

Planning Committee

Date: Wednesday, 6th April, 2022

Time: 11.00 am

Venue: Banqueting Room - Guildhall, Bath

Agenda

To: All Members of the Planning Committee

Councillors:- Sue Craig, Sally Davis, Shelley Bromley, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie and Brian Simmons

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

Chief Executive and other appropriate officers
Press and Public

The agenda is set out overleaf.



Mike Curtis

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NOTES:

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

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

Paper copies are available for inspection at the Guildhall - Bath.

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**

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. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

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, 6th April, 2022

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 Committee Administrator 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, ie 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 7 - 18)

To confirm the minutes of the meeting held on 9th March 2022

7. SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 19 - 82)

The following applications will be considered in the morning session of the meeting (from 11am):

- 21/03965/FUL Manor House, Watery Lane, Burnett, Keynsham, Bristol
- 21/03966/LBA Manor House, Watery Lane, Burnett, Keynsham, Bristol
- 21/03682/FUL Church Farm, Church Lane, Priston, Bath
- 21/05364/FUL 16 Broadlands Avenue, Keynsham, Bristol

8. MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE (Pages 83 - 120)

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

- 21/05683/FUL - Bromley Mount, Bromley Road, Stanton Drew, Bristol
- 22/00380/FUL – King Edwards School, North Road, Bathwick, Bath
- 22/00294/FUL - Durley Grange, Durley Lane, Keynsham, Bristol
- 22/00598/TCA - Audley House, Park Gardens, Lower Weston, Bath

9. NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES (Pages 121 - 128)

The Committee is asked to note the report.

The Committee Administrator for this meeting is Mike Curtis who can be contacted on 01225 477048.

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, 9th March, 2022, 11.00 am

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

102 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

103 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Paul Crossley. Councillor Rob Appleyard attended as substitute.

104 DECLARATIONS OF INTEREST

There were no declarations of interest.

105 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was no urgent business.

106 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.

107 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on Wednesday 9th February 2022 were confirmed and signed as a correct record.

108 SITE VISIT 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 is attached as Appendix 1 to these minutes.

Oral statements by members of the public and representatives on items. A copy of the speakers' list is attached as Appendix 2 to these minutes.

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

Item No. 1

Application No. 21/00419/EFUL

**Site Location: Resourceful Energy Anaerobic Limited Resourceful Earth Ltd, Charlton Field Lane, Queen Charlton, Bristol, Bath And North East Somerset
Development of an Anaerobic Digester Facility (including retention of the existing Feedstock Reception Building, Digester Tank (x5), Storage Tank, CHP Engine (x4), Transformer, GRP Substation, GRP Technical Room (x5) and Gas Equipment) to produce both gas and electricity for injection into the local grid networks, alongside the restoration of the former Queen Charlton Quarry Site with ecological and landscape enhancements**

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

A representative from Compton Dando parish Council spoke against the application.

A representative of the local objectors spoke against the application

The agent spoke in favour of the application.

Councillor Alistair Singleton, local ward member, felt that the application falls short of what is required on the site and a large digester is not suitable on this site. The last application to come forward was a much smaller and better planned application but this new application is too large an operation for the site. The applicant has not justified the very special circumstances for development in the green belt, there is not enough waste in the local area for the planned development and feels there is enough capacity available elsewhere in the local area already for the planned waste site. The planned need for maize would make the site untenable as the transport to get this amount of material from distances outside of the local area would mean further journeys and more vehicle movements so outweighs the perceived environmental benefits outlined in this application.

Councillor Paul May, local ward member, felt the officers report is exceptional and agrees with the officer's decision to reject this application, the site is in the wrong place and has been ruined by past owners of the site, and if approved would have serious effects on the local community. There are not enough details on the traffic movements and narrow lanes nearby would cause major increased disruption around the site. The need for enforcement action on the existing site is needed as there are already infraction son the site that need to be dealt with and cannot be used as a justification to increase the size of the site as they are already in breach of what is allowed on this site.

Councillor Paul May read out a Statement on Behalf of Councillor Lisa O'Brien, local ward member, 750 additional homes in near proximity since the last application, uncovered dumping/storage sites for the waste will also lead to more smells emitting from the site and more vehicle movements per day in the maize harvest, with spores from the maize for 8 weeks traveling through the local area by road from far and wide, the local farmers should not be encouraged to grow more maize as this crop is not positive for the soil as it creates more run off and effects the fertility of the soil, causing serious damage to the land. This local land would be better used for food production as would reduce food milage and there is no need for this extra capacity for this planned site as there is already oversupply in the local area for this function.

Councillor Alan Hale, local ward member, highlighted the traffic and transport issues in the area highlighting several pinch points and increased pollution this application would produce. He felt there is a significant chance of the increased collisions on the roads due to these extra HGV movements on the local roads that are not suitable due to various restricted locations close to the site. 112 extra HGV journeys a day and 196 extra during the harvest period.

The Case Officer responded to a question as follows:

- she was not able to respond to the question in regard to the detrimental effects of growing maize and any way of mitigating the perceived detriment with the perceived benefits of the digester.

Cllr Hounsell felt that the planning case for showing very special circumstances for building in the green belt has not been met, and that the applicant has only looked at opportunities this application is perceived to give and not actually shown any special circumstances for this site. The applicant has not shown that they have done enough to look for a more suitable site for this facility. The wider highway issues caused by this development in a mainly rural location not suitable for HGV movements that would be required. The closest lorry park to this site is Gordano services so in the applicants plan for lorry movements this means that HGV's and waste will be coming from and traveling from much further afield than is expected in the application. In the application it states that there will be minor adverse harm due to decrease in air quality for those living nearby especially for vulnerable groups, so surely this evidence provided shows that loss of amenity for those living nearby. There is already increased massing and height which is unauthorised. Effects the openness of the green belt site. Incompatibility of highways plan with the travel plan for Queen Charlton

Cllr Hounsell Moved that the application is refused in accordance with the case officer's report with further reasons regarding loss of amenity for those living nearby due to an adverse harm due to decrease in air quality for those living nearby especially for vulnerable groups, Incompatibility of construction management plan with the travel plan for Queen Charlton, loss of openness of the green belt in the southern quarry section. Seconded by Cllr Clarke.

Cllr Davis not the right place for this facility and supports the case officer's recommendation and highlights the increased number of objectors for this facility.

Cllr Appleyard supports the case officer's recommendation

Cllr Jackson agreed with Cllr Hounsell especially as there has been no justification in this location as there is no local need for this facility

Cllr Hodge wanted clarification for the extra reasons for refusal

The senior planning officer clarified how the extra reasons would affect the reasons for refusal

The Highways officer is aware of a new scheme for Queen Charlton but has not had adequate detail to suggest that the plan could not be able to be carried out alongside this.

Cllr Hounsell suggested that his motion is amended to state that there is potential for conflict for the construction management plan with the travel plan for Queen Charlton

The motion was put to the vote, and it was RESOLVED unanimously to REFUSE the application subject to the conditions set out in the report, and three additional reasons regarding loss of amenity for those living nearby due to an adverse harm due to decrease in air quality for those living nearby especially for vulnerable groups, potential for conflict for the construction management plan with the travel plan for Queen Charlton, loss of openness of the green belt in the southern quarry section.

109 **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 Main decisions list attached as Appendix 4 to these minutes.

Items 1,2 and 3

Item No. 1

Application No. 21/05528/VAR

Site Location: Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath Variation of condition 1 of application 20/00135/VAR (Variation of conditions 1 and 2 of application 17/01637/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) and the retention of the east stand during summer 2020 (Erection of temporary spectator stand along the eastern side of the playing field including associated

works and ancillary facilities comprising floodlighting, toilets, food and bar facilities within structure. (Amended location 3 metres to the east of stand granted planning permission 12th February 2016 (LPA ref. 15/05237/FUL). Structure and capacity to remain as approved.))).

Item No. 2

Application No. 21/05529/VAR

Site Location: Bath Rugby Club, Bath Recreation Ground, Pulteney Mews, Bathwick, Bath Variation of condition 1 of application 20/00136/VAR (Variation of condition 1 of application 15/05235/FUL to allow the stands and related development to remain in situ for a further 2 years (until 30th May 2022) (Part demolition of existing permanent West Stand (retaining rear wall and concrete slab) together with terraces in north west corner of the site and removal of existing temporary stands and seating; erection of temporary covered West Stand and seating, including camera gantry, uncovered seating and associated works and ancillary facilities including retention of existing floodlighting, erection of boundary fence with new access gates onto riverside path, provision of toilets and food and bar facilities within temporary stand (temporary application for a period of up to four years).)).

Item No. 3

Application No. 21/05530/VAR

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

The Chair explained the procedure to allow an efficient meeting taking all three applications but splitting when it comes to the debate and separate votes and the speakers have three lots of time.

The Case Officer reported on the three applications and his recommendations to permit.

Four members of the public spoke against the applications

The agent spoke in favour of the applications.

Councillor Manda Rigby, local ward member for Bathwick, felt that exceptional circumstances have not been shown in this application as this does not feel like a temporary application as it has been the same for ten years, and feels meaningful communications are not being carried out by the applicant. Poor timescale planning by the applicant has meant that these applications are even required. If the committee is minded permitting it limits the application for two years, the condition to remove the stand in the summer months is kept, and the due diligence is carried out as if it was a full application, with updated surveys, security and travel plans completed

The Case Officer then responded to questions as follows:

- Regarding the covenant/legal matters quoted by the speakers, these are not material considerations for planning
- Regarding the Covid pandemic delaying plans for two years and why not just extending for two years, the officer stated that the committee can choose how long to set the consent for, but the officer's view is that the usual timeline of 12 months to carry out and get planning permission then additional 3 years is the normal time for consent to be granted to allow time for developer to get everything ready and for construction to start/complete.
- There is no agreement or timetable given by the applicant but there have been pre-application enquiries regarding the future planning application for the site.
- To achieve planning permission and the rest of what is required within two years would seem quite a tight timescale to allow for this to be completed, as in report a 4-year timescale is recommended.
- The Club have been updating their travel plan and think the last time was completed in 2019, it would be a perfectly reasonable thing to add to the permission if minded to.
- The condition to remove the stand each year is still within the conditions and will not change with these updated applications as the conditions stay the same.
- Adding to the condition wording, with a reasonable time frame, is not the officer recommendation but could be added if the committee feels it is required.

Cllr Appleyard stated that there are frustrations from lots of parties regarding these and possible future applications on this site. He feels the timescale is the main issue with these applications and takes the officer's professional opinion and reasons for the timescale as stated due to time taken to get planning permission and the team and builders in place for any possible future development. He then moved the officer recommendation to permit. This was seconded by Cllr Davis.

Cllr Hughes has concerns and that four years needs to be a maximum, and it would be better sooner to get a long term solution to the site.

Cllr Davis thinks it's difficult as the conditions that the committee would like to put on this application are not possible, but the updated travel plan would be an additional

condition she would be happy to see added.

Cllr Appleyard stated that he was happy for this extra condition to be added to his proposal to permit.

Cllr Bromley reasonable timescale as indicated by officers and would allow time for all the necessary work to be completed but would also like to see an updated security plan.

Cllr Craig would prefer in two years' time to be being asked to extend again with a half-built stand rather than wait four years for anything to be happening.

Cllr Clarke considers it needs to be looked at on planning grounds as the commercial and other aspects are not within the remit. The applicant really needs to get moving and be communicating their future plans at the earliest opportunity and get moving on their plans immediately if these applications are permitted.

Cllr Hounsell would have preferred 3 years rather than four and implores the applicant to get a proper plan in place and timeline for future plans.

Cllr MacFie feels four years is too long an extension and could not support this.

Cllr Hodge agrees with Cllr MacFie that four years is too long and would prefer three years.

Cllr Hounsell stated that after hearing from other Councilors he will not now support the original motion as he would prefer three years rather than four.

Cllr Jackson feels four years is too long and we could be back in four years in the same situation, three years could be agreed but two would be better.

Cllr Hughes feels four years gives timescale for them to get the job done

Vote on Item No. 1

Application No. 21/05528/VAR

The motion to delegate to permit to approve the officer recommendation with an updated travel plan was put to the vote and the motion was REFUSED, 5 votes in favour, 5 against. The Chair used her carrying vote against the motion.

A new motion was proposed by Cllr Hounsell and seconded by Cllr Hodge to approve the officer recommendation with the term limited to 3 years and to delegate for an updated travel plan

The motion to delegate to permit to approve the officer recommendation with the term limited to 3 years and for an updated travel plan was put to the vote and it was RESOLVED unanimously to APPROVE the application for the reasons set out above.

Vote on Item No. 2
Application No. 21/05529/VAR

Motion proposed by Cllr Davis and seconded by Cllr Clarke to approve the officer recommendation with the term limited to 3 years and to delegate for an updated travel plan

The motion to delegate to permit to approve the officer recommendation with the term limited to 3 years and for an updated travel plan was put to the vote and it was RESOLVED unanimously to APPROVE the application for the reasons set out above.

Vote on Item No. 3
Application No. 21/05530/VAR

Motion proposed by Cllr Jackson and seconded by Cllr Bromley to approve the officer recommendation with the term limited to 3 years and to delegate for an updated travel plan

The motion to delegate to permit to approve the officer recommendation with the term limited to 3 years and for an updated travel plan was put to the vote and it was RESOLVED unanimously to APPROVE the application for the reasons set out above.

Item No. 4
Application No. 21/03682/FUL
Site Location: Church Farm, Church Lane, Priston, Bath, Bath And North East Somerset
Erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.

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

A representative from Priston parish council spoke against the application.

Two members of the public spoke against the applications

The agent spoke in favour of the application.

The Case Officer then responded to questions as follows:

- The properties do have a close boundary but have no windows on that side so no overlooking, and have a shared driveway, so residential amenity between the two acceptable. They are detached and have a gap between the properties.
- In the report it gives the reasons for why it is defined as developed land.
- During the application the applicant changed from the use of a septic tank.
- The condition on lighting states that no external lighting is currently allowed.
- Equestrian use is considered to qualify for brown field site status.

Cllr Davis is happy to accept the offers recommendation new plan not as high as current barns in the location, and proposes to accept the offers recommendation seconded by Cllr Hounsell

The motion was put to the vote 4 votes in favour, 5 votes against and 1 Abstentions.

Cllr Jackson proposed a site visit seconded by Cllr Bromley

The motion was put to the vote and it was RESOLVED by 7 votes in favour, 0 votes against and 3 Abstentions to DEFER consideration of the application pending a SITE VISIT.

Items 5 and 6 were heard together

Item No. 5

Application No. 21/03965/FUL

**Site Location: Manor House, Watery Lane, Burnett, Keynsham, Bristol
Installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house.
Connection of pipework to existing lower ground floor plant room.**

Item No. 6

Application No. 21/03966/LBA

Site Location: Manor House, Watery Lane, Burnett, Keynsham, Bristol Internal and external alterations for the installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.

The Case Officer reported on the applications and his recommendations to permit.

A representative from Compton Dando parish council spoke against the application.

Two members of the public spoke against the applications

The agent spoke in favour of the application.

Councillor Alistair Singleton, local ward member, with the challenge of supporting the climate change this applicant has been worked through the planning system and all the correct procedures followed and looked at, there is objections to this development, and these must be considered. All recommendations from the specialist officers must be addressed, but the benefits of this application he believes it is right to recommend this application.

The Case Officer then responded to questions as follows:

- We do not have the figures for any surplus going back into the grid
- No other sites for the location of the panels were provided as this location will have the best amount of solar gain and the least amount of loss of trees as only one tree would require removal and the furthest point away from the Manor House and St Michaels Church.
- The gap between the arrays is required I assume to avoid obstruction.
- The siting in the location would allow continuity of boundary as this side already has a hedge planning and the other boundary goes onto the highway without hedging.
- There has been no request to look at putting the solar panels on the roof of the listed building.
- The hedge planting condition requires the hedge to exceed the height of the panels and security fencing.
- A consideration was made to minimizing the view from and towards a listed building.

Cllr Hounsell stated that it is needed to look at the application in front of the committee and not what could be possible, this application has gone through the planning process. There have been many comments from people today about not being able to picture the location or how it will look like so he felt that it would be helpful for members to view the location and moved that consideration of the application be deferred pending a site visit, seconded by Cllr Bromley.

