021 P12b Plot 3 Proposed Floor Plans + Section
28 Jan 2021 P13b Plot 3 Proposed Elevations (South And West Facing)
28 Jan 2021 P14b Plot 3 - Proposed Elevations (North And East Facing)
28 Jan 2021 P18c Plot 2 - Proposed Basement Plan
28 Jan 2021 P19c Plot 2 - Proposed Lower Ground Floor Plan
28 Jan 2021 P20c Plot 2 - Proposed Upper Ground Floor Plan
28 Jan 2021 P21c Plot 2 - Proposed North Facing Elevation
28 Jan 2021 P22c Plot 2 - Proposed West Facing Elevation
28 Jan 2021 P23c Plot 2 - Proposed South Facing Elevation
28 Jan 2021 P24d Plot 2 - Proposed East Facing Elevation
28 Jan 2021 P25a Cottage Extension Plans
28 Jan 2021 P26a Cottage Extension - Proposed Roof Plan
28 Jan 2021 P29a Plot 2 - Proposed Roof Plan
28 Jan 2021 Sk01 Rev 1 Swept Path Analysis - Car Parking
28 Jan 2021 Sko2 Rev E Swept Path Analysis - Ambulance
01 Feb 2021 P28b Cottage Extension - Elevations
16 Feb 2021 P01 D Proposed - Site Plan
16 Feb 2021 P03 C Proposed - Site Sections Aa + Bb
16 Feb 2021 P27 C Proposed - North & South Facing Elevations
04 Jun 2021 P15f Car Tracking A1
04 Jun 2021 P16f Lighting Strategy
04 Jun 2021 P16f Lighting Strategy

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.

Item No: 03
Application No: 21/02044/FUL
Site Location: Crewcroft Barn Hinton Hill 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: Barn conversion and alterations to the original building to form straw bale passivhaus standard dwelling.
Constraints: Agric Land Class 3b,4,5, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy NE1 Green Infrastructure Network, Policy NE2 AONB, Policy NE5 Ecological Networks, Policy NE5 Strategic Nature Areas, SSSI - Impact Risk Zones,
Applicant: William Drewett
Expiry Date: 22nd June 2021
Case Officer: Chloe Buckingham
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

Hinton Charterhouse, Wellow Parish Council and Cllr Matt McCabe support the application and the Chair of committee has decided to take the application to committee for the following reason:

The original application submitted for this development was heard at committee. Although the additional information now offered up by the applicant has not been sufficient to change the officer's decision, as the committee's decision last time was very finely

balanced and both the ward councillor and parish council remain supportive, I believe it would be consistent to bring this revised version back to committee for debate.

DESCRIPTION OF SITE:

This application relates to an existing barn. The site lies outside of a defined settlement boundary within both designated Green Belt land and within the Cotswolds Area of Outstanding Natural Beauty (AONB). The proposal is a resubmission and is for a conversion of a stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling.

Relevant Planning History:

DC - 13/01600/AGRN - Prior Approval Required - 16 May 2013 - Erection of an open fronted agricultural storage building.

DC - 16/03218/AGRN - Prior Approval Not Required - 20 July 2016 - Alteration to road/highway.

DC - 18/05060/CLEU - LAWFUL - 2 January 2019 - Erection of timber clad concrete block building (Certificate of Lawfulness for an Existing Use)

DC - 20/00206/AGRN - Prior Approval Not Required - 14 February 2020 - Extend existing access track to end of meadow and reinstate historic track to existing stone barn.

DC - 20/02355/FUL - REFUSE - 2 November 2020 - Conversion and reinstatement of Crewcroft Barn to provide a (straw bale) bank barn as a Passivhaus dwelling, associated access to the highway and landscaping works.

DC - 20/04390/FUL - REFUSE - 8 April 2021 - Conversion of stone barn and replacement of existing timber clad extension at Crewcroft Barn to provide a (straw bale) Passivhaus standard dwelling (Resubmission).

DC - 21/01851/AGRN - Prior Approval Not Required - 30 April 2021 - Installation of hard standing for safe loading and unloading of materials (hay / straw) from the barn.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation responses:

Cllr Matthew McCabe: If the officer is minded to refuse this application, I would like it to be considered at Committee in the interests of continuity of decision making, and because this further information was not available to the committee previously.

Wellow Parish Council: Application 20/04390/FUL was refused by the Planning Committee on 7 April this year who considered it an overdevelopment of the original building volume and, possibly, new development in the Green Belt. However, the applicant has now accessed the sale particulars of this land in 1942 which show the barn's footprint to be larger than is now visible and we understand further investigation has revealed stone walling at ground level beneath the timber clad wall, and at the gable end, which would appear to confirm the original larger sized building.

In view of this we believe this application does not constitute new development and we are satisfied that this new evidence confirms the original size of the building. Wellow Parish Council therefore continue to support the application.

Hinton Charterhouse Parish Council: Hinton Charterhouse Parish Council (HCPC) has been unable to meet to discuss this planning application due to Central Government regulations. The Council's view is, as expressed before, that it is generally in support of the application on the two provisos that:

- 1) the eventual building is not conspicuous in the open landscape
- 2) any external lighting is kept to the bare minimum.

Wellow Parish Council: Application 20/04390/FUL was refused by the Planning Committee on 7 April this year who considered it an overdevelopment of the original building volume and, possibly, new development in the Green Belt. However, the applicant has now accessed the sale particulars of this land in 1942 which show the barn's footprint to be larger than is now visible and we understand further investigation has revealed stone walling at ground level beneath the timber clad wall, and at the gable end, which would appear to confirm the original larger sized building.

In view of this we believe this application does not constitute new development and we are satisfied that this new evidence confirms the original size of the building. Wellow Parish Council therefore continue to support the application.

Highways: objection.

Cotswolds Conservation Board: In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));

Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with regards to Landscape Character Type (LCT) 4 (Enclosed Limestone Valley);

Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 4 ([link](#)), including Section 4.2;

Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));

Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to the Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), [link 3](#)).

The Board will not be providing a more comprehensive response on this occasion. This does not imply either support for, or an objection to, the proposed development.

Comments from previous application:

Arboriculture: no objection subject to 2 conditions.

Drainage: no objection.

Contaminated Land: no objection subject to one condition and one advisory note.

Ecology: no objection subject to 3 conditions.

Conservation: not acceptable in current form.

Third party comments: 8 support comments received. The main points being:

- o Highly sustainable.
- o Good design.
- o Blends in with the area.
- o Good access to highway.
- o Good to protect and conserve a barn like this.

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

The following B&NES Core Strategy policies should be considered:

CP6 Environmental Quality
CP2 Sustainable construction
CP8 Green Belt

The relevant Placemaking Plan policies should be considered:

D1 General urban design principles
D2 Local character and distinctiveness
D3 Urban Fabric
D4 Streets and Spaces
D5 Building Design
D6 Amenity
ST1 Promoting sustainable travel
ST7 Transport Access and Development Management
GB1 Visual Amenities of the Green Belt
GB3 Extensions and Alterations to buildings in the Green Belt
NE2 Conserving and Enhancing the Landscape
NE2B Extension of residential curtilages in the countryside.
NE3 Protected Species
NE5 Ecological Networks
NE6 Trees and Woodland

SCR5 Water Efficiency
LCR7 Broadband
LCR9 Increasing the provision of Local Food Growing
H7 Housing Accessibility
RE4 Essential dwellings for rural workers
RE6 Re-use of rural buildings

Supplementary Planning Documents: Existing Dwellings in the Green Belt SPD (October 2008)

Consideration will be given to the National Planning Policy Framework and 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

PRINCIPLE OF PROPOSED USE:

The application site is located in the open countryside where development is strictly controlled and only permitted in exceptional circumstances. Policy RE6 sets out one such exception (the re-use and conversion of rural buildings) but states that such developments will only be permitted provided that:

- 1) its [the proposed conversion's] form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building;
- 2) the building is not of temporary or insubstantial construction and is capable of conversion without substantial/complete reconstruction or major extension;
- 3) the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost);
- 4) the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability;
- 5) where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location;
- 6) the development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;
- 7) in the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt;

8) The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1.