Vote Item No. 5
Application No. 21/03965/FUL

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 1 Abstentions to DEFER consideration of the application pending a SITE VISIT.

Vote Item No. 6
Application No. 21/03966/LBA

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 1 Abstentions to DEFER consideration of the application pending a SITE VISIT.

During this Item Cllr Jackson had to leave the room and did not vote on these applications due to her absence as she did not hear all the debate.

Item No. 7

Application No. 21/05364/FUL

**Site Location: 16 Broadlands Avenue, Keynsham, Bristol, Bath And North East Somerset, BS31 2DU
Erection of front, side and rear extension. Provision of attic conversion and garden room.**

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

There were no speakers on this item.

The Case Officer then responded to questions as follows:

- The Impact of light would decrease light to one window next to the property but would not because a significant loss of light overall.
- There are various extensions to neighboring properties so fits within the local building character.
- The rear lane has a lot of buildings and has various cars parked along it; the proposed garden room is within the applicants plot so may only be affected during construction.
- Mainly the objections as outlined in report were regarding over development of the site.

Cllr Clarke proposed a site visit and seconded by Cllr Hodge.

The motion was put to the vote and it was RESOLVED by 6 votes in favour, 2 votes against and 2 Abstentions to DEFER consideration of the application pending a SITE VISIT.

110 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 4.09 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	6th April 2022
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

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.

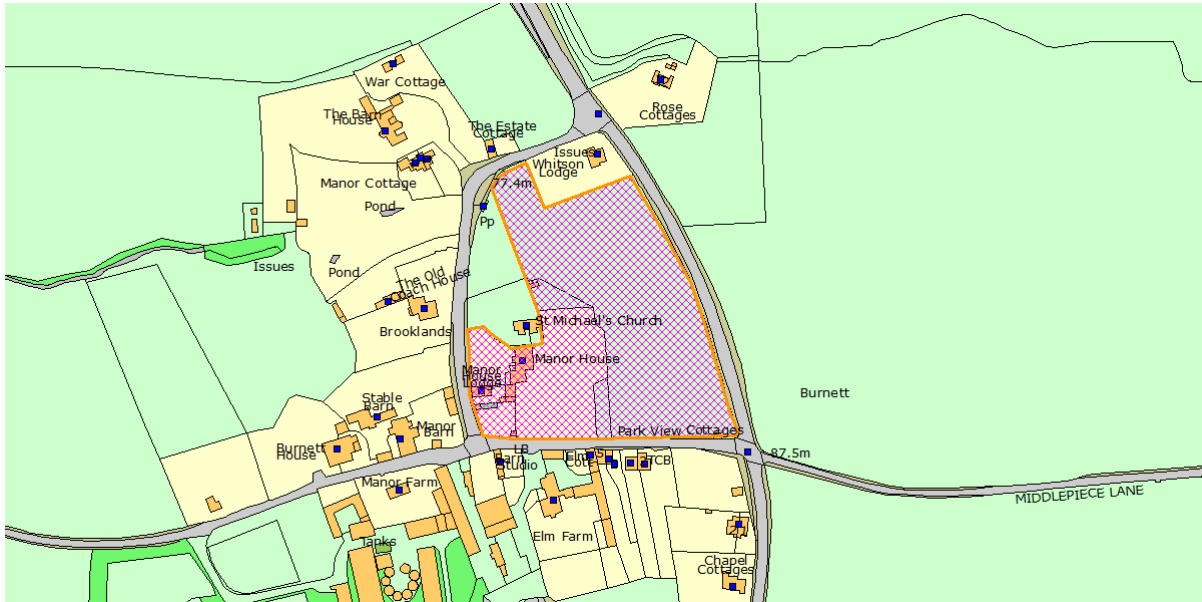
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	21/03965/FUL 21 October 2021	Mr & Mrs David Oliver Manor House, Watery Lane, Burnett, Keynsham, Bristol Installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.	Saltford	Dominic Battrick	PERMIT
002	21/03966/LBA 21 October 2021	Mr & Mrs David Oliver Manor House, Watery Lane, Burnett, Keynsham, Bristol Internal and external alterations for the installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.	Saltford	Dominic Battrick	CONSENT
003	21/03682/FUL 10 March 2022	The Trustees of the Jones Family Settlement Church Farm, Church Lane, Priston, Bath, Bath And North East Somerset Erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.	Bathavon South	Isabel Daone	PERMIT
004	21/05364/FUL 11 April 2022	Skuse 16 Broadlands Avenue, Keynsham, Bristol, Bath And North East Somerset, BS31 2DU Erection of front, side and rear extension. Provision of attic conversion and garden room.	Keynsham North	Isabel Daone	PERMIT

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 21/03965/FUL
Site Location: Manor House Watery Lane Burnett Keynsham Bristol



Ward: Saltford **Parish:** Compton Dando **LB Grade:** II
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton

Application Type: Full Application

Proposal: Installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.

Constraints: Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,

Applicant: Mr & Mrs David Oliver

Expiry Date: 21st October 2021

Case Officer: Dominic Battrick

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

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. A formal objection has been lodged by Compton Dando Parish Council, with planning policy reasons for the objection comments. The officer recommendation is contrary to this objection.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have studied the application carefully & note the comments from both statutory & third party consultees, some comments object while others support the proposal as is the case with CDPC & the Ward Cllr. who have differing views.

The proposal is clearly controversial & therefore I recommend the application be determined by the planning committee so the impact on the Green Belt & very special circumstances can be debated fully in the public arena."

The Chair, Cllr Sue Craig, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"I have reviewed this application and note the opposing comments from the ward councillor and parish council, plus the comments from other 3rd parties. Notwithstanding the fact that all applications are judged on their own merits, I believe that this case provides an opportunity to debate, in a public forum, a degree of harm to a listed building vs climate change mitigation. I therefore refer this application to the planning committee for a decision.

The application was deferred from the March committee in order that members could visit the site

DESCRIPTION OF SITE AND APPLICATION:

Manor House is a residential property comprising a Grade II listed house and its curtilage, and a large paddock field located to the east and northeast of the house. The field is adjacent to Old Burnett Lane to the south and Burnett Hill to the east. The site is within the small village of Burnett, which is part of the parish of Compton Dando.

Planning permission is sought for the proposed installation of solar PV panels and ground source heat pipework within the eastern end of the paddock to provide renewable energy sources for Manor House. The solar array is to be bordered with a security fence and hedging. An application for listed building consent accompanies this planning application under reference number 21/03966/LBA, seeking consent for works associated with the connecting the installation to the plant room in the basement of Manor House.

RELEVANT PLANNING HISTORY:

AP - 04/00036/RF - DISMIS - 5 November 2004 - Repositioned access and driveway

DC - 02/02067/FUL - RF - 17 December 2002 - Repositioned access and new driveway

DC - 02/02208/LBA - RF - 15 November 2002 - Repositioned access and new driveway to existing house

DC - 03/02654/FUL - RF - 10 December 2003 - Repositioned access and driveway

DC - 05/03121/FUL - RF - 17 November 2005 - Change of use of land from agricultural to domestic curtilage (extension of existing garden)

DC - 07/01705/FUL - PERMIT - 11 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 07/01706/LBA - CON - 20 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 19/03436/FUL - PERMIT - 23 September 2019 - Erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/03437/LBA - CON - 23 September 2019 - Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/04808/CONDLB - DISCHG - 6 December 2019 - Discharge of condition 3 of application 19/03437/LBA (Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The following comments received during the consultation process are summarised only. Please view the online case file for full comments.

CONSULTATIONS AND REPRESENTATIONS:

Compton Dando Parish Council: objection. (Comments received 22/09/21)

- The proposed solar panels are located in a sensitive area and will harm the historic open parkland setting of Manor House
- Adverse visual impact on the Green Belt
- Impact on wildlife
- Concerns over highway safety
- Hedging should be mixed native species
- The installation of the ground source heat pump is supported, subject to an archaeological watching brief during excavations
- The PC would like to have supported the application due to the Climate Emergency, but the location of the solar panels is considered inappropriate, and an alternative siting would be more acceptable

Conservation: no objection. (Revised comments received 12/01/22)

Archaeology: No objection, subject to conditions for archaeological monitoring for all groundworks and publication of the results. (Comments received 5/10/21)

Arboriculture: No objection, subject to conditions to secure tree protection measures and mitigation planting. (Comments received 25/10/21)

Ecology: No objection, subject to conditions to secure a wildlife protection and enhancement scheme and an ecological follow-up report. An informative for great crested newt is advised.

Highways: No objection. (Comments received 23/09/21)

OTHER REPRESENTATIONS / THIRD PARTIES:

24 representations received from the public, including 21 in objection, 1 in support and 2 neutral comments. The comments made are summarised as follows:

- Renewable energy should be supported in addressing the Climate Emergency
- Siting appears to maximise solar efficiency by avoiding trees
- Harm to Green Belt
- Renewable energy is supported in principle, but solar panels should be relocated to a more discreet location
- The installation is excessive for a domestic property, generating 24kw, 6 times that of a typical domestic installation
- The site contains 2.9 acres of land to choose an alternative location for the array
- The south-facing roof slope of Manor House or a curtilage outbuilding should be used to provide the PV panels instead
- The solar panels are unsightly and will be prominent in views from Whitson Lodge, particularly during winter when leaves are shed from the tree and hedge. The array should be re-sited
- It will take years for the screen hedging to mature, exposing the development
- Harm to character of historic parkland and rural setting of village
- Burnett has retained its historic charm should have conservation area status
- Harm to setting of the Victorian-period house of Whitson Lodge
- The submitted heritage statement has not assessed the impact on Whitson Lodge
- The solar panels will be prominent from the road
- The panels will be surrounded by a hedge of the same height and will not be visible from the road
- Concerns over highway visibility and safety due to PV array disrupting sightlines causing a distraction and reflective glare for motorists
- The adjacent road (B3116) is prone to accidents near this location
- The panels are angled away from the road, mitigating reflection towards the road
- Harm to wildlife
- Concerns over impact of groundworks for the ground source heat pump on local archaeology
- Neighbours were not consulted by the applicant prior to submission, contrary to application information
- The application form incorrectly states that the development cannot be seen from a highway or public land
- Devaluation of neighbouring property

Cllr Alastair Singleton, ward member for Saltford, has commented in support of the application, with a request for referral to planning committee in the event that case officers recommend refusal. The comments are as follows:

"I wish these applications be determined at the planning committee should the case officer recommend refusal. The applications refer to a well conceived and very professionally designed renewable energy scheme combining a ground source heat pump and ground-mounted solar panels to provide significant energy to the house - with surplus potentially available for other consumers. The project is sympathetic to the local environment and ecology and entirely in keeping with the Ambitions exemplified in the B&NES Council Climate Emergency policy. It has my full support."

A representation was received from the Campaign to Protect Rural England (CPRE) after the consultation period but has been considered as part of this assessment. The comments are summarised as follows:

- Objection, endorsing the comments of Compton Dando Parish Council.
- Burnett is a "very special village" and the proposed panels would have an adverse visual impact on the Green Belt and local buildings of historical importance.
- CPRE does not object in principle and supports non-carbon sources of energy but more consideration should be given to their location so they are not visually intrusive.

POLICIES/LEGISLATION

POLICY CONTEXT:

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:

DW1: District Wide Spatial Strategy
CP3: Renewable Energy
CP6: Environmental Quality
CP7: Green Infrastructure
CP8: Green Belt

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:

SCR3: Ground-mounted Solar Arrays
D1: General Urban Design Principles
D2: Local Character and Distinctiveness
D6: Amenity
GB1: Visual Amenities of the Green Belt
HE1: Historic Environment
RE5: Agricultural Land

SPDs:

The following supplementary planning documents are also relevant in the determination of this application:

Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings (2013)

National policy and guidance:

The National Planning Policy Framework (NPPF) was updated in July 2021 and is a material consideration.

Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

Conservation Areas

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

Listed Buildings

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

Low Carbon and Sustainable Credentials

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

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT PLANNING ISSUES:

The main issues to consider are:

- Principle of development
- Green Belt impact
- Impact on character, including setting of the village and listed buildings
- Impact on residential amenity
- Highway safety
- Ecology
- Arboriculture
- Archaeology

OFFICER'S ASSESSMENT:

Principle of Development:

The applications are seeking to install a solar photovoltaic (PV) panel array and ground source heat pump to provide renewable energy for the property of Manor House, located within the small village of Burnett. The proposed development is located within a parkland area adjacent to the B3116 to the east and northeast of the house. The parkland, referred to as the paddock in the application, is private land forming part of the estate of Manor House, but is outside the recognised domestic curtilage of the house. Burnett has no Housing Development Boundary and is within the Bristol and Bath Green Belt.

Renewable energy development is broadly acceptable in principle, in accordance with policy CP3 of the B&NES Core Strategy (subject to assessment against policy CP6 and environmental impacts) and paragraph 158 of the National Planning Policy Framework (NPPF). The latter recognises that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

Ground-mounted solar arrays are more directly addressed under policy SCR3 of the B&NES Placemaking Plan and are supported in principle, and should seek to minimise visual impact, respect nationally and locally protected landscapes and biodiversity. Proposals should be focused on non-agricultural land or land of lower agricultural quality. In all cases, proposals will be expected to be consistent with the relevant design, heritage, and landscape policies. These matters are addressed separately below.

The site is located within the Green Belt. National and local planning policy places substantial weight on the protection of the Green Belt, the aim of protecting their openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, as stated by paragraph 147 of the NPPF.

Paragraph 151 directly addresses renewable energy developments, stating that elements of many such projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

A statement from GeoEnergy Design (dated 19 August 2021) outlines the justification for the development.

Manor House currently burns 8000 litres of heating oil per year to provide for heating and hot water, producing roughly 20,160 kg of CO² per year. Space heating and domestic water provision attributes to over 80% of annual CO² production.

Steps have already been undertaken to draught-proof the windows and improve the insulation at Manor House; however, scope for further energy efficiency measures are limited by the listed building status of the building and the applicants are keen to utilise available land for renewable energy provision, given the CO² output of the property.

The proposed solar PV installation will generate 32,217 kWh of electricity p.a., offsetting the GSHP consumption of 20,901 kWh p.a. and providing a net production of 11,316 kWh available for domestic use, while a surplus can be fed back to the grid for use by other local properties. The statement estimates that the combined GSHP and PV system would result in a p.a. saving of 21,332 kg CO².

This is a substantial reduction in carbon production for a domestic property. Given the Climate Emergency, it is considered that the outlined energy benefits of the proposals outweigh the in-principle harm to the Green Belt, subject to consideration of openness, in accordance with Policy CP8 of the Placemaking Plan and paragraph 151 of the NPPF.

Impact on Green Belt openness:

The Solar PV array is to be located at the northeast corner of the paddock, occupying 6% of its 2.9 acres. The parkland south of the PV array site will be kept undeveloped above ground, maintaining its open and rural character throughout most of this land. By positioning the PV array at the northern boundary, the screen hedging will enclose the compound while minimising its intrusion into the parkland. It is considered that the siting and design adequately mitigates harm to the openness and amenity of the Green Belt, taking into account the very special circumstances for the development which are accepted.

The GHSP will be housed inside Manor House and the ground collector pipes will be buried below ground, negating any visual impact on the Green Belt. The engineering operations will not harm Green Belt openness.

The proposals therefore comply with policy GB1 of the Placemaking Plan and paragraph 150 of the NPPF.

Character and appearance:

The development is located at the edge of the small village of Burnett, adjacent to the B3116 which runs past the village. While Burnett does not have a conservation area designation, it has well-preserved historic rural character, and this is reflected in the listed buildings that form focal points within the village. These include St Michael's Church and the nearby Manor House to the south, both of which are Grade II listed. The estate benefits from a large area of parkland (referred to in the application as the paddock) to the east and north of the domestic curtilage.

Due to the scale of this land, its undeveloped and leafy appearance, and its open boundaries to the east and south fronting the B3116 and Old Burnett Lane respectively, the parkland contributes to the rural character of the village.

The proposed siting of the development has been chosen to maximise solar gain while attempting to mitigate and limit harm to the landscape and heritage assets.

It is acknowledged that, by siting the PV array close to the highway, the development will be prominent externally, at least in terms of its security fencing and screen hedging, and this will encroach into some of the visible parkland. However, positioning the installation adjacent to the northern boundary and the hedge that runs along it is considered the least intrusive location within the parkland, factoring in its open viewpoints from the public realm and the setting of listed buildings.

Upon site inspection, it was observed that the northeast corner of the parkland is largely obscured from view from Manor House by its dense trees and soft landscaping within the curtilage of the house. The siting of the PV installation minimises its visual impact both on views from the listed building and views to the building from the public realm. The setting of the Grade II listed St Michael's Church will also be safeguarded, although the development will be visible in the background from part of the churchyard. Harm may be adequately mitigated from the proposed hedging which will screen the installation.

One of the primary concerns raised in public objections relates to the impact on Whitson Lodge, located immediately beyond the development site to the north. Whitson Lodge is a 19th Century building with elegant, well-preserved Victorian character and is understood to have originally been a school building. The building is not listed but due to its local heritage value and its architectural value is considered to be a non-designated heritage asset.

The heritage statement provides limited consideration over the impact on the setting of Whitson Lodge, although it does highlight that the perimeter hedge, if adequately implemented, will screen the installation from ground level and should appear indistinct from the existing hedge at the boundary of Whitson Lodge.

The PV installation and associated enclosure will nonetheless appear visible at close range from Whitson Lodge within its immediate setting, particularly when viewed above

ground level. This results in less than substantial harm to the setting of this non-designated heritage asset. Great weight should be given to the assets' conservation (para 199 NPPF) however, non-designated assets are not afforded the same level of protection as designated assets and paragraph 201 requires a balanced judgement, having regard to the scale of harm and the significance of the asset. In this instance, it is concluded that the sustainability benefits of the development outweigh this harm.

The Council's Conservation Officer was consulted to consider the application, including the additional heritage statement and supporting information received in November 2021, and is satisfied that the proposed development and its siting has been appropriately considered and justified.

The Council has a statutory requirement under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering whether to grant planning permission for any works of development which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Taking account of the above, in this instance the proposed works will on balance preserve the setting of the listed building and as such this proposal would meet this requirement.

Subject to conditions ensuring the implementation and retention of appropriate hedging, it is considered that the siting and design of the proposed development will sufficiently safeguard the character and appearance of the site and its surroundings, including the setting of listed buildings. The proposed development is therefore in accordance with policies D1, D2, HE1 and NE2 of the Placemaking Plan, policy CP6 of the Core Strategy and sections 12 and 16 of the NPPF.

Residential amenity:

The proposed solar array is positioned to face south, which, while maximising solar gain, also mean that the panels face away from the adjacent property of Whitson Lodge to the north, preventing any issues of reflective light glare. The array, by virtue of their height relative to the existing and proposed boundary vegetation, will not result in any overbearing or overshadowing impacts.

The PV installation will be visible from upper floor south-facing windows of Whitson Lodge, as demonstrated with photographs supporting neighbour objections. However, this is a matter of private views which cannot be given significant weight.

The proposals do not raise any other concerns relating to residential amenity and are in accordance with policy D6 of the Placemaking Plan.

Highway safety:

Public representations raised concerns over the potential impact of the solar PV panels on highway safety, due to concerns of obstruction of visibility, distraction, and reflective glare.

The nearby highway junction Watery Lane and Burnett Lane (B3116) is separated from the site by the intervening property of Whitson Lodge, which provides an obstruction of visibility immediately south of the junction. The PV array is set back from the highway

and separated from the existing fence by the proposed fence and hedge, limiting its prominence from the highway. The panels are angled in a directly due south and are therefore angled slightly away from the adjacent road running southeast to northwest, minimising any residual risks of glare.

There is no compelling evidence that the proposed development will impact an existing highway safety concern.

Paragraph 109 of the 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 will be severe. Highways DC are unable to provide evidence that the development will result in unacceptable harm in this respect.

Highways are satisfied that the proposed development will not result in an adverse impact on the existing vehicular access to Manor House and will not result in a loss of existing parking.

The proposed development is therefore in accordance with policy ST7 of the Placemaking Plan.

Ecology:

The submitted bat survey is acceptable and demonstrates that the basement and Leyland cypress offer negligible roosting opportunity. While the horse chestnut supports preliminary roost features, a tree climbing inspection found that no roosts or evidence of bats were found. Measures to protect bats in the event they are discovered during works are proposed and supported.

The Council's ecologist has expressed disappointment that the assessment has not detailed procedures to protect nesting birds, hedgehogs, or badgers, but measures can be appropriately controlled via condition.

Subject to conditions securing the submission and implementation of a wildlife protection and enhancement scheme, the proposals comply with policies NE1, NE3, NE5, D5e and D8 of the Placemaking Plan and policies CP6 and CP7 of the Core Strategy.

Arboriculture:

The Council's Arboriculturist has considered the submitted arboricultural impact assessment and has no objection to the removal of the T4 oak tree, subject to the planting of two trees in compliance with policy NE6. A condition is recommended to secure the necessary replacement planting. The indicative tree protection plan satisfactorily demonstrates how retained trees can be protected during construction.

Subject to conditions securing the submission and implementation of a detailed arboricultural method statement and a soft landscaping scheme concerning the replacement trees, the proposed development is in accordance with policy NE6 of the Placemaking Plan.

Archaeology:

The Council's Archaeologists were consulted to consider any archaeological issues associated with the proposals, including, most significantly, the extensive groundworks and excavation associated with the proposed ground source heat pump.

The proposed development lies close to St Michael's Church in an area where Roman material indicative of settlement activity has been recovered. Conditions are therefore recommended to secure archaeological monitoring of groundworks and publication of the results.

Subject to conditions, the proposed development is in accordance with policy HE1 of the Placemaking Plan.

Other matters:

Public representations have highlighted inaccuracies in the application, including the suggestion that the proposed development cannot be seen from highway or the public realm; this matter is noted. Local residents have raised disappointment that they were not consulted prior to the application. While this is regrettable, this matter does not influence the assessment that led to the officer's recommendation, which has taken into account comments received during the formal public consultation process.

Devaluation of property is not a matter that may be afforded weight in the assessment of a planning application.

CONCLUSION:

While the proposed development is inappropriate development in the Green Belt, very special circumstances are considered to apply that outweigh harm to the Green Belt.

The proposals will cause some limited harm to the landscape and character of the village and result in less than substantial harm to a non-designated heritage asset of Whitson Lodge adjacent to the site. However, the harm is sufficiently mitigated in the siting and design of the proposals.

In applying the planning balance, the officer's conclusion is that the substantial renewable energy benefits of the proposals in addressing the climate emergency outweigh the harm identified, and it is recommended that the application is approved, subject to the conditions referred to in this report.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Archaeology Watching Brief (Pre-commencement)

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

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

3 Archaeology Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

4 Arboricultural Method Statement and Tree Protection Plan (Pre-commencement)

No development shall take place until a Detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and details within the approved document implemented as appropriate. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements to the local planning authority. The statement should also include the control of potentially harmful operations such as the storage, handling and mixing of materials on site, service run locations and movement of people and machinery.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place which would adversely affect the trees to be retained in accordance with policy NE6 of the Placemaking Plan. This is a condition precedent because the works comprising the development have the potential to harm retained trees. Therefore, these details need to be agreed before work commences.

5 Arboriculture - Compliance with Arb Method Statement (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement. A signed compliance statement shall be provided by the appointed arboriculturist to the local planning authority within 28 days of completion.

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE6 of the Placemaking Plan.

6 Soft Landscaping Scheme (Bespoke Trigger)

Within two months of the commencement of works a soft landscape scheme with plan and a programme of implementation shall be submitted to and approved in writing by the Local Planning Authority showing the species, planting size and location of two replacement trees and the proposed perimeter hedging for the PV array.

Reason: To secure replacement tree planting on site and appropriate landscaping to screen the PV array and security fence in accordance with policies D2, NE2 and NE6 of the Placemaking Plan and the fixed number tree replacement policy within the Planning Obligations Supplementary Planning Document.

7 Implementation of Landscaping Scheme (Bespoke Trigger)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the solar photovoltaic array being brought into use or in accordance with the programme of implementation agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure that the landscape works are implemented and maintained to ensure the continued provision of amenity and environmental quality in accordance with policies D1, D2 and NE2 of the Bath and North East Somerset Placemaking Plan.

8 Wildlife Protection and Enhancement Scheme (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with (but not limited to) the recommendations and proposed mitigation measures described in the Recommendations sections of the approved PEA report 26.08.21 together with the Bat Survey & Assessment report 19.11.21 both produced by Alder Ecology UK Ltd including:

i) Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, protection of the rows of trees & beech hedgerow, translocation of 5 x fruit trees, compensatory tree planting and where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds, hedgehog, badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works; and

ii ii) Detailed proposals for implementation of the enhancement measures and recommendations of the approved ecological reports, including a new native hedgerow, creation of habitat piles, installation of bat and bird boxes and conservation grassland management, with specifications and proposed numbers and positions to be shown on plans as applicable.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development.

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

9 Ecological Follow-up Report (Pre-occupation)

No occupation of the development hereby approved shall commence until an Ecological Follow-up Report has been submitted to and approved in writing by the Local Planning Authority. The report shall be produced by a suitably experienced professional ecologist and shall confirm and demonstrate, based on a post-construction ecologist's site inspection and using photographs, the completion and implementation of all measures of the approved ecological mitigation and compensation schemes in accordance with approved details.

Reason: To demonstrate adherence to the approved ecological mitigation and compensation schemes and to prevent ecological harm, in accordance with NPPF and policies NE3 & D5e of the Bath and North East Somerset Local Plan.

10 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

Existing Block & Location Plan - SMH/16/19/18-20 - received 23/08/2021
Existing Basement Plan - SMH/16/19/18-06 - received 23/08/2021
Proposed North & East Elevation - SMH/16/19/18-40 - received 23/08/2021
Proposed Basement Plan - SMH/16/19/18-41 - received 23/08/2021
Topographical Survey - SMH/16/19/18-50 - received 23/08/2021
Proposed PV Layouts - MH1001-GEO-EE-00-02-DR-PV-1401 - received 26/08/2021
Proposed Block & Location Plan - SMH/16/19/18-51 - received 26/08/2021
PV Enclosure Cross Section - SMH/16/19/18-52 - received 19/11/2021

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 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.

4 Please note that great crested newts are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes individual newts, breeding ponds and terrestrial habitat. If great crested newts are unexpectedly found during works, all works must cease, and a suitably qualified ecologist and Natural England should be contacted for advice. Precautionary measures such as storage of materials and waste on pallets or in skips and fitting excavations with an escape board/plank should be followed.

5 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

6 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.

Item No: 002
Application No: 21/03966/LBA
Site Location: Manor House Watery Lane Burnett Keynsham Bristol



Ward: Saltford **Parish:** Compton Dando **LB Grade:** II
Ward Members: Councillor Duncan Hounsell Councillor Alastair Singleton
Application Type: Listed Building Consent (Alts/exts)
Proposal: Internal and external alterations for the installation of solar PV panels and ground source heat pump pipe work to eastern paddock to provide renewable energy sources for manor house. Connection of pipework to existing lower ground floor plant room.
Constraints: Agric Land Class 1,2,3a, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Listed Building, MOD Safeguarded Areas, SSSI - Impact Risk Zones,
Applicant: Mr & Mrs David Oliver
Expiry Date: 21st October 2021
Case Officer: Dominic Battrick
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING APPLICATION TO COMMITTEE:

The application was referred to the Committee Chair in accordance with the Council's Scheme of Delegation. A formal objection to the objection has been lodged by Compton Dando Parish Council, with planning policy reasons for the objection comments. The officer recommendation is contrary to this objection.

The Vice Chair, Cllr Sally Davis, has made the following comments:

"I have studied the application carefully & note the comments from both statutory & third party consultees, some comments object while others support the proposal as is the case with CDPC & the Ward Cllr. who have differing views.

The proposal is clearly controversial & therefore I recommend the application be determined by the planning committee so the impact on the Green Belt & very special circumstances can be debated fully in the public arena."

The Chair, Cllr Sue Craig, has considered the application and the recommendation of the Vice Chair and decided that the application will be determined at Planning Committee, commenting as follows:

"I have reviewed this application and note the opposing comments from the ward councillor and parish council, plus the comments from other 3rd parties. Notwithstanding the fact that all applications are judged on their own merits, I believe that this case provides an opportunity to debate, in a public forum, a degree of harm to a listed building vs climate change mitigation. I therefore refer this application to the planning committee for a decision.

The application was deferred from the March committee in order that members could visit the site

DESCRIPTION OF SITE AND APPLICATION:

Manor House is a residential property comprising a Grade II listed house and its curtilage, and a large paddock field located to the east and northeast of the house. The field is adjacent to Old Burnett Lane to the south and Burnett Hill to the east. The site is within the small village of Burnett, which is part of the parish of Compton Dando.

The application is seeking listed building consent for internal and external alterations to Manor House to facilitate the installation of a solar photovoltaic array and ground source heat pump within the adjoining field. Consent is required for works associated with the connecting the installation to the plant room in the basement of Manor House. Planning application 21/03965/FUL accompanies this application, seeking planning permission for the installations.

RELEVANT PLANNING HISTORY:

AP - 04/00036/RF - DISMIS - 5 November 2004 - Repositioned access and driveway

DC - 02/02067/FUL - RF - 17 December 2002 - Repositioned access and new driveway

DC - 02/02208/LBA - RF - 15 November 2002 - Repositioned access and new driveway to existing house

DC - 03/02654/FUL - RF - 10 December 2003 - Repositioned access and driveway

DC - 05/03121/FUL - RF - 17 November 2005 - Change of use of land from agricultural to domestic curtilage (extension of existing garden)

DC - 07/01705/FUL - PERMIT - 11 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 07/01706/LBA - CON - 20 July 2007 - Replacement covered structure for the oil tanker and associated works

DC - 19/03436/FUL - PERMIT - 23 September 2019 - Erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/03437/LBA - CON - 23 September 2019 - Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works.

DC - 19/04808/CONDLB - DISCHG - 6 December 2019 - Discharge of condition 3 of application 19/03437/LBA (Internal and external alterations to include the erection of a single storey rear extension to provide larger utility room, extension to first floor sun room, internal alterations with replacement of spiral stairs and new opening to garage. Repointing of part of rear elevation and other minor repair works).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

The following comments received during the consultation process are summarised only. Please view the online case file for full comments.

CONSULTATIONS AND REPRESENTATIONS:

Compton Dando Parish Council: objection. (Comments received 22/09/21)

- The proposed solar panels are located in a sensitive area and will harm the historic open parkland setting of Manor House
- Adverse visual impact on the Green Belt
- Impact on wildlife
- Concerns over highway safety
- Hedging should be mixed native species
- The installation of the ground source heat pump is supported, subject to an archaeological watching brief during excavations
- The PC would like to have supported the application due to the Climate Emergency, but the location of the solar panels is considered inappropriate, and an alternative siting would be more acceptable

Conservation: no objection. (Revised comments received 12/01/22)

Archaeology: No objection, subject to conditions for archaeological monitoring for all groundworks and publication of the results. (Comments received 5/10/21)

Arboriculture: No objection, subject to conditions to secure tree protection measures and mitigation planting. (Comments received 25/10/21)

Ecology: No objection, subject to conditions to secure a wildlife protection and enhancement scheme and an ecological follow-up report. An informative for great crested newt is advised.