The above criteria are dealt in turn as follows:

1) Form, bulk and general design

The scheme involves the conversion of an existing, historic stone-built barn and the addition of a substantial extension to its side. The general means of conversion and design of the stone-built element is considered acceptable; the simple agricultural character of the building will be retained (when viewed in isolation to its extension). The proposed extension however is considered inappropriate in terms of its form, bulk and design; it will not respect the character or appearance of the host building and indeed will significantly undermine it. The scheme taken as a whole is therefore of an inappropriate form which is not inkeeping with its surroundings; the style and materials of the scheme do not respect the existing building. The proposal fails to comply with Criterion 1 of Policy RE6.

The impact of the substantial proposed extension on the significance of the host building as a non-designated heritage asset is dealt with below.

2) Requirement to not be of temporary or insubstantial construction and capable of conversion without substantial/complete reconstruction or major extension.

A structural survey of the existing building has been submitted with the application and this demonstrates to the case officer's satisfaction that the main stone-built structure is of permanent and substantial construction, and that it is capable of conversion without substantial reconstruction work. However, the existing building also incorporates a large modern block-built extension clad in timber. This element of the building is to be demolished and replaced by a very substantial extension; this clearly constitutes a major extension. The proposed scheme taken as a whole therefore clearly involves substantial reconstruction/extension in that the modern element is to be entirely replaced and reconstructed; the scheme as a whole cannot be considered a conversion and this fails to comply with Criterion 2 of Policy RE6.

3) Requirement for the proposal to enhance visual amenity and not harm ecological function

The site is located in a very rural, isolated location which is overwhelmingly agricultural in character. It is considered that the scheme will harm the visual amenity of this rural area through the introduction of an incongruous domestic building, domestic paraphernalia and car parking at odds with the site's highly rural nature. The development will also harm the visual amenities of this part of the Green Belt and the scenic quality of the Area of Outstanding Natural Beauty (AONB) for the same reasons.

Information has been submitted regarding the ecological impacts of the scheme and it is noted that the previously expressed concerns of the arboricultural officer and ecologist have been resolved subject to conditions regarding an arboriculture method statement and tree protection plan; subject to the imposition and subsequent compliance with these

conditions the application complies with Policy NE6. Conditions regarding a pre-commencement wildlife protection and enhancement scheme, a pre-occupation ecological follow-up report and an external lighting condition will be necessary, if the scheme were acceptable, in order to mitigate any ecological harm in accordance with policies NE3 and NE5.

A protected species survey/ecological assessment has been submitted with the application; these include a bat survey of the building. The survey confirms at least 2 roosts for common pipistrelle bat and as such a European Protected Species licence will be required for the development to commence.

The law is such that the local planning authority must be confident, prior to issuing any consent, that the "three tests" of the Habitats Regulations will be met and an EPS licence obtained. ie that the conservation status of the affected species will not be harmed; that there are no satisfactory alternative solutions, and that there are "imperative reasons of over-riding public interest". Provided the mitigation strategy is implemented as described in the report, and this is secured by condition, it is considered that the "third test" of the Habitats Regulations would be met.

With regard to the three tests these are as follows:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;
2. There is no satisfactory alternative;
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

Test 1

The project will also be utilising local contractors, skills and resources which is beneficial to the local economy. Furthermore, as this project is a small residential development relating to a common bat species, no Reasoned Statement is required for Natural England to make a decision on this licence application.

Test 2

An additional period of static monitoring was completed in August and September 2020 and no evidence of use by horseshoe bats was recorded. Occasional sustained foraging activity by common pipistrelle bat was recorded. This is consistent with previous survey findings.

To fundamentally alter the design of the building for occasional, sustained foraging activity by common pipistrelle bats is considered unreasonable. This species is the most widespread and highly adaptive species in the UK, readily using bat boxes and therefore the mitigation strategy provided within the report is considered likely to be successful.

Test 3

As stated, the applicant has submitted a number of surveys which have been referred to the Council's ecologist. The ecologist has commented that the surveys are acceptable and meet the third test. The ecologist has requested that conditions are attached to ensure that mitigation measures are put in place.

The report includes appropriate outline proposals to compensate for loss of the roost and mitigation measures required during works. It is considered that provided mitigation is implemented as described, the scheme will not harm the conservation status of the affected species.

Subject to implementation of the necessary bat mitigation and compensation measures, and sensitive lighting design, to be secured by condition there are no objections to the proposed scheme.

Notwithstanding the above the legal test in these cases was set out by the Supreme Court in the case of Morge as follows:

"I cannot see why a planning permission (and, indeed, a full planning permission save only as to conditions necessary to secure any required mitigating measures) should not ordinarily be granted save only in cases where the Planning Committee conclude that the proposed development would both (a) be likely to offend article 12(1) and (b) be unlikely to be licensed pursuant to the derogation powers. After all, even if development permission is given, the criminal sanction against any offending (and unlicensed) activity remains available and it seems to me wrong in principle, when Natural England have the primary responsibility for ensuring compliance with the Directive, also to place a substantial burden on the planning authority in effect to police the fulfilment of Natural England's own duty."

As this is a small residential development and findings show only occasional foraging of the common pipistrelle bat. Therefore, as a matter of law, and given the minor nature of the development and conservation impacts, it is considered likely that a licence will be granted by Natural England which is supported by the fact that Natural England would not require a reasoned statement.

In conclusion the proposed development fails to comply with the third criterion of Policy RE6 as whilst the ecological aspects of the scheme are acceptable, for the reasons set out above the impact on visual amenity is not.

4) Requirement to not result in a dispersal of activity which prejudices town or village vitality and viability.

It is not considered that the formation of a single dwelling will result in the dispersal of activity which prejudices town or village vitality and viability; Criterion 4 of Policy RE6 is therefore complied with

5) Requirement that where the building is isolated from public services/community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting must outweigh the harm arising from the isolated location.

The benefits of re-using this ruinous farm building by creating one additional dwelling to the housing stock are limited and do not outweigh the harm arising from its isolated location such as unsustainable transport patterns and reliance on the private car; the significant negative impact that the scheme will have on the non-designated heritage asset (see below) and the visual amenities of this part of the Green Belt and AONB (also see below). The development fails to comply with the fifth criterion of Policy RE6.

6) Requirement that the development will not result in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;

It has been confirmed in the email attached to the previous application dated 24th September 2020 that the building is used for general agricultural storage and that the contents of the building will be stored in the existing steel framed barn at the bottom of the hill. Whilst this statement cannot be independently corroborated, there is no reason to challenge nor doubt it. On this basis the application complies with the sixth criterion of Policy RE6.

7) Requirement that in the Green Belt, the proposal does not have a materially greater impact than the present use on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

The application site relates to a parcel of land within a prominent position in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty (AONB). The character of the local landscape is rural, pastoral and agricultural. The existing barn forms an isolated and locally distinctive historic feature within important views and as such adds greatly to the visual amenity of the Green Belt and the landscape and scenic beauty of the AONB.