Highways: No objection. (Comments received 23/09/21)

OTHER REPRESENTATIONS / THIRD PARTIES:

21 representations received from the public during the consultation period, including 17 in objection, 1 in support and 3 neutral comments. The comments made reiterate the comments made on the accompanying planning application and are summarised as follows:

- Renewable energy should be supported in addressing the Climate Emergency
- Siting appears to maximise solar efficiency by avoiding trees
- Harm to Green Belt
- Renewable energy is supported in principle, but solar panels should be relocated to a more discreet location
- The installation is excessive for a domestic property, generating 24kw, 6 times that of a typical domestic installation
- The site contains 2.9 acres of land to choose an alternative location for the array
- The south-facing roof slope of Manor House or a curtilage outbuilding should be used to provide the PV panels instead
- The solar panels are unsightly and will be prominent in views from Whitson Lodge, particularly during winter when leaves are shed from the tree and hedge. The array should be re-sited
- It will take years for the screen hedging to mature, exposing the development
- Harm to character of historic parkland and rural setting of village
- Burnett has retained its historic charm should have conservation area status
- Harm to setting of the Victorian-period house of Whitson Lodge
- The submitted heritage statement has not assessed the impact on Whitson Lodge
- The solar panels will be prominent from the road
- The panels will be surrounded by a hedge of the same height and will not be visible from the road
- Concerns over highway visibility and safety due to PV array disrupting sightlines causing a distraction and reflective glare for motorists
- The adjacent road (B3116) is prone to accidents near this location
- The panels are angled away from the road, mitigating reflection towards the road
- Harm to wildlife
- Concerns over impact of groundworks for the ground source heat pump on local archaeology
- Neighbours were not consulted by the applicant prior to submission, contrary to application information
- The application form incorrectly states that the development cannot be sign from a highway or public land
- Devaluation of neighbouring property

Cllr Alastair Singleton, ward member for Saltford, has commented in support of the application, with a request for referral to planning committee in the event that case officers recommend refusal. The comments are as follows:

"I wish these applications be determined at the planning committee should the case officer recommend refusal. The applications refer to a well conceived and very professionally designed renewable energy scheme combining a ground source heat pump and ground-mounted solar panels to provide significant energy to the house - with surplus potentially available for other consumers. The project is sympathetic to the local environment and ecology and entirely in keeping with the Ambitions exemplified in the B&NES Council Climate Emergency policy. It has my full support."

A representation was received from the Campaign to Protect Rural England (CPRE) after the consultation period but has been considered as part of this assessment. The comments are summarised as follows:

- Objection, endorsing the comments of Compton Dando Parish Council.
- Burnett is a "very special village" and the proposed panels would have an adverse visual impact on the Green Belt and local buildings of historical importance.
- CPRE does not object in principle and supports non-carbon sources of energy but more consideration should be given to their location so they are not visually intrusive.

POLICIES/LEGISLATION

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works 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.

With respect to any buildings or other land in a conservation area the Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

The National Planning Policy Framework (NPPF) is national policy in the conservation and enhancement of the historic environment which must be taken into account by the Council, together with the related guidance given in the Planning Practice Guidance (PPG).

The Council must have regard to its development plan where material in considering whether to grant listed building consent for any works.

The statutory Development Plan for B&NES comprises:

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

Core Strategy:

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

B4: The World Heritage Site
CP6: Environmental Quality

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:

D2: Local Character and Distinctiveness
HE1: Historic Environment

NPPF:

The adopted National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration due significant weight. The following sections of the NPPF are of particular relevance:

Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Due consideration has also been given to the provisions of the Planning Practice Guidance (PPG).

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

OFFICER'S ASSESSMENT:

This application is for the works which physically impact the listed building, however for completeness matters covered in the accompanying planning application in respect of the setting of heritage assets are also reviewed here.

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The development is located at the edge of the small village of Burnett, adjacent to the B3116 which runs past the village. While Burnett does not have a conservation area

designation, it has well-preserved historic rural character, and this is reflected in the listed buildings that form focal points within the village. These include St Michael's Church and the nearby Manor House to the south, both of which are Grade II listed.

The proposed siting of the development has been chosen to maximise solar gain while attempting to mitigate and limit harm to the landscape and heritage assets.

It is acknowledged that, by siting the PV array close to the highway, the development will be prominent externally, at least in terms of its security fencing and screen hedging, and this will encroach into some of the visible parkland. However, positioning the installation adjacent to the northern boundary and the hedge that runs along it is considered the least intrusive location within the parkland, factoring in its open viewpoints from the public realm and the setting of listed buildings.

Upon site inspection, it was observed that the northeast corner of the parkland is largely obscured from view from Manor House by its dense trees and soft landscaping within the curtilage of the house. The siting of the PV installation minimises its visual impact both on views from the listed building and views to the building from the public realm. The setting of the Grade II listed St Michael's Church will also be safeguarded, although the development will be visible in the background from part of the churchyard. Harm may be adequately mitigated from the proposed hedging which will screen the installation (subject to conditions recommended under planning application 21/03965/FUL).

The plant is located within the Grade II listed Manor House at basement level and cabling and pipework is required to connect the services.

The equipment is freestanding and will be installed within an existing plant room. Pipework will pass through two 100mm diameter holes in the external wall below ground level and run across the open ceiling of the plant room. The proposals minimise harm to the historic fabric of the listed building and will not detract from its character and significance.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, 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. The Conservation Officer is satisfied that the physical and visual impact on the listed building as a result of the installation of the associated services is now demonstrated to be negligible for the reasons set out in the supporting documentation: minimal aperture required for the pipework within below ground rubble stonework and an area of the house within the basement already the location for, and compromised by, existing services. It is concluded that the proposed PV installation and associated works will not harm the setting of the host listed building, nor the setting of the adjacent Grade II listed St Michael's Church.

It is concluded that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The development would preserve the significance of the listed building. The proposal accords with policy HE1 of the Bath and North East Somerset Placemaking Plan and part 16 of the NPPF.

Other Matters:

A number of issues and concerns have been raised during public consultation which relate to planning matters. These have been addressed under the committee report for the accompanying planning application 21/03965/FUL.

CONCLUSION:

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

RECOMMENDATION

CONSENT

CONDITIONS

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 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:

Existing Block & Location Plan - SMH/16/19/18-20 - received 23/08/2021
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2 Condition Categories

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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.

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3 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.

4 Community Infrastructure Levy - General Note for all Development

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

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Community Infrastructure Levy - Exemptions and Reliefs Claims

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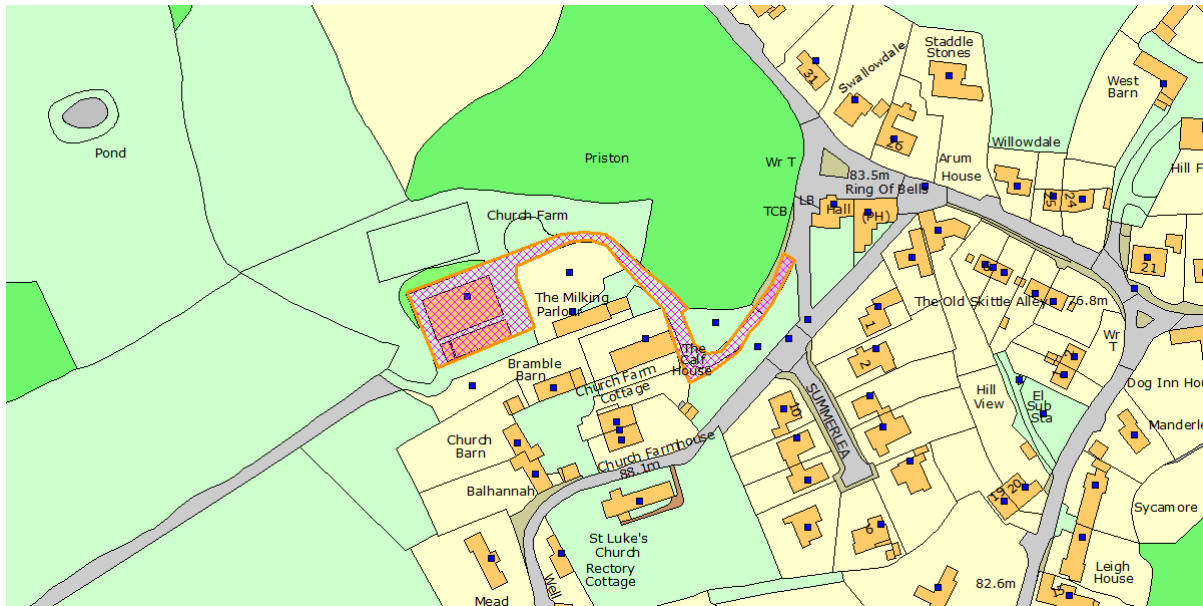
charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

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

5 Permit/Consent Decision Making Statement

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

Item No: 003
Application No: 21/03682/FUL
Site Location: Church Farm Church Lane Priston Bath Bath And North East Somerset



Ward: Bathavon South **Parish:** Priston **LB Grade:** N/A

Ward Members: Councillor Neil Butters Councillor Matt McCabe

Application Type: Full Application

Proposal: Erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.

Constraints: Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Tree Preservation Order,

Applicant: The Trustees of the Jones Family Settlement

Expiry Date: 10th March 2022

Case Officer: Isabel Daone

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

REPORT

REASON FOR GOING TO COMMITTEE:

The Parish Council object to the scheme and the officer is minded to permit, as such the application was referred to the Chair of the Committee as per the Council's Scheme of Delegation. The Chair recommended the application be heard at committee, stating: 'I have reviewed this application carefully and have read all the comments and objections. The officer has worked with applicant to address most of the issues raised however concerns remain, both about the presence of new development on this plot and the size of the footprint it will occupy, which have been articulated by CPRE, Priston Parish Council

and a number of 3rd parties. For this reason, I believe it would benefit from being debated in a public forum by the planning committee.' The Vice Chair concurred.

DETAILS OF LOCATION AND PROPOSAL AND RELEVANT HISTORY:

The application refers to a site located on the western edge of the village of Priston. The site is located outside of the Housing Development Boundary and within the Green Belt.

Planning permission is sought for the erection of two dwellings and associated works, to follow demolition of existing equestrian related barns.

RELEVANT PLANNING HISTORY:

DC - 04/02734/FUL - WD - 27 October 2004 - New horse riding arena

DC - 04/03636/CLEU - PERMIT - 12 August 2005 - DIY livery stable for 7 horses

DC - 05/02355/FUL - PERMIT - 6 December 2005 - Construction of a manege with 2 lighting columns, in association with adjacent livery stables

DC - 10/05135/COND - DISCHG - 22 July 2011 - Discharge of condition 6 of application 05/02355/FUL (Construction of a manege with 2 lighting columns, in association with adjacent livery stables)

DC - 20/02819/FUL - WD - 10 May 2021 - Demolition of existing equestrian related barn and erection of three dwellings and associated works.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

ARBORICULTURE:

14th Sept 2021: No objection subject to conditions

ARCHAEOLOGY:

24 August 2021: No objection

CONSERVATION:

28th Sept 2021: Scope for revision. The scheme has been significantly reduced in scale and the design altered to address concerns previously raised. The general revised design and scale is acceptable. However, there are no details of material finishes to comment on.

16th Nov 2021: More info requested on materials.

CONTAMINATED LAND:

13 August 2021: No objection subject to conditions

DRAINAGE AND FLOODING:

24 August 2021: Scope for revision. The Drainage and flooding team require more information as to how surface water will be managed on site.

26th Jan 2022: No objection subject to condition.

ECOLOGY:

6 Sept 2021: Scope for revision. An assessment of all buildings/habitat features within the red line boundary needs to be provided. The surveyed area in the ecology report and red line boundary of the site differ.

4th Dec: No objection subject to conditions

HIGHWAYS:

31 August 2021: additional information required on large vehicle access. Otherwise, no objection subject to conditions

4th Nov: No objection subject to conditions

HISTORIC ENGLAND:

26 August 2021: We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

PRISTON PARISH COUNCIL:

9th Sept 2021: Objection. Summary as follows.

1. The site cannot be considered previously developed land and does not qualify as one of the exceptions prohibiting the development of land within the Green Belt listed in para 145 of the NPPF. The Applicant claims (a) that the site is previously developed land, (b) that this has been recognized by BANES and (c) that this application deals with contested issues of inappropriate materials and modern design which rendered the previous scheme unacceptable. Priston Parish Council disputes these claims by referring to compelling evidence presented in Appendix 1.

2. The site lies outside the Housing Development boundary and does not constitute infill and in the absence of exceptional factors is therefore contrary to policy GB2 of the Core Strategy.

3. Despite the claim that the footprint and volume of the proposed development is smaller than the barns it would replace, it does not follow that there is lesser impact on the openness of the Green Belt. As discussed in the guidance to the NPPF, openness has a visual aspect as well as a spatial. Recent cases have emphasized the negative impact on the Green Belt of urban paraphernalia, suburban layout, boundary walls and fences etc.

Replacing an agricultural barn with residential development would diminish the openness of the Green Belt in contradiction to the requirements of para 145 of the NPPF.

4. Policies RA1 and RA2 of the Core Strategy guides development towards villages which have the facilities to make it sustainable. Priston is a village with few amenities and very poor links to other settlements, so is unsuited to further unsupported and substantial development.

5. In contravention of BANES guidance on the preparation of Planning Applications, the drawings provided contain no dimensions or levels which makes it very difficult to assess or to challenge some of the Applicant's assertions, such as that height of the proposed dwellings has been significantly reduced to ensure that the proposed dwellings are lower in height than the existing barn structures to be demolished and in scale with the surrounding buildings (para 5.3 of the Planning Statement). The proposed development extends substantially beyond the eastern boundary of the barns (contrary to the assertion in the Planning Statement) and covers an area greater than the two barns, which is difficult to see because of the lack of drawing dimensions. The footprint of the development is also considerably greater than that of the previous application.

6. The application form states that sewage disposal is to be handled by septic tanks which is contrary to Policy PCS 7A (3). No details have been supplied, yet the results of soakaway tests show that septic tanks are not viable, to which is added the difficulty of locating and servicing such tanks on this restricted site while conforming to stringent current regulations.

7. The Parish Council support BANES Drainage and Flood Team who have identified that major issues have not been addressed requiring a full drainage strategy. The fact that the existing bund, which protects the Milking Parlour and the Orchard from flooding, is in the garden of Plot 1, is surely not acceptable.

8. There is generally a lack of detail in this Application, for example in external lighting (Priston is a 'dark' village), the provision of services, construction materials, heating and ventilation etc.

Priston Parish Council requests that, should the Case Officer be minded to recommend acceptance of this application despite the Parish Council's objections, the matter should be raised at the Planning Committee.

Representations Received :

8 objections have been received from third parties, the following is a summary of the points raised:

- Not previously developed land
- Unclear what will be retained
- The menage should be returned to normal
- Some documents old or incorrect
- Ecological appraisal is lacking
- Application missing details on materials etc

- Concern over construction traffic
- Impact on green belt openness
- Impact on landscape
- Dangerous precedent
- Outside of housing development boundary
- No reference to village design statement
- Increase in traffic movements
- Drainage, flooding and sewerage concerns
- Ecology concerns
- Climate change concerns
- Out of scale and character with surroundings
- Loss of agricultural land
- Turning circle cannot be kept clear of obstruction due to neighbours right of access

CPRE: objection. Firstly, it does not conform to Policy GB2 of the BANES Core Strategy, which requires that residential development in villages washed over by the Green Belt be confined to infill sites. This proposal is outside the Housing Development Boundary and is not infill.

Secondly, while para 145 of the NPPF does allow for residential development on previously developed land within the Green Belt, examination of the previous planning history of the site does not support the view that the agricultural barns which it is proposed to develop actually lie within the curtilage of an area established for equestrian use by a certificate of lawful use (04/03636/CLEU). The area cannot therefore be considered to be previously developed land and the Application is not supported by the NPPF.

Thirdly, even if the land were established as previously developed (which it is not), the NPPF requires that there should be no detrimental effect on the openness of the Green Belt. As pointed out in our previous response, CPRE emphasises the visual as well as the spatial aspects of openness. The fact that the existing barns to be demolished comprise a lesser volume than the 2 houses intended to replace them takes no account of the fact that barns are much more fitted to a Green Belt than the urban residential development with its separate curtilages, garages and small gardens. The openness of the Green Belt would therefore be harmed both from the standpoint of Priston residents as well as impinging on the near and distant views from the various approaches to the village.

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:

CP2: Sustainable Construction
CP6: Environmental Quality
CP8: Green Belt
CP10: Housing Mix
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
D7: Infill and backland development
GB1: Visual amenities of the Green Belt
GB2: Development in Green Belt villages
HE1: Historic environment
NE2A: Landscape setting of settlements
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
RA1: Development in the villages meeting the listed criteria
RA2: Development in villages outside of the Green Belt not meeting Policy RA1 criteria
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).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Design and heritage
- Archaeology
- Trees
- Residential amenity
- Highways matters
- Flooding and drainage
- Contaminated land
- Ecology
- Sustainable construction and renewable energy

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

Planning permission is sought for the demolition of an existing equestrian related barn and the erection of two dwellings and associated works. The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

The NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It goes on, however, to set out a number of exceptions to this, including exception g:

'Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development'.

The NPPF defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings'.

In 2004 a Certificate of Lawful use was granted on the site for the use of the building as a livery stable for 7 horses. It is understood the Parish Council have concerns over which part of the site the certificate of lawfulness pertains to.

Officers have looked back over the site history. There appears to be 6 plan drawings on the file for 04/03636/CLEU, one of which is in colour and 5 of which are in black and white.

The application description is for 'DIY livery stable for 7 horses'. The officer report states under the section 'Details of the Proposal' that the application relates to a 'modern farm building... 7 loose horse boxes have been formed with the remainder of the barn used as a hay store...'. The report later in the officer's assessment advises that the stables being 'applied' for were built into the barn in 1992. The second to last plan is marked with the application reference and dated on the 25th Nov 2004 (prior to the applications decision date) this plan shows the barns clearly outlined with a distinct line. The last plan then shows the location of the stables in the barn and is entitled 'stables', presumably this marked out the floor plan for the site.

Seven years have passed since the Certificate of Lawful use was granted. Whilst there may be some ambiguity over the Certificate of Lawfulness officers have visited the site and following a site visit it is clear that the stables are located in the modern barn along with storage of equestrian paraphernalia. There is a menage on site. There were horses in the fields. The Dutch barn had hay stored within it. There was also a horse box vehicle on site. The entire site was in equestrian use. The council is satisfied that the site is in established equestrian use rather than agricultural and therefore is considered to be previously developed land.

Therefore, the proposal is appropriate in the first instance in the Green Belt in accordance with exceptions G. To reiterate exception G goes on to say that the proposal will only be appropriate if it would not have a greater impact on the openness of the Green Belt than the existing development'

The build form of proposed plot one is T shaped and plot 2 is L shaped. Much of the bulk of the built form will be located on the southern and eastern footprint of the Modern barn and part of the Dutch barn. The footprint will spread slightly wider than the existing footprint but much less in other places. Overall, the built form footprint is comparable to the existing footprint. The heights of the proposed dwellings are much reduced than the height of the existing barns. The dwellings will read as single storey with elements of altering heights which breaks up the massing. Open gaps are maintained around the buildings where parking is located. Physically and visually the proposal is not considered to have a greater impact on openness than the existing built form.

Overall, the proposal is therefore considered to be appropriate development in the Green Belt and accords with policy CP8 of the Core Strategy and NPPF.

PRINCIPLE OF DEVELOPMENT IN COUNTRYSIDE LOCATION:

The Placemaking Plan identifies Priston as one of the villages where Policy GB2 (Development in Green Belt Villages) applies. GB2 states that development in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development the proposal is within the defined Housing Development Boundary.

It is recognised that the land is outside of, but adjoining, the Housing Development Boundary of Priston and therefore does not directly comply with policy GB2. Whilst the Housing Development Boundary should not be viewed simply as some arbitrary line it is noted that in the High Court Decision of Wood v Secretary of State (Feb 2015) the judge

considered that an assessment of the 'village on the ground' was also required. The site is surrounded on three sides by development (houses, roads and the riding arena). When driving to the site it doesn't seem as though one has yet left the village when arriving at it. The built form of the village is readily visible in views from and into the site. Even some objectors have made comment that the site is 'within the village'. As such this is a material consideration.

Policy DW1 of the Core Strategy sets out a district-wide spatial strategy. It seeks an increase in the supply of housing by around 13,000 homes. It sets out the focus of new housing, jobs and community facilities will be in Bath, Keynsham and the Somer Valley. In the rural area, it seeks to ensure that development is located at settlements with a good range of local facilities and with good access to public transport. The village benefits from daily public transport, and facilities including a pub, church, village hall, and cricket ground. The parish has a population of around 232 people.

The proposal must also be considered in accordance with paragraph 80 of the NPPF which seeks to avoid introducing new, isolated homes within the countryside. The proposal is closely related to other buildings and located adjoining the development boundary. As such, the proposal cannot be considered to be isolated.

Section 11 of the NPPF has regard to making effective use of land, it states at paragraph 120 that substantial weight must be given in decision making to the value of using suitable brownfield land within settlements for homes. The site is considered to be previously developed land (brownfield land). As such in this instance it is considered that a departure from policy GB2 is acceptable to accord with the development plan and NPPF as a whole.

On balance therefore, the location of housing in this location can be supported in principle.

DESIGN, CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness.

The proposal will replace a set of existing barns as previously discussed in this report. The loss of the existing buildings is acceptable. The application proposal two dwellings in their place, plot 1 is roughly T shaped and plot 2 is roughly L Shaped. The two plots are set in the south west of the site, with the site entrance and parking in the north west of the site. Both plots have amenity space. A field access remains in place to the south. The proposed layout is considered acceptable and the quantum of development is not considered to result in overdevelopment.

The proposed dwellings could be described as bungalows in nature, they will have a mainly single storey appearance with some elements being taller, reading as 1 and a half stories. The overall height and massing is comparable to surrounding buildings in the village and is less than the existing buildings on site. This is considered acceptable.

In terms of design detail, the buildings are now of a quiet, more traditional design that are not offensive. During the course of the application the agent has confirmed that the proposed materials used will be:

Roof - Clay roof tiles

Walls - Natural coursed rubble stone in lime mortar

Windows and doors - Timber windows and doors, natural stain

Rainwater goods - Black metal rainwater goods

Fascia and soffit - Timber

These materials are considered to be acceptable as they follow the local palate of materials and are appropriate within the sites sensitive local setting. A material schedule and samples will be conditioned.

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.

HERITAGE:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The current building is a modern barn and there are no concerns with its demolition.

Immediately adjacent to the application site is Church Farmhouse and associated barn conversions. The main farmhouse is grade II listed together with a granary adjacent, whilst the barns are not individually listed, these are clearly important heritage assets. In addition, the grade I listed Church of St Luke and St Andrew is in close proximity.

Historic England have been consulted and have not raised an objection or specific concerns with the revised drawings.

The Conservation Officer has been consulted. The scheme has been significantly reduced in scale and the design altered to address concerns previously raised. The general revised design and scale is acceptable. The officer has no longer raised an objection.

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case by virtue of the design, scale, massing, position and the external materials of the proposed development it is considered that the development would at least preserve the character and appearance of this part of the Conservation Area and its setting.

The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

ARCHEALOGY:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting. South West Heritage Trust have been consulted on the scheme in regard to archaeology and have raised no objection. The proposed new dwellings lie within the core of the medieval settlement of Priston and in close proximity to the medieval church and possible manor, as such condition have been recommended including an archaeological watching brief and publication of any results. As such these will be attached to the decision.

TREES:

Policy NE6 has regard to trees and woodland conservation. It states development will only be permitted if it is demonstrated that adverse impact on trees is unavoidable to allow for development, and that compensatory measures will be made in accordance with guidance in the Planning Obligations SPD.

The application is supported by an arboricultural report which includes a tree survey, impact assessment and method statement.

The red line boundary which has been identified excludes all trees and provides insufficient space to contain construction activities. This means that tree protection measures are essential to control the spread of these activities as outlined in the Arboricultural report. A condition will be included to ensure compliance with the report.

No objection is raised to the proposed tree pruning and tree removals. Ash Dieback is widespread in the district and the likely requirement to remove those trees affected is acknowledged.

The proposal is considered acceptable and accords with policy NE6 of the Placemaking Plan.

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.

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.

Accessibility / Public Transport / Walking / Cycling:

The site has limited opportunities for sustainable travel due to the distance to most local services and lack of dedicated cycling and walking facilities. There is limited public transport links in the locality and as a result the development is likely to be dependent on the private car. However, it is noted that this is previously developed land where car trips would already be generated. The site is located in proximity to the housing development boundary with some local facilities within the village. As such, an objection on the grounds of sustainability would not be justifiable in this instance.

Access/ Traffic:

The site is accessed via a shared access from Church Farm Lane which also serves a number of existing dwellings including The Orchard, The Milking Parlour and The Calf House. The proposed development is unlikely to significantly increase the number of vehicular trips compared to the existing use. There might be an additional benefit of removing the need for large, slow-moving vehicles to access the site if the equestrian use of the barns is ceased.

The red line boundary of the application on the Site Location Plan has been updated to include the area labelled as 'existing turning area'. This enables the turning area which would be required for any large vehicles accessing the proposed dwellings to be secured by planning. Neighbours have raised concerns over the right of access to turn into the site. Certificate A has been submitted with the application. Any easements or covenants are a civil matter which would not preclude the granting of planning permission.

Car Parking /Cycle Parking/ EV charging:

Each of the proposed residential dwellings requires the provision of a minimum of two secure covered cycle parking spaces, plus 3 car parking spaces per four-bed dwelling. Based on the proposed floorplans, that equates to 6 parking spaces. The provision shown within the application submission meets with the standards set out in the Placemaking Plan.

In the case of new development proposals, facilities for charging plug-in and other ultra-low emission vehicles will be sought where practicable as set out in Policy ST7 of the Placemaking Plan. The BANES Parking Strategy says that Electric vehicle charging should be provided residential developments with individual parking - passive provision within each property.

Passive provision requires the enabling work to be undertaken, including ensuring sufficient capacity in the connections and providing cabling to the parking spaces. This will be conditioned.

Waste:

The Waste Management Plan states that the refuse collection vehicles currently enter the shared private lane to collect waste rather than collecting from the Church Farm Lane which is the nearest adopted highway. The proposal for an additional 2 dwellings to have similar collection arrangements is acceptable.

Construction Management Plan:

Due to the nature of the local highway the introduction of construction vehicles may cause harm to road safety and residential amenity. Therefore a demolition and construction management plan should be required prior to commencement of the development.

DRAINAGE AND FLOODING:

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

The Drainage and flooding team have been consulted on the application and additional information has been submitted over the course of the application. A General Arrangement Drainage Plan has now been submitted. The proposed plans now show an acceptable drainage system. A condition will be required confirming capacity of the onward system or an alternative method of drainage.

As such, the proposed development is considered to comply with policy CP5 of the Core strategy in regard to flooding and drainage matters, as well as the NPPF.

CONTAMINATED LAND:

Policy PCS5 has regard to Contamination. The Contaminated Land Officer has been consulted on the application. Taking account of the sensitive nature of the development (i.e. residential), conditions are recommended in regard to reporting unexpected contamination.

The proposal is considered acceptable in terms of policy PCS5 of the Placemaking Plan.

ECOLOGY:

Policy NE3 has regards to Sites, Species and Habitats, it states that development that would adversely affect protected species and habitats will not be permitted unless in certain exceptional circumstances. In all cases the policy seeks that any harm to nature conservation is minimised and mitigation and compensation is provided otherwise.

The Council's ecologist has been consulted on the scheme. There is no ecological objection in principle to the proposals.

Previous ecology comments have been provided (Sarah Dale 6th Sept 21) raising the issue of a

discrepancy between the site boundaries of the submitted planning application and the site boundary used for the ecological survey and assessment. A revised ecological survey and assessment has been submitted which now includes the whole site. Appropriate recommendations are made regarding avoidance of harm to nesting birds, and provision of replacement habitats, nesting sites and ecological enhancements.

In relation to the northern barn and associated hardstanding and scrub, the assessment and its findings are accepted. The site supports limited wildlife value, although the building does have nest boxes and signs of use by nesting birds; swallow nests were also noted. Appropriate recommendations are made regarding provision of replacement and new habitat, and measures to avoid harm to wildlife and to provide additional benefits for wildlife. These include provision of bird and bat boxes and landscape planting, sufficient to achieve net gain for biodiversity (in accordance with Policies NE3 and D5e and the NPPF) which could be provided through a wildlife friendly landscape and planting scheme to be secured by condition. This must also include provision of replacement swallow nesting sites within a suitable sheltered location such as beneath an overhang, within porches or within an open building.

Sensitive lighting design would be necessary in this location in accordance Policy D8, and best practice to avoid harm to wildlife including bats. A condition will be attached accordingly.

A detailed mitigation scheme is also required, the Council's ecologist has confirmed this can be sought by condition.

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 48% 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.).

CONCLUSION:

The location of housing in this location is contrary to Policy GB2 of the PMP, however on balance, as set out in the report above, given its siting 'within' the village, it meeting the objectives of policy DW1 and its non-isolated location, it is considered the development can be supported in principle. As such, in this particular case, it is considered that a departure from policy GB2 is acceptable. The proposal complies with all other the relevant planning policies as outlined above and the proposal is recommended for approval.

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Arboricultural Compliance (Compliance)

No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement and Tree Protection Plan (Tim Pursey 29th July 2021)

Reason: To ensure that the approved method statement is complied with for the duration of the development to protect the trees to be retained in accordance with policy NE.6 of the Placemaking Plan.

3 Archaeology Watching Brief (Pre-commencement)

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

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

archaeological remains and features may be damaged by the initial development works.

4 Archaeology Post Excavation and Publication (Pre-occupation)

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy HE1 of the Bath & North East Somerset Placemaking Plan.

5 Materials - Submission of Materials Schedule (Bespoke Trigger)

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

1. Detailed specification of the proposed materials (Type, size, colour, brand, 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.

6 Sample Panel - Walling (Bespoke Trigger)

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

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

7 Reporting of Unexpected Contamination (Bespoke Trigger)

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

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 and 15 of the National Planning Policy Framework.

8 Parking and Turning (Compliance)

The areas allocated for parking and turning, as indicated in the Site Location Plan 001 Rev.A and Ground Floor Plan 111B, 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.

9 Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority 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.

10 Electric Vehicle Charging Points (Pre-occupation)

No building shall be occupied until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change in accordance with Policy ST1 of the Bath and North East Somerset Placemaking Plan.

11 Surface Water Drainage (Pre-Commencement)

No development shall commence, except ground investigations, until written confirmation of the capacity of the onward system can take the flow of 13.4 l/sec as proposed by the Drawing 101P3 is submitted and approved by the LPA if this is not the case an alternative method of surface water drainage, which has first been submitted to and approved in writing by the Local Planning Authority, should 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 Wildlife Protection and Enhancement (Pre-commencement)

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme that is in accordance with Section 5 of the approved Ecological Appraisal (Engain, 8th November 2021) have been submitted to and approved in writing by the local planning authority. These details shall include:

(i) Method statement for pre-construction and construction phases to provide full details of all

necessary protection and mitigation measures, including, where applicable, proposed precommencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of the wildlife mitigation measures and recommendations

of the approved ecological report, including suitable replacement nesting provision for swallow;

wildlife-friendly planting / landscape details; and provision of bat and bird boxes. Proposed specifications, numbers, models, materials, species, sizes, and positions (as applicable) shall

be provided and shown on a plan; for fencing shall include provision of gaps to allow movement

of wildlife such as hedgehog through and around the site.

All works within the scheme shall be carried out in accordance with the approved details and

completed in accordance with specified timescales and prior to the occupation of the development.

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

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 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 Wildlife Protection and Enhancement Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the Wildlife Protection and Enhancement measures, 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.

14 External Lighting (Bespoke Trigger)

No new external lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the Local Planning Authority; details to include proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan; 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 in accordance with policies NE3 and D8 of the Bath and North East Somerset Local Plan

15 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).

16 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.

17 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.

18 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

01 Oct 2021	001 A	SITE LOCATION PLAN
01 Oct 2021	002 B	TOPOGRAPHICAL SURVEY
01 Oct 2021	110 E	GROUND FLOOR PLAN
09 Nov 2021	109 E	SITE PLAN - ROOF PLAN
09 Nov 2021	111 C	FIRST FLOOR PLAN
09 Nov 2021	112 E	ELEVATIONS
09 Nov 2021	113 F	SITE ELEVATIONS
25 Nov 2021	114	SITE PLAN - EXISTING BARN FOOTPRINT ROOF PLAN
06 Jan 2022	101 P3	DRAINAGE SYSTEM - GENERAL ARRANGEMENT

2 Informative

Desk Study and Walkover Survey

Where development is proposed, the developer is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended.