The applicants stated that the original volume of the structure was approximately 381 cubic metres and the overall volume of the extensions was 109 cubic metres. However, this was double checked by the Council and it was considered that the Council could not agree that the original volume is 381 cubic metres. The Council's re-calculations had the original structure as 142 cubic metres. The calculations for the cumulative extensions was calculated as 344 cubic metres. As such this was considered to be an approximate 91% volume increase of the original building which was considered to be a disproportionate volume increase to a building in the Green Belt contrary to policy GB3.

Within this most recent application, the applicant has now explained that the original volume of the building as of 1st July 1948 was 827 cubic metres and the proposed structure is 490 cubic metres. The applicant has explained that evidence for this is the sales particulars from 1942 which shows the footprint of the building. The applicant has explained that there is evidence of the original structure on the South East gable which shows stone quoins and some straight stone masonry. The applicant has explained that since the previous committee site investigation has been carried out to expose more of the low-level walls of the original building. The applicant has explained that the external low-level walls visible indicate that the internal ground level would have matched the existing stone structure. The applicant has gone on to reference some appeals regarding original building volume, one in particular being appeal reference: APP/Y3615/D/19/3225122, whereby the Inspector explained that the original building should be that which stood on 1st July 1948. However, this appeal is not directly comparable as the situation is different

in that it dealt with an extension to a building that was a replacement dwelling. The existing building was different from and larger than the original and the Inspector concluded that the extension proposed would therefore be disproportionate to the original rather than the existing. However, the application site in this application involves a ruinous part of the original building which, according to historic aerial photography, has been ruinous for many years. It is also important to note that each case is treated on its own merits.

Whilst the Council are in agreement that the original building is that which stood on 1st July 1948, there are a number of high court judgements which explain the case when dealing with ruinous buildings.

In case law; Brentwood Borough Council Vs the Secretary of State for the Environment, Transport and the Region (1999) and Sevenoaks District Council Vs the Secretary of State for the Environment and J Clarke (1997), it was explained that a comparison with the original dwelling did not relate to the floorspace of some dwelling that no longer existed- rather that this should be taken to refer to the dwelling as it existed at the time the application for an extension was made. The Inspector in appeal reference APP/Y3615/A/08/2070892 also agreed with this approach and also explained that when deciding whether an extension was disproportionate other factors came into play- the mass, bulk, height and design were all relevant and these could not be assessed against some earlier building which no longer existed.

Therefore, the Council's original calculations are still considered relevant and correct and the scheme is still considered to represent a disproportionate volume increase to a building in the green belt.

The removal of the porch element has changed the volume calculations so that the extensions to the original now amount to approximately 234 cubic metres which is an approximate 69% volume increase over the original volume of 142 cubic metres. This volume increase is still well above the permitted volume increase of about a third and is still considered a disproportionate volume increase to a building in the Green Belt. Furthermore, considering the prominent hillside location, the scheme is considered to be harmful to the openness of the Green Belt and the purposes of including land within the Green Belt in that the scheme will lead to encroachment into the countryside through the inclusion of domestic paraphernalia, car parking and other features that will alter the character of the area. Whilst the applicant states in the design and access statement that future occupants do not expect a garden, in reality this is not considered feasible. The proposal is contrary to policy CP8 of the adopted Core Strategy and policies RE6, GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the NPPF goes on to explain that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The applicant has stated that due to the innovative design and sustainable construction this represents

'very special circumstances'. However, whilst the sustainable credentials are noted the sustainability of the scheme and the design are not considered to represent very special circumstances as this could apply to any application where a straw bale house was proposed. This position is also substantiated through appeal reference APP/W4705/A/06/2027920, which dealt with an appeal building in a poor condition and the appellant argued that it was more sustainable to make use of existing buildings than to build new. However, the Inspector found that the remote location was considered unsustainable where almost every journey would necessitate a car trip and that this would be contrary to sustainable development. The Inspector, therefore, concluded that the re-use of the building would not amount to very special circumstances.

This site is also within a rural location, outside of a housing development boundary where there would be reliance on the private car which in itself is not conducive to sustainable development. The creation of a domestic dwelling in this location is not considered to be in-keeping with the rural character of the area contrary to policies RE6, D2, D5, NE2 and GB1 of the Placemaking Plan (2017).

8) The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1.

The barn is considered to be an undesignated heritage asset and the proposed works are considered to significantly harm the integrity and significance of the building (see character & appearance section below for detailed explanation). The proposal therefore fails to comply with Criterion 8 of Policy RE6 and the application is comprehensively contrary to Policy RE6 as a whole

Character and Appearance (including Heritage Matters)

Planning permission is being sought for the creation of a detached four-bedroom two storey dwelling with associated vehicular access, parking and hard and soft landscape works on the site of Crewcroft Barn.

The existing barn consists of a stone and pitched pantile roofed early nineteenth century extension to what may have been an eighteenth century threshing barn of which no above ground structure remains; and a twentieth century block built and timber clad flat roofed extension to the south east facade of this stone structure.

The character of the local landscape is rural, pastoral and agricultural. The existing barn forms an isolated and locally distinctive historic feature within important views and as such adds greatly to the visual amenity of the Green Belt and the landscape and scenic beauty of the AONB not least because of the physically and visually subservient nature of its modern flat roofed extension and its continued agricultural use.

The creation of a large detached four bedroomed dwelling here would create a highly visible feature of a distinctly domestic character that is out of keeping with the rural, pastoral and agricultural landscape that surrounds it. It is therefore considered that the proposed development would prejudice rather than enhance the visual amenities of the Green Belt by reason of its siting and design and it would not conserve nor enhance local landscape character, landscape features, local distinctiveness and important views. It is

considered that the proposed design and size of the building would be likely to exacerbate rather than adequately mitigate the adverse landscape and visual impact of the development. Whilst it is noted that the porch has been removed in this application, which is an improvement, this does not overcome the issues as explained above. The overall approach to window design is supported and the use of materials is also an improvement. If the scheme were acceptable sample materials would be necessary as a condition.

Crewcroft Barn is considered to be a non-designated heritage asset. A non-designated heritage asset is a building which is identified as having a heritage significance meriting consideration in planning decisions, but which does not meet the criteria for listing. The heritage assessment submitted with the application has identified that this barn, which has been extended with a modern, unsympathetic barn, is a historic farmyard which stands in an elevated location, set into the hillside. This isolated location results in a dramatic and imposing building. There is limited evidence of further historic buildings surrounding the site; however, no firm details have been found of the building's design or scale. The current building is isolated and has a striking impact due to its monolithic appearance in this elevated location.

Significance is defined by the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence, but also from its setting.

The submitted heritage assessment has identified that the building has architectural significance and identifies that its setting in the landscape is a significant feature owing to its 'almost chapel-like west gable'. The statement goes on to state that 'the position of the barn on a steep slope is both striking, and functionally integral to the original purpose of the structure'

The significance is considered to be the historic and architectural features of this monolithic barn. Its isolated location and setting is also an intrinsic part of its significance.

Whilst the porch has now been removed, the scale of the extension remains substantial and detracts from the monolithic features of the historic barn. The current modern barn is not a positive feature and the application can provide the opportunity to enhance the setting. In this case the applicant has retained a scale and design which is considered to cause harm.

Paragraph 197 of the NPPF states that:

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

In this case, the scale and design of the extension would consolidate a design and scale of extension which harms the non-designated heritage asset. Its significance is rooted in its dominance as a monolithic structure set in this isolated location. The scale of harm in this case is directly linked to the reasons the building is considered a heritage asset. The re-use of the barn would have some benefits (i.e. the securing of the building's long-term use and maintenance), however, this benefit, is not outweighed by the impact of the

extension on the building's significance. There is no evidence to suggest a smaller, more considerate extension could not be achieved and therefore, on balance, the benefits of the current design are not considered to outweigh the harm. The scheme is considered contrary to the provisions of the NPPF and policies D2, D5, RE6, NE2, NE2B and HE1 of the Placemaking Plan (2017).

Arboriculture

The application is supported by an arboricultural report and further information has been received regarding the services which is now considered acceptable.

Whilst the arboriculture officer has expressed some concern regarding the retention of the trees in the future, this application does not propose removing these trees and as such the scheme is considered as it is.

It is considered that linkages to the wider green infrastructure in the landscape should not necessarily be lost and the proposed planting of a native hedge interspersed with trees provides an enhancement.

If the scheme were acceptable conditions would be attached to ensure the submission of an arboriculture method statement and tree protection plan in compliance with policy NE6

Residential Amenity

The site is located in the countryside and there are no neighbouring dwellings within close proximity to the dwelling and there is sufficient outdoor amenity space for the proposed dwelling. Therefore, the scheme is generally considered compliant with policy D6 of the Placemaking Plan (2017) but this is not seen to overcome the issues regarding the landscape impact as discussed above.

Highways

The National Planning Policy Framework recognises that opportunities to maximise sustainable transport solutions will vary for urban and rural areas. In this case the proposal would result in a dwelling in the open countryside outside of the housing development boundary. The remote and rural location would mean that, most journeys to and from the site would be undertaken by private car.

Although, the proximity to local footpaths and cycle routes is noted and this has been highlighted on the Transport Links drawing, the routes to Wellow or Hinton Charterhouse would require the residents to walk or cycle a significant distance (1.4km & 1.7km respectively) on C466 Hinton Hill or through countryside, where paths are unsurfaced and unlit. The distance to local services such as shops, schools, local businesses and public transport and the hilly topography are likely to provide a further disincentive to travel on foot. It is therefore likely that daily commutes and or trips to schools and other services would be dependent on a private car which is contrary to policy ST1 of the Placemaking Plan (2017)

Whilst the certificate of lawful use granted in 2018 and the reinstatement of the access track approved in 2020 potentially allowed the barn to be brought back into agricultural

use, they did not allow for changes within 25m of the classified C road being the C466 Hinton Hill. Therefore, the existing use of the access is likely to be low due to the lack of an improved track to the Highway. The proposal is likely to increase the use of the access for residential use. In addition, some agricultural trips are likely to remain because of the presence of two field access gates remaining.

The applicant who also owns the adjacent agricultural land intends to occupy the dwelling and has stated that the creation of this dwelling may reduce the need for some trips to site to check on or move livestock, including trips with large/ slow moving machinery. Whilst this is noted, it cannot be secured; if approved the dwelling will be able to be disposed of separately to the land/farm.

The proposals include a modified junction being formed with Hinton Hill. This road is classified, being the C466, and is a single carriageway with no segregate footways or street lighting. The existing entrance will be improved by widening it to 35m at the edge of the carriageway and a bound hard standing laid to fall away from the highway. In addition, an 11m set-back will allow vehicles to pull off the highway before opening the gate to the access track. Existing vehicle visibility will be improved by widening the access, and in addition existing hedging and verge is proposed to be cut back and maintained.

The applicant has not measured vehicle speeds at the access therefore we refer to the speed limit of the road to calculate the required stopping sight distance for a visibility splay. In this situation, the speed limit of 60mph would correspond to a stopping sight distance of 215m being required as set out in Design Manual for Roads and Bridges (DMRB).

The proposed Highways Arrangements shows a 100m visibility splay, however the splay is not drawn to the near side kerb as recommended in Manual for Streets or DMRB. When measured to the nearside kerb the visibility splay measures 51m to the east and 74m to the west. If the application was minded for approval, a revised plan would have been sought indicating visibility measured to the nearside kerb, in order that we can secure the construction and maintenance of the visibility splay by condition. While the proposed visibility falls short of that recommended for a new road junction on a 60mph road, it should be considered that this is an existing agricultural access on a rural road with no history of accidents in the past five years. The modified access is considered to provide an acceptable improvement to cater for the potential modest increase in trips generated by the development. The revised drawing Highways Arrangement shows that the access track allows for at least 2.7m width and a turning head for a fire tender.

The site is in the 'Outside Bath Zone' for Car Parking in the B&NES Placemaking Plan Policy ST7. The car parking standards require 3 spaces per four bed dwelling and above. The proposed 3no. spaces would be adequate for a 4-bed dwelling. This development would need to provide at least 2 cycle parking spaces designed to meet the Residential Cycle Parking Provision guidance in the B&NES Placemaking Plan Policy ST7. The Highways Arrangements drawing 8QT-07 confirm cycle parking be provided. Further details of the proposed cycle parking and electric vehicle charging could be requested by condition. The plans include waste storage and collection points, and this is acceptable.

Local food growing and water efficiency

There is sufficient outdoor space to grow plants and vegetables and so it is considered that the proposal would comply with policy LCR.9.

Policy SCR5 explains that all dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency being 110 litres per person per day. Rainwater harvesting or other methods of capturing rainwater for use by residents eg) water butts will be required for all residential development. If the scheme were acceptable this would be secured by condition on the permission.

Sustainable Construction

The application has a completed sustainable construction checklist which is compliant with policy CP2 of the Core Strategy (2014).

Summary and Conclusion

Crewcroft Ban is located in both the open countryside and the designed Green Belt. Planning policy resists the creation of new dwellings in the open countryside and instead steers residential development towards locations in existing urban areas; this is for a number of reasons including better accessibility to local services, sustainability, urban containment and landscape protection. Planning policy however makes a number of exceptions to this general rule and one such exception is the conversion of existing rural buildings.

Policy RE6 sets out the criteria that must be met for a rural building to be eligible for conversion and for a proposed conversion scheme to be deemed acceptable. All criteria must be met and whilst the scheme does meet some of them, it fails to comply with many. The first criterion requires the means of conversion to be of an appropriate design which does not harm the barn itself or the character of the area. The proposed scheme however significantly harms the character of the building due to a disproportionately large extension which is incongruous and at odds with the host building (it is also contrary to Green Belt policy - see below). The second criterion requires the subject building to be in relatively good physical/structural condition (to ensure that conversion is in fact possible) and resists the construction of large extensions (this is because the exception applies only to the conversion of existing buildings, not their rebuild and/or extension). The proposed scheme, as stated includes a very large extension, the presence of an existing somewhat ramshackle modern extension carries little weight as it is a poor condition and is to be demolished.

The third criterion requires visual amenity to be enhanced whereas in fact the scheme will cause harm to visual amenity through the fundamental change in character resulting from the introduction of domestic paraphernalia, car parking and similar features. The fifth criterion requires that where a rural building is in an isolated location (isolated from local services and facilities etc.) that any benefit must outweigh that harm. The public benefits of this scheme are limited and will not outweigh the harm caused by the creation of a remote dwelling that is isolated from the services its residents require.

Criterion 7 relates to the Green Belt and requires a proposed conversion scheme to not have materially greater impact on the openness of the Green Belt or reasons for including land within the Green Belt. Alongside this the NPPF states (at Paragraph 145) that new

buildings in the Green Belt are 'inappropriate'; the NPPF lists a number of exceptions to this including where an existing building is to be extended or altered provided that those works do not result in disproportionate additions over and above the size of the original building. The original building is the stone-built element of the barn, the timber-clad addition is clearly modern. The proposed extension represents a 91% increase in volume; the near doubling in size of the original building is clearly a disproportionate addition which will also, together with other aspects of scheme, have a materially greater impact on the openness of the Green Belt.