It is advised that a Desk Study and Site Reconnaissance (Phase 1 Investigation) survey should be undertaken to develop a conceptual site model and preliminary risk assessment. A Phase I investigation would provide a preliminary qualitative assessment of risk by interpreting information on a site's history considering the likelihood of pollutant linkages being present. The Phase I investigation typically consists of a desk study, site walkover, development of a conceptual model and preliminary risk assessment. The site walkover survey should be conducted to identify if there are any obvious signs of contamination at the surface, within the property or along the boundary of neighbouring properties. Should the Phase 1 investigation identify potential pollutant linkages then further investigation and assessment should be required

3 Condition Categories

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

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

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

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

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

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

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

4 Permit/Consent Decision Making Statement

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

5 Responding to Climate Change (Informative):

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

6 Community Infrastructure Levy - General Note for all Development

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

Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges,

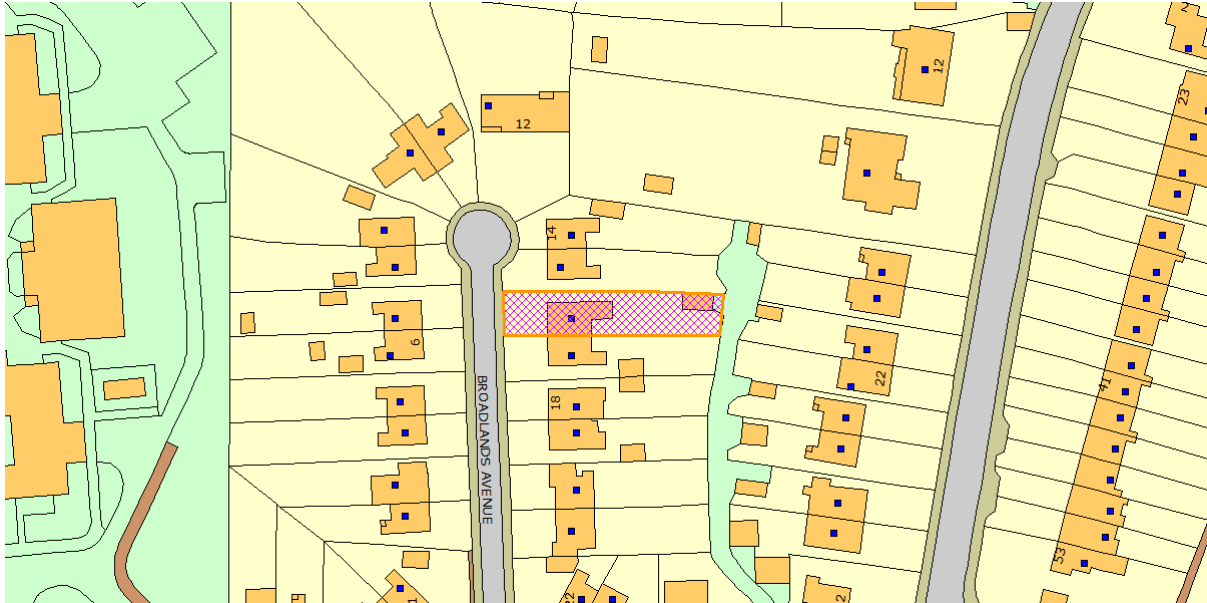
interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

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

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

Item No: 004
Application No: 21/05364/FUL
Site Location: 16 Broadlands Avenue Keynsham Bristol Bath And North East Somerset BS31 2DU



Ward: Keynsham North **Parish:** Keynsham Town Council **LB Grade:** N/A
Ward Members: Councillor Brian Simmons Councillor Vic Clarke
Application Type: Full Application
Proposal: Erection of front, side and rear extension. Provision of attic conversion and garden room.
Constraints: Bristol Airport Safeguarding, Agric Land Class 3b,4,5, Coal - Standing Advice Area, Policy CP9 Affordable Housing Zones, Housing Development Boundary, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,
Applicant: Skuse
Expiry Date: 11th April 2022
Case Officer: Isabel Daone
To view the case click on the link [here](#).

REPORT

The application was referred to the Chair and Vice Chair of the Planning Committee as the Town Council's comment were contrary to the officer's recommendation. Councillor Simmons had also called the application to committee; however this did not trigger the referral process as this was done outside of the time period for ward councillor call in. However, the comments of the Town Council did trigger the process. The Chair and Vice Chair's decisions and reasons are as follows:

CHAIR: Committee

I have reviewed this application and note the objections from Keynsham Town Council, the ward Councillor and other third parties. The officer has worked with the applicant to

modify various aspects of the proposal during the application process, but concerns remain due to the overall volume of change and size of the development. For this reason, I believe it would benefit from being debated at committee.

VICE CHAIR: Committee

I have studied this application carefully noting objection comments from both third party & statutory consultees, the Officer has negotiated some amendments to the application as it has progressed through the planning process, but concerns remain regarding parking & size.

These concerns have been assessed against relevant planning policies & some issues e.g. parking adhere to policy as the report explains however it also states the changes are seen as significant therefore I recommend the application be determined by the planning committee so it can be debated in the public arena whether it leads to an overdevelopment of the host dwelling.

Details of location and proposal and Relevant History:

The application refers to a semi-detached, two-storey property which is located within the Keynsham Housing Development Boundary.

Planning permission is sought for the erection of a front, side and rear extensions, the installation of a dormer and the erection of a garden room.

Relevant Planning History:

No relevant planning history.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

KEYNSHAM TOWN COUNCIL:

Original comments received 14th December 2021:

Object - Keynsham Town Council object on the following grounds:

- (i) The proposal is incongruous with the street scene and would dominate this section of the road.
- (ii) The extension proposed would constitute overdevelopment of the site.
- (iii) The amenity of neighbours' light would not be preserved.
- (iv) The proposed conversion to the rear of the garden is also considered as an overdevelopment of the site.

The application is contrary to Policies D2, D3 and D6 of the Bath and North East Somerset Placemaking Plan.

Re-consultation response comments received 8th February 2022:

Object - Keynsham Town Council reiterate their objections with a few additions on the following grounds:

- (i) The proposal is incongruous with the street scene and would dominate this section of the road.
- (ii) The extension proposed would constitute overdevelopment of the site.
- (iii) The amenity of neighbours' light would not be preserved, and the development would create overlooking into neighbouring properties.
- (iv) The proposed conversion to the rear of the garden is also considered as an overdevelopment of the site.
- (v) Keynsham Town Council support the objections of local residents that parking in this location will be exacerbated by this development and agree with Highways that the applicant has failed to demonstrate that access on to the public highway can be achieved satisfactorily.

The application is contrary to Policies D2, D3 and D6 of the Bath and North East Somerset Placemaking Plan.

HIGHWAYS:

Highways have provided comments on both the original and revised scheme. Their latest comments are summarised below, received 8th February:

- Revised proposals propose three no. policy compliance parking spaces at the front of the property
- Wall will be removed
- Dropped kerb will need permission through a S184 Licence
- The proposed garage is not permissible as a parking space as it has insufficient internal dimensions
- Not clear whether the garage is accessible from the rear lane to the east of the property's boundary
- Submitted information does not demonstrate that visibility can be achieved
- It needs to be demonstrated that a 2m by 25m visibility splay can be provided between either the side of the access, and the back edge of the footway within land owned by the applicant or under the control of the Local Highway Authority
- The submitted information does not demonstrate that adequate pedestrian visibility can be achieved. The applicant should therefore demonstrate that a 2m x 2m visibility splay can be provided between either side of the access, and the back edge of the footway within land owned by the applicant or under the control of the Local Highway Authority.

COUNCILLOR BRIAN SIMMONS:

I wish to have the application 21/05364/FUL dealt with by the committee if the officer recommends to permit for the reasons stated in the Keynsham Town Council Planning Committee Meeting on 7/02/2022

Representations Received :

17 objections have been received and this includes objections to the original scheme and revisions. All comments have been assessed in full by the case officer and a summary of the main points is given below:

- Increase in traffic
- Impact to tranquil environment
- Increase in air pollution due to traffic
- Bungalow in rear garden
- Potentially going to turn property into an HMO
- Overdevelopment of the site
- Will cause disruption during construction
- Change the appearance of the street
- Overlooking
- Impact to privacy
- Overbearing and overshadowing
- Back lane is not fit for purpose
- Construction will block the rear lane for residents
- Access issues to the land after construction
- Parking issues

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

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
ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

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:

- Character and appearance
- Residential amenity
- Parking and highway safety
- Other matters

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.

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.

There are a number of elements to the scheme which will be assessed separately for clarity.

Two storey side and single storey front extension:

The proposed two-storey side extension will be approximately 1.5m in width. The proposed front extension will be a lean-to. It is considered subservient to the host dwelling. The materials have been amended to be painted cement render, rather than the cladding previously proposed. Officers consider that this will better reflect the character of the street scene. A number of properties in the street have had extensions to the side and as such, the principle of the side and front extensions is considered acceptable. Officers consider that these elements of the scheme reflect the character of the host dwelling and the materials maintain the character of the street scene and they are considered to be acceptable.

Hip-to-gable and dormer loft conversion:

The roof height is not raising above the existing ridge but will go from a hip to a gable. There are other hip-to-gable conversions in the street, and this is considered acceptable in principle. The proposed dormer has been revised so that it is a similar size to that previous approved at no.18. Although still large, it is considered subservient to the roof scape.

Single storey rear extension:

A flat-roof, single storey extension is also proposed to the rear, and this will be clad. Cladding is not a common material within the street scene, however as this is on the rear and single storey, visibility is limited.

Conclusion on these elements:

It is noted that these changes together are significant. However, they are not considered to be an overdevelopment of the host building. Each element is considered to compliment and respect the host dwelling. The material palette is considered to be appropriate given the existing dwelling and surrounding developments.

Garden Room:

The proposal also includes the provision of a garden room. The garden room will replace the existing garage and shed; there is no objection to the loss of these structures. There are a number of outbuildings located along this rear lane and the principle of such a building is again, considered acceptable. The building will have a flat roof and be finished in painted block work to the lane elevation, which will also include a garage door. The garden facing elevation will be finished in cladding which will match the single storey extension. The overall appearance of the garden room is considered appropriate.

Conclusion:

Overall, the proposals are considered acceptable in terms of their character and appearance. They are not considered an overdevelopment of the site. Although garden

space will be lost, the property benefits from a long plot and sufficient garden space will remain. The development will not appear cramped. Officers accept that the proposals will change the appearance of the street scene, as noted by third parties. However, other similar developments have been approved in the locality, most notably no.18 which has a hip-to-gable loft conversion. It is not considered that the proposals would be incongruous.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policies D1, D2, D3, D4 and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

RESIDENTIAL AMENITY:

Policy 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.

A number of objections have been received from third parties and the Town Council pertaining to residential amenity issues.

The matter to consider is whether the development will result in a loss of privacy to neighbours, as a result of overlooking from the property. The proposed side window on the first floor of the side extension will be obscurely glazed and this will be secured by condition. This will therefore not result in additional overlooking.

The proposed dormer will introduce windows at third floor level. The windows at second floor level provide views in the gardens of the neighbouring properties and the new windows will not exacerbate the current situation to a level which would warrant a refusal. Concerns have been raised that the dormer will provide views in the rears of the properties on St Ladoc Road, which are located on the opposite side of the lane to the host dwelling. The proposed dormer is located around 30m from the rear boundaries of the properties on St Ladoc Road, measured from the site layout plan. This is considered a sufficient distance so that the impacts of overlooking are not severe, and it is not considered reasonable to sustain an objection on this basis. There is already some overlooking from other neighbouring dormers and a degree of overlooking in a built-up residential area can be expected.

It has been raised that the windows of the garden room will allow views into the neighbouring garden and property. These windows are at ground floor level and will provide no greater views than standing in the garden and looking up the garden. The proposed situation is not considered to create a significantly greater impact than the existing arrangement. The garden room is around 15m from the neighbouring property's rear elevation which is considered a sufficient separation distance.

Consideration has also been given to overbearing, overshadowing and loss of light as a result of the proposals. The proposed two storey extension will result in built form being closer to the neighbour. However, there will still be separation between the two dwellings and the two-storey element does not extend to the rear of the existing rear elevation. It is

not considered that it will appear significantly overbearing or create significant overshadowing which would justify a refusal on this basis.

The proposed single storey rear extension is of a height and depth which is also not considered to cause significant harm in these regards. It will extend slightly beyond the neighbouring built form, but only by around 2m which is not considered to be significant.

The proposed garden room is also a single storey and around 3m in height. As such, it is not anticipated that it would create significant overshadowing and loss of light.

Matters of noise and disturbance during construction have also been raised. However, these are temporary and can be reasonably expected for householder developments. It is not a valid reason for refusal.

Overall, it is not considered that the proposal would cause a significant impact to the neighbouring residents and a refusal on this basis would not be justified.

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

HIGHWAYS 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.

In order to address the concerns of highways, and local residents, the applicant will provide three policy compliant car parking spaces to the front of the property. There is no objection to this, and the dwelling would have a policy compliant number of parking spaces.

The proposed garden room will feature a garage. However, the garage does not have sufficient internal dimensions to count towards the parking provision. The garage would be accessed via a lane which runs to the rear of Broadlands Avenue and St Ladoc Road. A number of residents have garages and parking areas accessed via this lane.

The Highways Officer has objected to the scheme and has requested visibility splays and pedestrian visibility splays for the proposed garage. However, as this lane is not part of the adopted highway, it is not considered reasonable to request these in this case. The garden room would be constructed within the applicant's land and would be accessible by a vehicle. The lane is not a right of way and is used by the occupiers of the dwellings which back onto it.

The NPPF states "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."

Given that the property will have sufficient parking space without the garage, which is not policy compliant, and the lane is already accessed by a number of residents and that there is an existing garage on the site, it is not considered that there would be an unacceptable impact upon highway safety. Users of the lane are not generally the general public, and it serves as access to the rear of these dwellings. Officers consider that on balance, the failure to provide this information in this case is not a reason for refusal.

It has also been raised that construction traffic should not block the lane. The scale of the development does not warrant a Construction Management Plan; however the applicant should not block access to neighbouring properties with construction traffic. Construction is temporary and this will not be a permanent issue.

It has also been raised that the back lane is not fit for purpose. However, it is already used by a number of vehicles and is considered to be accessible by a vehicle.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

OTHER MATTERS:

It has been raised that the dwelling may become an HMO. The dwellinghouse is not within the district's Article 4 area and therefore, planning permission would not be required to change the use from C3 to C4. The site is currently a C3 dwellinghouse. Should the applicant wish to change the use to a C4 property, it could be done under permitted development in this location.

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Materials - 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 Ancillary Use (Compliance)

The garden room hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 16 Broadlands Avenue, Keynsham, Bristol Bath And North East Somerset, BS31 2DU; and shall not be occupied as an independent dwelling unit.

Reason: The garden room is not capable of independent occupation without having a detrimental impact to the residential amenity of the neighbouring occupiers and highway safety.

4 Parking (Pre-occupation)

Prior to the first use of the development hereby approved, 3no. parking spaces shall be provided in accordance with plan reference 16BA.P03 Revision B. The parking spaces shall be permanently retained for the parking of vehicles thereafter.

Reason: To ensure sufficient off-street car parking in accordance with policy ST7.

5 Bound/Compacted Vehicle Access (Compliance)

The vehicular access/driveway shall be constructed with a bound and compacted surfacing material (not loose stone or gravel).

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

6 Obscure Glazing and Non-opening Window(s) (Compliance)

The proposed first-floor window on the side elevation of the two-storey side extension shall be obscurely glazed. Thereafter the window shall be permanently retained as such.

Reason: To safeguard the amenities of adjoining occupiers from overlooking and loss of privacy in accordance with Policy D6 of the Bath and North East Somerset Placemaking Plan.

PLANS LIST:

1 This decision relates to the following plans:

16BA.P01 Revision B. Location Plan & Site Layout Plan. Received 16th February 2022

16BA.P02 Revision A. As Existing. Received 18th January 2022

16BA.P03 Revision B. As Proposed. Received 15th February 2022

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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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.