The proposed development is evidently fundamentally contrary to development plan policy. There are no material considerations indicating that a decision other than one that is in accordance with the development plan ought to be taken. The public benefits of the creation of a single new dwelling are limited and do not outweigh the concerns set out above. The sustainable construction credentials of the development are noted but these neither constitute 'very special circumstances' in the Green Belt nor a reason to depart from the development plan. The use of straw bales is not innovative technology (it has been in use for 20-30 years) and even if it were this would not justify a scheme that is fundamentally contrary to policy. Similarly, the scheme's other sustainability credentials (e.g. passive Haus) are of limited weight as improved energy efficiency and reduced carbon emissions is now common-place and requirements will tighten further. The scheme is contrary to the development plan as such it is recommended that the application be refused.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed scheme constitutes inappropriate development in the Green Belt; the extension to the original (stone-built) barn represents a disproportionate volume increase and amounts to a major extension of the building. The application site is in a prominent hillside location; the scheme will be harmful to and will significantly undermine the openness of the Green Belt (and the purposes of including land within it) by virtue of its substantial extension, change in character from agricultural to domestic, introduction of domestic paraphernalia and car parking. No 'very special circumstances' are present. The proposal is contrary to Policy CP8 of the adopted Core Strategy and policies RE6, GB1 and GB3 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF.

2 The proposed dwelling represents an over-development of the existing building. The proposed design is not of a high quality and would not be in-keeping with the rural character nor the visual amenities of the Green Belt and Area of Outstanding Natural Beauty. The proposed scheme, by virtue of its poor design, will be harmful to the significance of this non-designated heritage asset. Accordingly, the proposal is contrary to policies RE6, D2, D5, NE2, HE1 and GB1 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

1 This decision relates to plan references;

8QT - 01F, 8QT - 03H, 8QT - 04A, 8QT - 05, 8QT - 06, 8QT - 07C, 8QT - 09B, 8QT - 10A, 8QT - 12 and WHL-1053-01 D received 27th April 2021.

2 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.

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. 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: 04
Application No: 21/01646/FUL
Site Location: 3 Barrow View Timsbury Road Farmborough Bath Bath And North East Somerset



Ward: Clutton And Farmborough **Parish:** Farmborough **LB Grade:** N/A
Ward Members: Councillor Sally Davis
Application Type: Full Application
Proposal: Erection of first floor side extension
Constraints: Clutton Airfield, Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodrome,
Applicant: Mr And Mrs Dennis And Catherine Taylor
Expiry Date: 1st June 2021
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application refers to a semi-detached dwelling located outside of the Housing Development Boundary and within the Green Belt.

Planning permission is sought for the erection of a first-floor side extension.

The application was referred to the Chair and Vice Chair of the Planning Committee given the support of the Parish Council and an indication at pre-application that the application would be supported if a full application was forthcoming. This is contrary to the officer's recommendation. Both the Vice Chair and Chair decided that the application should go before the Planning Committee.

Relevant Planning History:

05/01035/FUL
PERMIT - 10 May 2005
Single storey rear extension

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

FARMBOROUGH PARISH COUNCIL:

At the meeting held last night of the Farmborough Parish Council the Council voted to SUPPORT this application with the following comments:

All materials used must be similar in appearance to the existing house.

Volumes to be checked by BANES planning department.

Representations Received :

None received

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
D3: Urban fabric
D5: Building design
D6: Amenity
GB1: Visual amenities of the Green Belt
GB3: Extensions and alterations to buildings in the Green Belt.

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.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The application site is outside of the housing development boundary and within the Green Belt. Paragraphs 145 and 146 of the National Planning Policy Framework (NPPF) discuss the forms of development which are not considered to be inappropriate forms of development within the Green Belt. One such exception is 145(c) which states that extensions and additions to existing buildings within the Green Belt will not be considered inappropriate so long as the addition does not result in a disproportionate addition over and above the original building. This is echoed by Policy GB3 of the Bath and North East Somerset Placemaking Plan.

The "Existing Dwellings in the Green Belt" Supplementary Planning Document (SPD) (2008) states that when assessing whether an addition is proportionate, the volume of the addition over the volume of the original building will be assessed. Generally, additions of around a third of the volume of the original dwellinghouse are considered acceptable.

No volume calculations were submitted as part of the planning application. The case officer has therefore used planning history to determine the volume of the original building, using the elevation drawings provided as part of this application. The volume of the original building is considered to be approximately 341.25m³. Previous additions to the property include the porch, single storey side extensions and a rear extension. The volume of these additions amounts to approximately 154.1m³. The property has already undergone additions which amount to 45% over and above the volume of the original dwelling. The proposed extension will add an additional 40.4m³ of built form to the dwellinghouse. This takes the total volume increase to 56.7%. This is far beyond the third increase which is generally considered proportionate.

Paragraph 143 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. It is not considered that very special circumstances can be demonstrated in this case.

The proposal will result in a disproportionate addition over and above the original building which is considered to impact upon the openness of the Green Belt and is, by definition, inappropriate development within it. As such, the development is contrary to Policy CP8 of the Bath and North East Somerset Core Strategy, Policy GB1 of the Placemaking Plan 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 is for a first-floor extension to the side of the property. The proposed extension will have a gable end, with a small dormer to the frontage. No.3 is one of a pair of semi-detached properties. Its neighbour has a similar extension. It is therefore not considered that the provision of a first-floor extension would upset the visual balance of these properties. Subject to the matching materials, officers consider that the design of the proposal respects the character of the host dwelling given its subservience and overall design and the character of the locality. However, as above, the development is considered to be inappropriate development in the Green Belt.

RESIDENTIAL AMENITY:

Policy D6 sets out to ensure developments provide an appropriate level of amenity space for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

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.

The proposal will not result in an increase in the number of bedrooms at the property which will remain at 3. There is sufficient parking for 2 vehicles at the site which is acceptable.

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.

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:

The proposal is inappropriate development in the Green Belt and is recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed first floor extension, when combined with previous additions at the site, will result in a disproportionate addition over and above the original building. The proposal is, by definition, inappropriate development in the Green Belt and is harmful to openness. It is therefore contrary to Policy CP8 of the Bath and North East Somerset Core Strategy, Policy GB3 of the Bath and North East Somerset Placemaking Plan and Part 13 of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans:

- 02 Survey Plans
- 03 Survey Elevations
- 04 Proposed Plans

05 Proposed Elevations
Block Plan

All received 6th April 2021

2 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.

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	30 th June 2021
TITLE:	Bath and North East Somerset Council (Land Adjacent To Meadow Barn, Wick Lane, Pensford No.4) Tree Preservation Order 2021
WARD:	Pensford
AN OPEN PUBLIC ITEM	
List of attachments to this report: <ol style="list-style-type: none"> 1. Map from Bath and North East Somerset Council Bath and North East Somerset Council (Land Adjacent To Meadow Barn, Wick Lane, Pensford No.4) 2. Objection letter 	

1.0 SUMMARY

- 1.1 The Tree Preservation Order entitled Bath and North East Somerset Council (Land Adjacent To Meadow Barn, Wick Lane, Pensford No.4) was made because the tree is within a parcel of land which has been the subject of past planning applications for development and gates have recently been erected on the site which has raised concerns within the community regarding the future of the tree. A Tree Preservation Order is considered expedient in the interest of public amenity to ensure that the tree is fully considered in any subsequent development proposal.
- 1.2 The Oak tree is considered to have sufficient visual amenity to contribute towards the local environment being on raised ground to the south of the village and visible to the public. It is also considered to have ecological value by virtue of its size and age. The TPO was provisionally made on the 1st April 2021.
- 1.3 The TPO has been brought to the Planning Committee because an objection has been received from the landowners following the making of the TPO.
- 1.4 The making of the TPO has been supported by Publow and Pensford Parish Council and representations from six residents.

2.0 RECOMMENDATION

- 2.1 The Planning Committee is asked to confirm the Tree Preservation Order without modification.

3.0 FINANCIAL IMPLICATIONS

- 3.1 Financial: Under the law as it stands the owner of the trees cannot claim compensation from the Council for making them the subject of a tree preservation order. However if a tree is covered by a tree preservation order and the Council refuses an application to fell the tree, the owner may be able to claim compensation if he or she suffers a loss or damage as a consequence of that refusal.
- 3.2 Staffing: None.
- 3.3 Equalities: In deciding to make the TPO the provisions of the Human Rights Act 1998 have been considered. It is considered that Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property) of the convention rights apply in this matter. Confirmation of the TPO is however, considered to be a proportionate interference in the wider public interest.
- 3.4 Economic: None.
- 3.5 Environment: The tree which is the subject of this report contributes towards the visual amenity being on raised ground to the south of the village and being of sufficient ecological value by virtue of its age.
- 3.6 Council Wide Impacts: The Tree Preservation Order will need to be taken into consideration when considering any application for development or alterations on the site which might affect it.

4.0 THE REPORT

4.1 Background

- 4.2 The Council received communications from concerned residents that the tree was under threat from potential development, particularly since new gates and access have been formed.
- 4.3 The tree was assessed and the Tree Evaluation Method for Preservation Orders (J Forbes-Laird) was used as a decision-making guide, and it was concluded that the tree contributed sufficiently towards the visual amenity and character of the area to support the making of a TPO. Given the past planning history and recent activity on site it was considered expedient to make a Tree Preservation Order.

4.4 Responses to the Tree Preservation Order

- 4.5 The Council is required to consider all duly made objections and representations before deciding whether to confirm the TPO.
- 4.6 One objection has been received to the making of the Order from the landowner so a decision on whether the TPO should be confirmed or not must therefore be made by Councillors. Committee Members are advised to read the objection email which is attached to this report.

- 4.7 Publow and Pensford Parish Council support the Tree Preservation Order.
- 4.8 The Council also received supporting comments from six residents.
- 4.9 A summary of the objections to the TPO from the landowner are:
- i. The tree is not a fine specimen.
 - ii. The tree is precariously rooted at the top of a vertical drop and could fall without warning. The tree is considered a potential safety risk.
 - iii. The tree is not within view from a public location and is not considered to be a public amenity.
- 4.10 The objections outlined in section 4.9 have been considered by the officer and the following comments are made:
- i. The tree is considered a notable tree. Visually it has developed a wide spreading canopy representative of an open grown Oak which has not been influenced by neighbouring, competing trees. The general appearance and silhouette are characteristic of Oak. The tree appears in reasonable condition exhibiting good vitality. It is also considered to have ecological value in view of its species; age and characteristics such as hollows between buttress roots suitable for habitation by wildlife. Currently the trunk and primary branches are supporting advanced ivy growth which may be obscuring additional characteristics indicative of a veteran tree.
 - ii. The tree is growing immediately adjacent to the exposed earth face above the parcel of land. Some soil erosion is evident, however, there are no apparent indications that the tree is unstable and likely to fail without warning. The landowners have not provided any documentation or arboricultural report to support their concerns and there is no evidence that any works have been carried to the tree to reflect these concerns. It is in an exposed location so root growth is likely to have been stimulated by this exposure to grow to the south east within undisturbed land to provide stability in addition to providing water and nutrients to support growth.
 - iii. The scale of the tree and elevated position mean that it is visible from the A37 and several roads within the village including Wick Lane, Church Street and Stanton Lane. The comments received in support of the TPO indicate that local residents can see the tree to value it.

4.11 Relevant History

- 4.12 17/02827/FUL – application returned. Erection of nine dwellings including parking, cycle and bin storage provision, with highway access onto Wick Lane and associated infrastructure and landscaping (Resubmission)
- 4.13 16/00532/FUL - application withdrawn. Erection of nine dwellings including parking, cycle and bin storage provision, with highway access onto Wick Lane and associated infrastructure and landscaping

5.0 LEGAL AND POLICY FRAMEWORK

Tree Preservation Order

- 5.1 A Tree Preservation Order is an order made by a local planning authority in respect of trees and woodlands. The principal effect of a Tree Preservation Order is to prohibit the:
- Cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the council's consent.
- 5.2 The law on TPOs is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 5.3 A local planning authority may make a tree preservation order if it appears
- “Expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”
- 5.4 The Council's Arboricultural Officers have a written method for assessing the 'Amenity' of trees and woodlands. This follows Government guidance and takes account of the visual impact of trees and their contribution to the landscape, their general overall health and condition, their longevity and their possible or likely impact on services and property.
- 5.5 This assessment concluded, having taken account of, visual amenity, tree health considerations and impact considerations, that it would be expedient in the interest of amenity to make provision for the preservation of the Oak. The new TPO was made on 1st April 2021 and took effect immediately and continues in force for a period of six months.

Planning Policy

- 5.6 Bath and North East Somerset Local Plan; Core Strategy and Placemaking Plan District-wide Strategy and Policies

Paragraph 272. 'Trees are an important part of our natural life support system: they have a vital role to play not just in the sustainability of our urban and rural areas, but as an important component of green infrastructure networks. They benefit:

- the local economy – creating potential for employment, providing a sustainable source of compost and biofuels and the raw materials for businesses, encouraging inward investment, bringing in tourism and adding value to property.
- the local environment - by reducing the effects of air pollution by removing sulphur dioxide, ozone, nitrogen oxides and particulates and reducing storm water run-off and soil erosion, acting as carbon sinks and producing oxygen; reducing energy consumption through moderation of the local climate by providing shelter and shade and reducing glare, reflection and wind speeds. They can provide screening and privacy or emphasize views and architecture. They provide a wide range of wildlife habitats.

- the health and wellbeing of our community – by providing shade from harmful ultra-violet radiation and improving the visual quality of our landscape and our sense of wellbeing. Studies have shown that the calming effect of trees can reduce stress levels and improve recovery time after surgery. Trees and woodlands provide opportunities for recreation and education.'

Paragraph 273. 'Much of the tree cover in the urban areas is in a critical condition and there is little or no replacement planting for over-mature trees in decline. Infill development has often reduced the space available for planting large tree species. In addition, new tree planting takes many years to mature. The management and retention of significant trees is therefore pressing.'

Paragraph 274. 'Bath & North East Somerset has a duty under the Town and Country Planning Act 1990 to ensure tree and woodland preservation wherever it is appropriate. The Council will continue to protect trees and woodlands through Tree Preservation Orders (TPOs) as appropriate. There is also a level of protection afforded to trees in Conservation Areas (CAs). However there are many trees of value outside these designations and careful consideration should be given to the removal of any tree.'