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

4 Community Infrastructure Levy - General Note for all Development

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

5 Responding to Climate Change (Informative):

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

6 Highways Access Advice Note

The applicant should be advised to contact the Highway Maintenance Team at Highways@bathnes.gov.uk with regard to securing a licence under Section 184 of the Highways Act 1980 for the construction of a vehicular crossing. The access shall not be brought into use until the details of the access have been approved and constructed in accordance with the current Specification.

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Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	6th April 2022
RESPONSIBLE OFFICER:	Simon de Beer – Head of Planning
TITLE:	APPLICATIONS FOR PLANNING PERMISSION
WARDS:	ALL
BACKGROUND PAPERS:	
AN OPEN PUBLIC ITEM	

AGENDA
ITEM
NUMBER

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.

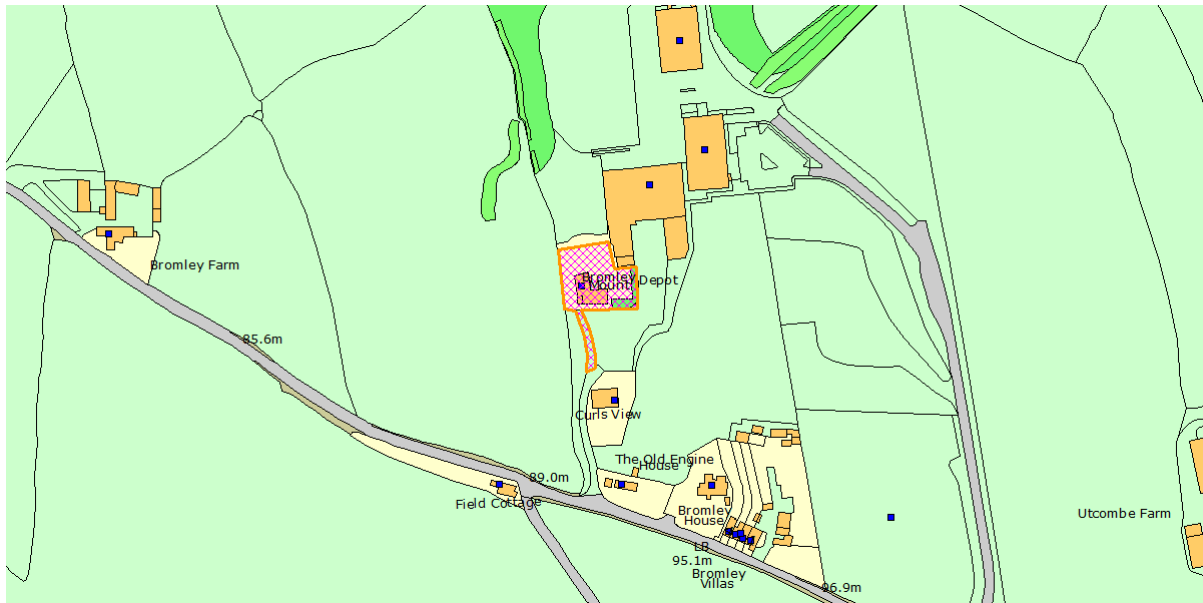
- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting 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.

INDEX

ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
01	21/05683/FUL 8 April 2022	Mr Kelston Stark Bromley Mount, Bromley Road, Stanton Drew, Bristol, Bath And North East Somerset Erection of 1no. 4bed dwellinghouse	Chew Valley	Christopher Masters	REFUSE
02	22/00380/FUL 11 April 2022	Mr T Davies King Edwards School, North Road, Bathwick, Bath, Bath And North East Somerset Replacement of the building's east facade with new curtain walling.	Bathwick	Isabel Daone	PERMIT
03	22/00294/FUL 11 April 2022	Dr Peter Roberts Durley Grange, Durley Lane, Keynsham, Bristol, Bath And North East Somerset Erection of a new outbuilding to an existing dwelling, incorporating an existing garage with new garden room and garden equipment storage space (Resubmission).	Keynsham North	Isabel Daone	REFUSE
04	22/00598/TCA 23 March 2022	Mrs Hodge Audley House, Park Gardens, Lower Weston, Bath, Bath And North East Somerset Cypress - Remove Cherry - Remove Cedar x2 - Remove broken limbs	Weston	Jane Brewer	NO OBJECTION

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS FOR DEVELOPMENT

Item No: 01
Application No: 21/05683/FUL
Site Location: Bromley Mount Bromley Road Stanton Drew Bristol Bath And North East Somerset



Ward: Chew Valley **Parish:** Stanton Drew **LB Grade:** N/A

Ward Members: Councillor Vic Pritchard Councillor Karen Warrington

Application Type: Full Application

Proposal: Erection of 1 no. 4bed dwellinghouse

Constraints: Bristol Airport Safeguarding, Agricultural Land Classification, Coal - Standing Advice Area, Coal - Referral Area, Contaminated Land, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy M1 Minerals Safeguarding Area, Policy PCS6 Unstable Land-Coal Mining Le, All Public Rights of Way Records, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,

Applicant: Mr Kelston Stark

Expiry Date: 8th April 2022

Case Officer: Christopher Masters

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

REPORT

The application relates to a two storey dwellinghouse set within generous gardens lying to the north of the A368 and 1 mile to the southeast of village of Stanton Drew. The site is located adjacent to the site of Kelston Sparkes Group Ltd who specialise in earthworks, earth moving, crushing, screening, quarrying and training. The site is otherwise situated in a rural setting over washed by the Bristol/Bath Green Belt.

Planning permission is sought for the erection of a four bed dwellinghouse to replace the former dwelling on the site.

Relevant Planning History:

20/01297/FUL - WITHDRAWN - 1 June 2020 - Erection of replacement dwelling.

20/02699/FUL - PERMIT - 26 February 2021 - Erection of replacement dwelling (Resubmission).

21/02487/COND - DISCHARGED - 22 October 2021 - Discharge of conditions 2, 3, 8 and 11 of application 20/02699/FUL (Erection of replacement dwelling (Resubmission)).

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses:

Stanton Drew Parish Council - Support. With reference to Neighbourhood Plan policy EL5, and also BANES core strategy D8, the Parish Council recommend that the external lighting (especially around the entrance and garage area) and also on the side facing Field Cottage, should be motion sensitive, to be angled downwards, and also of an appropriate brightness

Councillor Vic Pritchard - There is no definition of materially larger on the NPPF or law. Extending the dwelling at the time of replacement and using the 1/3rd allowance is not only practical, but provides significant environmental benefits in not having to totally complete a dwelling and then re-commence construction several months later. To avoid further future extension, permitted development rights of the approved dwelling can be removed, thus preventing further extension in order to safeguard the openness of the Green Belt. The reason for removing Permitted Development Rights can be justified on any planning approval with a reference that the 1/3rd extension allowance was already included at the time the replacement dwelling was approved. In summary, preventing extension at the time of replacement is illogical, harmful to the environment and I do not believe it would stand up to scrutiny on appeal.

The following responses were received in relation to application 20/02699/FUL which was permitted in 2021.

Arboriculture - No arboricultural objection to the loss of the existing trees on site subject to replacement planting.

Contaminated Land - The application has not included any contamination risk assessment reports, although it is noted that a mining risk assessment report has been submitted. Due to the sensitive nature of the development (i.e. residential dwelling) and the potentially contaminative historical use of the site as a colliery, conditions should be applied 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.

Coal Authority - The Coal Authority acknowledges that the proposed replacement dwelling would be located clear of the shaft and the 'no-build' zone defined by the applicant's technical consultant. Whilst the submitted report does not confirm that the existing shaft cap meets current industry standards, we note that the use of the land within which the shaft is located will remain as domestic curtilage, albeit to the replacement dwelling. As such, based on the submitted information, the Coal Authority wishes to raise no objection to this planning application.

Drainage and Flooding - No objection or comment.

Ecology - The submitted information confirms compliance with UK law. Conditions for full details of a Bat Mitigation and Compensation Scheme, and compliance report, and details of sensitive external lighting scheme have been recommended.

Highways - There is not expected to be any measurable impact on the volume of trips on the local highway as a result of this development. The proposed car parking and cycle parking are adequate to meet the local plan standards. Highways and Transport do not recommend any objection is raised.

Landscape - No landscape objection to the proposed development subject to conditions being included in the notification of decision for any future planning approval.

Public Rights of Way - No comment.

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:

CP2: Sustainable Construction
CP6: Environmental Quality
CP8: Green Belt
DW1: District Wide Spatial Strategy
SD1: Presumption in favour of sustainable development

Placemaking Plan:

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

D1: General urban design principles
D2: Local character and distinctiveness
D.3: Urban fabric
D.5: Building design
D.6: Amenity
GB1: Visual amenities of the Green Belt
HE1: Historic environment
NE2: Conserving and Enhancing the landscape and landscape character
NE3: Sites, species and habitats
NE5: Ecological networks
NE6: Trees and woodland conservation
ST7: Transport requirements for managing development
H7: Housing accessibility
SCR5: Water efficiency
SU1: Sustainable drainage policy
LCR9: Increasing the provision of local food growing
PC55: Contamination
ST2A: Recreational Routes

The National Planning Policy Framework (NPPF) was published in July 2021 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Character and appearance including landscape impact
- Residential amenity
- Highways and parking
- Ecology
- Sustainable construction
- Coal mining legacy
- Contaminated land

- Any other matters

Background Context.

Permission is sought for a replacement dwelling within the Bristol Bath Greenbelt. Prior to this application, the applicant sought permission under application 20/01297/FUL for a replacement dwelling approximately 30% larger than the building to be replaced. The case officer notified the applicant that such an increase was considered to be materially larger and the proposal therefore constituted inappropriate development in the green belt. The application was subsequently withdrawn.

A second application ref. 20/02699/FUL was subsequently submitted, again for a replacement dwelling which was approximately 30% larger than the building to be replaced. Officers reiterated that such an increase constituted inappropriate development in the green belt and could not be supported. Rather than encourage another withdrawal or refuse the scheme, a pragmatic approach was taken and the scheme amended such that the dwelling as proposed was reduced in size such that it was not materially larger. The scheme was subsequently permitted and works are now well underway but are not yet completed.

The applicant has now submitted a further application which again seeks permission for a replacement dwelling which is approximately 30% larger than the original building (now demolished) and the dwelling permitted under application 20/02699/FUL.

Principle of Development:

The site is located outside of a defined Housing Development Boundary and within the Bristol Bath Green Belt. Whether the development is acceptable in principle therefore relies upon whether it constitutes an appropriate form of development within the green belt.

Green Belt:

The primary issue to consider is whether the proposal represents inappropriate development in the Green Belt.

Paragraph 149 of the National Planning Policy Framework states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green

Belt'. One of the exceptions for a new building in the Green Belt is 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.

What constitutes a materially larger building is not quantified in the NPPF but is considered to be assessed on the basis of spatial and visual impact.

The proposed dwelling measures 1,947m³ an increase of approximately 477m³ or 32.4% over the volume of the replacement dwelling previously permitted under application 20/02699/FUL which is now under construction.

Notably, the volume of the dwelling as permitted under application 20/02699/FUL was calculated to be approximately 1470m³ which was broadly similar to the volume of the original dwelling representing a difference of less than 5%.

It is therefore held that the replacement building now proposed would be materially larger than the one it replaces and therefore constitutes inappropriate development in the green belt.

Paragraphs 147 and 148 of the NPPF set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this instance the applicant argues that there will be an environmental benefit of allowing the larger dwelling as it will enable them to build a larger dwelling up front rather than having to extend it at a later date. It is noted that once the dwelling is completed it would benefit from both permitted development rights and the ability to apply for planning permission. Any such scheme would need to be assessed against the relevant policies.

It is argued that in permitting the materially larger building it will save them from additional cost when building in multiple stages and also the significant negative impact two separate build processes will have on the environment.

Cllr. Pritchard has written in support of the scheme and acknowledged that if the Council were to permit a materially larger dwelling, it would be necessary to remove permitted development rights for the property in order to prevent any further increase so that the openness of the green belt is maintained.

Whilst there may be some environmental benefit in undertaking all of the works desired by the applicant upfront, such benefits are slight and are not considered to clearly outweigh the substantial weight which must be given to the harm which shall be caused to the openness of the green belt.

According, the proposal constitutes a materially larger replacement building which is by definition harmful to the green belt. The benefits of allowing a materially larger building are

not considered to outweigh the harm that would be caused and therefore very special circumstances are not considered to exist.

The development as proposed is therefore contrary to policy CP8 of the adopted Core Strategy, policy GB1 of the Placemaking Plan for Bath and North East Somerset (2017) and part 13 of the NPPF. The development is subsequently unacceptable in principle.

Whilst the development is unacceptable in principle, the scheme is in many respects similar to the previously permitted scheme. Many of the matters set out below have been established to be acceptable under application 20/02699/FUL.

Character, appearance and landscape impact:

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 dwelling and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

Policy NE2 also infers that in order to be permitted, development needs to conserve or enhance local landscape character, local distinctiveness and important views and that development should seek to avoid or adequately mitigate any adverse impact on landscape.

Planning permission is being sought for the demolition of an existing dwelling and its replacement with a larger self build two storey four bedroom detached house with attached double garage and workshop and associated access, vehicular parking and landscaping.

The original dwelling on the site lacked any distinct architectural merit. It was a product of its time, being constructed in a functional and rudimentary fashion from a range of materials likely available at the time, with the lower parts of the building being constructed in local natural stone with red brick detailing and likely remnants of one of the former colliery buildings. The upper parts were constructed part in timber framed and timber clad construction and part in rendered masonry. It has now been demolished and construction begun on the replacement dwelling permitted under application 20/02699/FUL.

The site lies in a rural location with a number of neighbouring residential properties to the south and commercial premises with large industrial scale buildings to the north east.

Buildings in the locality are in the main two storey and of natural stone, render and timber clad construction, under pitched tiled roofs.

It is noted that the replacement dwelling will be two stories in height with a pitched roof over. It is traditional in form and uses materials similar to those found in the locality, whilst including some contemporary elements such as areas of glazing to give the dwelling a visually appealing character.

The replacement dwelling utilises the topography of the site to partially obscure the massing of the dwelling. This results in reducing impacts on the landscape especially when viewed from the north. The proposed two storey garage and gym is set down in height and sited such that its visual impact is minimised, being largely surrounded by the built form of the main dwelling and adjacent structures which form part of the Kelston Sparkes site.

The proposed dwelling responds well to its context by virtue of its traditional form. A schedule of proposed materials was secured by condition on application 20/02699/FUL. The partially erected dwelling has also been viewed on site and the materials used are considered to be acceptable and appropriate in their appearance.

In addition to the proposed garage / gym, the scheme also seeks amendments to the materials from part rendered and part natural stone elevations to all natural stone elevations as well as minor amendments to window positions and sizes. These amendments are considered to be acceptable.

The removal of on site trees was considered under application 20/02699/FUL. It was noted that while the trees were of poor quality they did form a clearly visible landscape feature which forms part of the landscape setting of the existing building and added to the visual amenity of the Green Belt

It was considered that the quantum of proposed tree planting shown on the submitted proposed site plan would provide adequate compensation for the loss of the previous trees. A condition was also attached requiring the submission of full details of the proposed hard and soft landscaping, to ensure that adequate mitigation for the landscape impact of the proposal and the provision of appropriate hard and soft landscaping was secured in accordance with Policy NE2 of the Bath and North East Somerset Council Local Plan.

The proposal by reason of its design, siting, scale, massing, layout and materials is considered 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.

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.

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 Highways Development Control Team has been consulted on this application and raised no objection. It is noted that the dwelling will utilise the existing access and that there is not expected to be any measurable impact on the volume of trips on the local highway as a result of this development. The proposed car parking and cycle parking are adequate to meet the local plan standards.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 4 of the NPPF.

Ecology:

The original building which has now been demolished contained a number of bat roosts. An acceptable ecological enhancement scheme was provided by condition under application 21/02487/COND. The details previously submitted under 21/02487/COND do not appear to be included with this submission but could be secured by condition.