6.0 CONCLUSION

- 6.1 The Oak contributes towards the local visual amenity.
- 6.2 Confirmation of the TPO would help to support the retention of the tree and would ensure that the contribution it makes is duly considered when determining any future planning applications.
- 6.3 An application supported by sound arboricultural reasons for pruning or felling as the need arose in the future can be made under the TPO. The Council will then be able to condition the quality of the workmanship or replacement planting as appropriate.
- 6.4 In keeping with the Council's commitment to conserve and enhance the environment, it is recommended that the Committee confirm the TPO without modification.

Contact person	Jane Brewer 01225 477505
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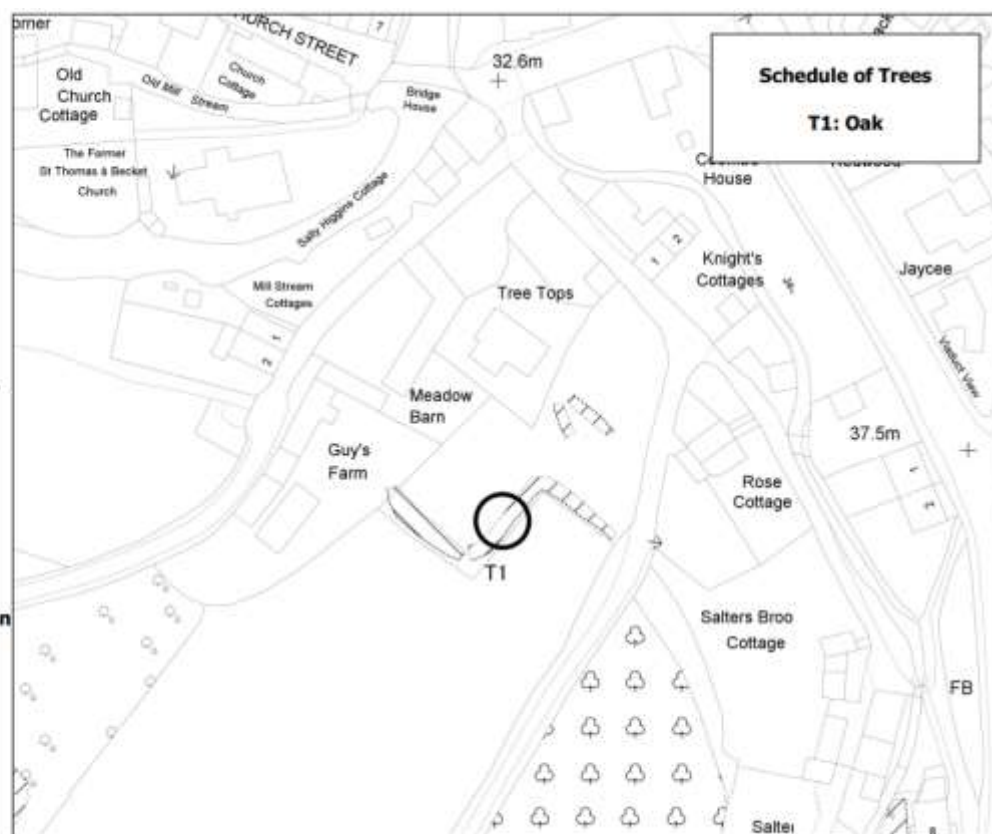
Scale 1:1000
 Date: April 2021
 Plan No: 537/4;
 21/00001/TPO
 Grid Ref: ST 619636

Title:
 TOWN AND COUNTRY
 PLANNING ACT 1990
 BATH AND NORTH EAST
 SOMERSET COUNCIL

(Land Adjacent To
 Meadow Barn, Wick Lane,
 Pensford no.4)

TREE PRESERVATION
 ORDER 2021

Paula Freeland
 Team Manager
 Planning and Conservation
 Development and Public
 Protection



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Ms Paula Freeland
Team Manager
Planning and Conservation
Development Services
Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

16 April 2021

Dear Ms Freeland,

Oak Tree at Wick Lane

I reply to your letter of 6 April 2021.

We have been monitoring this tree you refer to for some years, principally because of our concern about its safety. As you will know from your inspection, it is precariously rooted at the top of a vertical drop.

You may be aware that this parcel of land was part of Guys Farm until it became an uneconomically small agricultural unit and now has no practicable use other than, we believe, for housing for which there is, of course, considerable need.

Hence, we have been preparing plans for some years. The tree location would not be particularly convenient for housing but neither would it be inconvenient. It is not a fine specimen and I had in mind proposing that it is replaced with another oak on grounds that, one day, it is likely fall without warning. It can hardly be said that it is not a potential safety risk. If the council consider the tree should be retained, it would only be reasonable for the council to take responsibility for its safety.

As you will have noticed from your own visit, this oak is, so far as I am aware, not within view from any public location so I do not believe it is a public amenity. For these reasons, I request that the Temporary Order be lifted and not given permanent status.

Would it be useful to meet on site?

With kind regards,

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Planning Enforcement Briefing Report

Site: Bath Recreation Ground

Issue: Failure to comply with planning condition requiring removal of the East Stand

Date of Briefing Report: 18th June 2021

Introduction

This report is intended to provide an update to the Planning Committee in respect of the recent announcement by Bath Rugby that they will be breaching their planning condition pertaining to removal of the East Stand at the end of the 2020/21 premiership rugby season. This report is for information only and is not seeking a determination, decision, or other resolution from the Planning Committee.

Background

On the 14th June 2021 Bath Rugby issued a public statement on their website (<https://www.bathrugby.com/club-news/east-stand-notice/>) (set out in full in the annex to this report) advising that due to circumstances beyond their control they would not be able to remove the temporary east stand by the end of the 2020/21 Premiership Season. Bath Rugby, in their statement acknowledge they will not be able to comply with a planning condition secured under the relevant permission for the east stand.

The circumstances by which Bath Rugby cannot comply with the condition relate, according to Bath Rugby, to an impending breach of contract by the owners of the East Stand who lease it to the Club and who are unable to fulfil their contract to remove it for the required period. The Owners of the stand have apparently issued a notice to the Club advising as such. Officers have not seen the notice

Relevant Condition

The condition in question is condition 2 of planning permission 20/00135/VAR which states:

“The construction of the temporary East Stand seating and associated facilities including access stairs shall not commence more than 4 weeks before the first Home game of each rugby Premiership season. With the exception of summer 2020, the East Stand shall not be used for more than 39 weeks from the date it is first brought into use each season and the East Stand structures and associated facilities including access stairs shall be entirely removed from the site not later than 3 weeks after the last Home game of the rugby Premiership season

Reason: In the interests of the use, character and appearance of the site as recreational open space within the Conservation Area and World Heritage Site and the setting of listed buildings. The exception of summer 2020 is due to the unprecedented circumstances relating to the COVID-19 crisis and the need to retain flexibility during this period of uncertainty.”

Breach of Condition

The last home game of the 2020/21 premiership season was played on the 12th June 2021. In accordance with the requirements of Condition 2 above, the east stand should be removed before the 4th July 2021. Notwithstanding the confirmation from

the Club that they will not remove the stand, it is important to note that until the relevant date passes there is no breach of condition.

With regard to when the club can re-construct the east stand, the 2021/22 fixtures list has yet to be published therefore it is unknown when the first home game will be played however the premiership resumes on the 17th September 2021. In the event Bath Rugby's first home game of the 2021/22 season is scheduled for the opening day of the season, in accordance with the requirements of Condition 2, construction of the East Stand may commence on the 20th September 2021.

Officers have phoned Bath Rugby but were unable to make contact.

Enforcement

This is an unusual situation because the breach of condition is anticipated but has not yet happened. It is important to emphasise that planning enforcement action is discretionary. All decisions must be taken at the right time and on the basis of the most comprehensive information available. At all times the Council must follow planning law (principally the Town and Country Planning Act 1990) and apply national and local planning policy. Nothing in this report should be interpreted as in any way committing the Council to or preventing the Council from pursuing a particular course of action.

Although the Council is not currently in a position to make any formal decisions, it is possible for officers to give members an indication, on the basis of current information, about how the first stage of the matter might proceed.

Given the stand's location within the heart of the World Heritage Site and the unique nature of the situation, officers anticipate giving the breach the highest degree of priority. The first step in the process would be to investigate the reasons given by Bath Rugby for failing to comply with the condition. To that end, officers anticipate serving an immediate Planning Contravention Notice ("PCN") under section 171C of the Town and Country Planning Act 1990. A PCN would require Bath Rugby to provide detailed information about the circumstances of the breach and the assertion that the breach is beyond the control of the Club. The service of a PCN does not affect any other power exercisable in respect of any breach of planning control. A person served with a PCN is liable to prosecution if they do not comply with a PCN within 21 days. It is also an offence to provide false or misleading information in response to a PCN. A PCN therefore obliges the recipient to truthfully answer formal questions about the breach of planning control and there are criminal sanctions for failing to comply.

It is anticipated that officers will consider the reply to the PCN before moving on to consider whether it is expedient to take enforcement action. It is not possible at this stage to provide a view on the merits of any particular enforcement option until the breach has both occurred and been fully investigated.

Recommendation

Members are advised to note the report.

Annex1

14 June 2021

We regret to announce that circumstances beyond our control mean that we are unable to comply with the planning condition which requires the East Stand at the Rec to be removed for a small number of weeks this summer.

The condition states that in the three weeks following the final fixture at the Rec, the stands must be removed, and that the reconstruction must not commence more than four weeks before the first home game of the new season.

Arena Group, the company that owns and leases the east stand structure to the club, has issued an official notice to Bath Rugby informing of an impending breach of contract. The notice confirms that it has been impossible to plan, schedule, recruit, and train staff throughout the pandemic causing an extreme shortage of specialist construction teams. As a result, Arena Group's operational capacity is severely limited meaning the east stand can no longer be dismantled and re-erected safely this summer.

Earlier this year, the club shared a number of concerns with B&NES as part of a detailed application (since withdrawn) requiring the east stand to remain in situ throughout the summer months. One concern noted the availability of skilled contractors following a year of crisis for the construction industry. Unfortunately, these concerns have now become a very real reality through circumstances beyond the club's and Arena Group's control.

In their communication with the club, Arena Group went on to state that the health and safety of their staff and clients is paramount. Furthermore, due to the complex nature of the east stand structure, Arena Group are unable to subcontract this work, always requiring full quotas of experienced crews and approved staff to guarantee a safe working environment.

Alex Cohen, Bath Rugby's Chief Operating Officer, commented: "The club has worked with Arena Group to exhaust all possible avenues to facilitate the dismantling of the east stand this summer however, the company has confirmed that due to the unique circumstances of the pandemic they are unable to meet their commitment in terms of the dismantle and re-rig of the east stand at the Rec during the pending summer months.

"We value our long-standing relationship with Arena Group and understand their position, however, we cannot hide our disappointment of the impact this now has on our club. We would like to offer our sincere apologies to all concerned."

Bath & North East Somerset Council		
MEETING:	Planning Committee	<div>AGENDA ITEM NUMBER</div> <div></div>
MEETING DATE:	30th June 2021	
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: 20/02727/FUL
Location: 24 Broadway Widcombe Bath Bath And North East Somerset BA2 4JA
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).
Decision: REFUSE
Decision Date: 23 October 2020
Decision Level: Planning Committee
Appeal Lodged: 21 May 2021
Officer Recommendation: Permit

App. Ref: 20/03608/FUL
Location: Unit 9 Riverside Court Westmoreland Bath Bath And North East Somerset
Proposal: Change of use of vacant office (B1a) floorspace to create three 1 bed self contained flats (C3) on the first and second floors, with communal office floorspace on the ground floor
Decision: REFUSE
Decision Date: 14 January 2021
Decision Level: Delegated
Appeal Lodged: 26 May 2021

App. Ref: 20/03663/FUL
Location: 29 Belvedere Lansdown Bath Bath And North East Somerset BA1 5HR
Proposal: Change of use of ground floor from an existing workshop (Use Class E) to form a new live work unit (Use Class C3) over the ground and basement level and associated internal and external alterations.
Decision: REFUSE
Decision Date: 19 February 2021
Decision Level: Delegated
Appeal Lodged: 8 June 2021

App. Ref: 21/00345/LBA
Location: Lower Maisonette 4 Albion Terrace Kingsmead Bath Bath And North East Somerset
Proposal: External and internal works for the erection of a single storey rear extension atop the existing bathroom and the installation of a flat glass sky light to cover the open trench at the front entrance
Decision: REFUSE
Decision Date: 23 March 2021
Decision Level: Delegated
Appeal Lodged: 8 June 2021

APPEALS DECIDED

App. Ref: 20/03852/FUL
Location: 36 Tennis Court Avenue Paulton Bristol Bath And North East Somerset BS39 7LZ
Proposal: Erection of 1no. attached dwelling.
Decision: REFUSE
Decision Date: 8 January 2021
Decision Level: Delegated
Appeal Lodged: 10 March 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 20 May 2021

App. Ref: 20/03716/FUL
Location: 23 Forester Avenue Bathwick Bath Bath And North East Somerset BA2 6QD
Proposal: Erection of single storey rear extension.
Decision: REFUSE
Decision Date: 16 November 2020
Decision Level: Delegated
Appeal Lodged: 21 April 2021
Appeal Decision: Appeal Allowed
Appeal Decided Date: 24 May 2021

App. Ref: 20/02833/FUL
Location: 36B St John's Road Bathwick Bath Bath And North East Somerset BA2 6PX
Proposal: Erection of vertical extension to existing office accommodation to create an additional storey, including incidental works of demolition
Decision: REFUSE
Decision Date: 9 October 2020
Decision Level: Delegated
Appeal Lodged: 24 February 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 27 May 2021

App. Ref: 20/03899/FUL
Location: 39 Waterloo Road Radstock Bath And North East Somerset BA3 3ER
Proposal: Removing section of boundary wall and excavation of existing ground to include installation of a new retaining wall for provision of safe off street parking.
Decision: REFUSE
Decision Date: 22 December 2020
Decision Level: Delegated
Appeal Lodged: 12 April 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 27 May 2021

App. Ref: 20/00195/FUL
Location: 2 Bathwick Hill Bathwick Bath Bath And North East Somerset BA2 6EP
Proposal: Installation of CCTV to external walls (Retrospective).
Decision: REFUSE
Decision Date: 28 October 2020
Decision Level: Delegated
Appeal Lodged: 5 March 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 28 May 2021

App. Ref: 20/00196/LBA
Location: 2 Bathwick Hill Bathwick Bath Bath And North East Somerset BA2 6EP
Proposal: External alterations for the installation of CCTV to external walls (Regularisation).
Decision: REFUSE
Decision Date: 28 October 2020
Decision Level: Delegated
Appeal Lodged: 5 March 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 28 May 2021

App. Ref: 20/04312/FUL
Location: Lyncombe Court Lyncombe Vale Road Lyncombe Bath Bath And
North East Somerset
Proposal: Erection of 1no. 3 bed dwelling.
Decision: REFUSE
Decision Date: 7 January 2021
Decision Level: Delegated
Appeal Lodged: 23 February 2021
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 11 June 2021

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