Contaminated land and coal mining legacy:

Conditions were previously attached given the sites' previous contaminative use as a colliery. Additional details were secured by condition and found to be acceptable. As such, the development is considered acceptable in this respect.

The Coal Authority previously acknowledged that the proposed replacement dwelling would be located clear of the shaft and the 'no-build' zone defined by the applicant's technical consultant. Whilst the submitted report does not confirm that the existing shaft cap meets current industry standards, it is noted that the use of the land within which the shaft is located will remain as domestic curtilage, albeit to the replacement dwelling. As such, the development is considered acceptable in this respect.

Sustainability:

A sustainable construction checklist and sustainability assessment has been submitted with the application. Environmental sustainability and climate change is a priority for Bath & North East Somerset Council. Our Environmental Sustainability and Climate Change Strategy set a CO2 reduction target for the area of 45% by 2029. Development plays an important role in meeting this target, by minimising the emissions that cause climate change and future-proofing to cope with the climatic changes that will take place within the buildings' lifetime. In order to assess the sustainability of new development from November 2018 all new build proposals that require Building Regulations Part L certification need to complete a sustainable construction checklist.

Track 2 of the sustainability construction checklist for minor new build residential developments has been completed (Minor development: 1-4 dwellings or up to 499m2 floor space). Under this track the percentage CO2 reduction from all measures should be

at least 19%. From viewing the submitted documents the proposed dwelling is intended provide a CO2 reduction percentage of 27% which meets the requirements as set out within the checklist.

Policy SCR5 states that all dwellings will be expected to meet the national optional buildings regulations requirements for water efficiency of 110L per person per day. The policy also states that rainwater harvesting or other methods of capturing rainwater for the use by residents will be required for all residential development. This can be secured by compliance 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.). In this instance the site holds enough space which could allow for local food growing meeting the requirements of policy LCR9 of the Bath Placemaking Plan.

In order to ensure the details provided can be achieved conditions would be applicable to any permission given. Based on the above the application complies with Policy CP2 of the Bath Core Strategy and policy SCR5 of the Placemaking Plan.

Public Right of Way:

Policy ST2A seeks to ensure that any publicly accessible routes are not adversely affected by development proposals.

There is a Public Right Of Way (PROW) that runs inside the western site boundary.

This is shown on the application drawings (Site Plan) and it is understood the proposal does not seek to amend the route.

It is noted that concerns were previously raised given the PROW is currently unmarked, and that the proposal may adversely affect its recreational and amenity value by discouraging access through what appears to be private property.

Given the PROW will be retained and separated from the dwelling's outdoor amenity space by a hedge, it is considered that the proposal will not have an adverse impact on the recreational and amenity value of, or access to the PROW. The proposal therefore accords with policy ST2A of the Placemaking Plan for Bath and North East Somerset (2017) and Part 8 of the NPPF (2019).

Conclusion:

In this instance the scheme cannot be supported as it would result in the creation of a replacement dwelling that is materially larger than the one it replaces, contrary to Policy CP8 of the Bath and North East Somerset Placemaking Plan and Part 13 of the NPPF. The proposal is therefore unacceptable in principle and recommended for refusal. The purported PD fall-back position is afforded limited weight because it has not been substantiated (i.e. a realistic alternative scheme with no greater impact on the Green Belt has not been presented).

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed dwelling occupies a Green Belt location and would be materially larger than the one which it replaces. It is therefore, by definition, inappropriate development which is harmful to the Green Belt. The purported Very Special Circumstances put forward are not considered to outweigh this harm and, therefore, the proposed development is contrary to Policy CP8 of the Bath and North East Somerset Council Core Strategy (2014), Policy GB1 of the Bath and North East Somerset Council Placemaking Plan (2017) and Part 13 of the National Planning Policy Framework (2021).

PLANS LIST:

1 This decision relates to the following plans:

All received 23rd December 2021

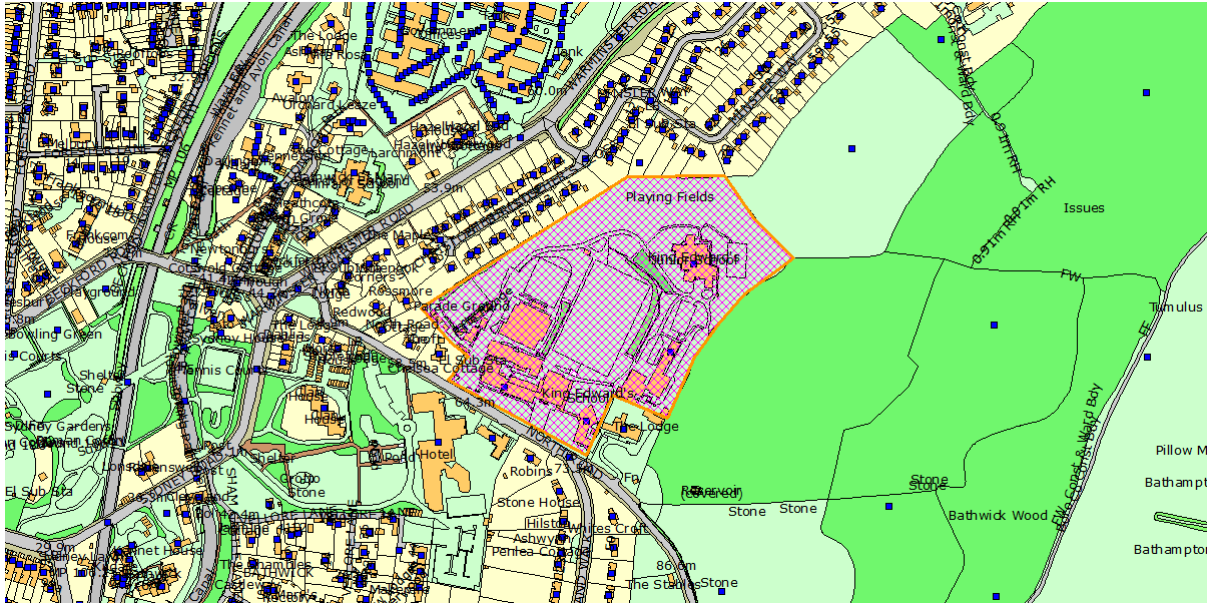
100D EXTANT SITE PLAN
101B EXTANT GROUND FLOOR PLAN
102B EXTANT FIRST FLOOR PLAN
103D EXTANT ELEVATIONS AND SECTION
KS-01 EXISTING FLOOR PLANS
KS-02 EXISTING ELEVATIONS
S6076 2001A PROPOSED SITE BLOCK PLAN AND LOCATION PLAN
S6076 2002A PROPOSED GOUND FLOOR PLAN
S6076 2003A PROPOSED FIRST FLOOR PLAN
S6076 2004A ELEVATIONS AND ROOF PLAN
S6076 2005A PROPOSED SECTIONS
S6076/002A TOPOGRAPHICAL SURVEY

2 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

3 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.

Item No: 02
Application No: 22/00380/FUL
Site Location: King Edwards School North Road Bathwick Bath Bath And North East Somerset



Ward: Bathwick **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Dr Kumar Councillor Manda Rigby

Application Type: Full Application

Proposal: Replacement of the building's east facade with new curtain walling.

Constraints: Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Agric Land Class 1,2,3a, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, Conservation Area, Policy CP9 Affordable Housing Zones, Policy LCR5 Safeguarded existg sport & R, MOD Safeguarded Areas, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones,

Applicant: Mr T Davies
Expiry Date: 11th April 2022
Case Officer: Isabel Daone

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

REPORT

The application refers to King Edward's School which is a co-education school providing an education for children aged 3 to 18. The site is within the Conservation Area and World Heritage Site. The main school building is Grade II Listed, however Q block (to which this application relates) is not listed.

Planning permission is sought for the replacement of the building's east facade with new curtain walling.

This application has come before the planning committee in accordance with the scheme of delegation because the applicant is Councillor Tom Davies, of Walcot Ward.

Relevant Planning History:

96/00105/FUL

APP - 8 August 1996

Erection of a canopy to provide covered locker area to rear of main block

98/00428/FUL

PERMIT - 22 July 1998

Erection of gabions to reinforce existing retaining wall at Holbeche Centre

99/00478/FUL

PERMIT - 16 July 1999

Erection of pergola and creation of amphitheatre/play area

99/00521/FUL

PERMIT - 16 July 1999

Erection of an extension to existing chair store for the theatre

99/02486/FUL

PER - 9 September 1999

Extension of existing car parking area as amended by letters and plans received on 30th June 1999 and 2nd July 1999.

01/00255/FUL - PERMIT - 27 March 2001 - Erection of a extensions to existing classrooms to The Holbeche Sixth Form Centre

01/01773/FUL - PERMIT - 24 October 2001 - Siting of 4 no. temporary classrooms on Junior School car parking for duration of construction period of new and refurbished classrooms (Holbeche Centre) from September - December 2001

02/01144/FUL

PERMIT - 11 July 2002

Erection of a temporary Science Laboratory building

02/01521/FUL

PERMIT - 7 August 2002

Erection of two clear-glazed canopies to house pupils' storage lockers, replacing existing covered structures

02/01734/FUL

PERMIT - 10 September 2002

Erection of a netball fence enclosing two netball courts

03/01013/FUL

PERMIT - 30 May 2003

Erection of new toilet block following demolition of existing

04/01344/FUL

PERMIT - 11 June 2004

Extension to Drama block and new mansard roof to replace existing flat roof

05/02079/FUL

PERMIT - 1 August 2005

Erection of a temporary science lab classroom (RETROSPECTIVE)

06/02065/FUL

PERMIT - 2 August 2006

Erection of 2 No temporary modular classroom units.

06/02134/LBA

CON - 4 August 2006

Repairs and alterations Nethersole House, King Edwards School, including alterations to doors, partitions and staircase balustrade/rails

06/02469/FUL

PERMIT - 3 October 2006

Erection of teaching block

06/02471/CA

CON - 30 August 2006

Demolition of three single storey classrooms.

07/00341/LBA

CON - 30 March 2007

Internal refurbishment and alterations

07/02723/FUL - PERMIT - 29 October 2007 - Installation of a play trail consisting of 6 elements

extending approximately 17.5 metres

10/04055/FUL - PERMIT - 19 November 2010 - Erection of a two storey extension to the Junior School and associated landscaping works.

11/01585/FUL

PERMIT - 22 June 2011

Provision of new canopy features to replace existing.

12/00690/FUL - PERMIT - 30 April 2012 - Overcladding of the main King Edward's School building

fronting North Road

13/02565/FUL

PERMIT - 14 August 2013

Erection of new building to provide dining hall and multi-functional space and associated works following demolition of existing dining Hall

13/02566/LBA

CONSENT - 13 August 2013

Demolition of existing dining Hall and erection of new building to provide dining hall and multi-functional space and associated works

13/02565/FUL

PERMIT - 14 August 2013

Erection of new building to provide dining hall and multi-functional space and associated works following demolition of existing dining Hall

13/02566/LBA

CON - 13 August 2013

Demolition of existing dining Hall and erection of new building to provide dining hall and multi-functional space and associated works

13/02567/CA

CON - 13 August 2013

Demolition of existing dining hall building

13/04559/FUL

PERMIT - 11 December 2013

Erection of new building to provide dining hall and multi-functional space and associated works following demolition of existing dining hall (amendment to previous approved scheme)

13/04560/LBA

CON - 11 December 2013

Erection of new building to provide dining hall and multi-functional space and associated works following the demolition of existing dining hall (amendment to previous approved scheme)

13/04538/FUL - PERMIT - 11 December 2013 - Demolition of existing Willet Hall dining building

(amendment to previous approved scheme)

14/01558/FUL

PERMIT - 27 May 2014

Erection of front extension and internal remodelling of existing library into Classrooms.

14/02180/FUL - PERMIT - 22 May 2015 - Installation of permanent low impact floodlighting system to

existing synthetic turf pitch. (Revised plans)

15/00036/FUL

PERMIT - 2 March 2015

Erection of two storey extension to the existing Sixth Form Centre, demolition works involve minor alteration of the existing building.

16/01302/FUL

PERMIT - 20 May 2016

Provision of new warm up area and new fencing and alterations to existing fencing enclosure. Provision of block paving to existing grassed viewing area.

17/05727/LBA

CON

19 January 2018

Exterior alterations to repair roof, guttering and windows and install insulation.

17/05931/FUL

PERMIT - 1 February 2018

Erection of new teaching accommodation following demolition of existing and replacement parking

17/06012/FUL

PERMIT - 31 January 2018

Erection of educational building following demolition of existing building and associated works.

18/01250/VAR

PERMIT - 24 April 2018

Variation of condition 3 (plans list) of application 17/06012/FUL (Erection of educational building following demolition of existing building and associated works.)

18/01359/FUL

PERMIT - 21 May 2018

Erection of 6no temporary classrooms for a period of 2 years with associated works

19/02020/VAR

PERMIT - 12 June 2019

Variation of condition 1 of application 18/01359/FUL (Erection of 6no temporary classrooms for a period of 2 years with associated works).

19/02890/FUL

PERMIT - 29 August 2019

Installation of all weather playing surface and associated landscaping.

19/05178/VAR

PERMIT - 22 January 2020

Variation of condition 1 of application 18/01359/FUL (Erection of 6no temporary classrooms for a period of 2 years with associated works).

20/02474/FUL

PERMIT - 26 August 2020

Remedial works to retaining wall.

20/02475/LBA

CON - 26 August 2020

External alterations for remedial works to retaining wall.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

None received

Representations Received :

One comment of support has been received:

We support this application as the school are continuing to maintain and update their buildings.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Development Plan for Bath and North East Somerset comprises:

- o Bath & North East Somerset Core Strategy (July 2014)
- o Bath & North East Somerset Placemaking Plan (July 2017)
- o West of England Joint Waste Core Strategy (2011)
- o Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- o Made Neighbourhood Plans

Core Strategy:

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

B1: Bath Spatial Strategy

B4: The World Heritage Site and its Setting

CP6: Environmental Quality

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
HE1: Historic environment

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

The City of Bath World Heritage Site Setting Supplementary Planning Document (August 2013) is also relevant in the determination of this planning application.

Conservation Areas:

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

Listed Buildings:

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

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The main issues to consider are:

- Character and appearance
- Impact to heritage assets
- Residential amenity

PRINCIPLE OF DEVELOPMENT:

The site is within the built-up area of Bath where the principle of development is acceptable subject to other material planning considerations discussed below.

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.

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 application seeks permission to replace the existing building façade on the east elevation of Q block. As existing, this façade features single glazed windows with white crittal frames, concrete beams and columns, and light blue spandrel panels below the windows on both the ground and first floor. It is proposed that the windows will be replaced with double glazed windows, with dark grey powder coated aluminium frames, the existing concrete panels and columns retained, and the blue spandrel panels replaced with light grey spandrel panels. The south elevation of this building has recently been upgraded in a similar manner and it is considered that the proposal will improve the visual cohesion of the building. The proposed changes are considered to be visually acceptable and in keeping with the character of the existing building and the locality.

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, and D5 of the Placemaking Plan for Bath and North East Somerset (2017) and part 12 of the NPPF.

IMPACT TO HERITAGE ASSETS:

Policy HE1 requires development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and setting.

The proposed development is within the World Heritage Site, therefore consideration must be given to the effect the proposal might have on the setting of the World Heritage Site. In this instance, due to the size, location and appearance of the proposed development it is not considered that it will result in harm to the outstanding universal values of the wider World Heritage Site. The proposal accords with policy B4 of the adopted Core Strategy (2014) and Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 16 of the NPPF.

The application site is also within the Conservation Area. There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. In this case, the proposed upgrading of the façade is considered to enhance the existing building and would preserve the character of the Conservation Area in this location.

The main school building is Grade II Listed. 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. The proposed upgrading of the east façade of Q block is not considered to impact the setting of the listed building.

The proposal accords with policy CP6 of the adopted Core Strategy (2014) and policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Part 12 of the NPPF.

RESIDENTIAL AMENITY:

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

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

CONCLUSION:

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

RECOMMENDATION

PERMIT

CONDITIONS

1 Standard Time Limit (Compliance)

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

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

2 Plans List (Compliance)

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

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

PLANS LIST:

1 This decision relates to the following plans:

26 Jan 2022 2160 AL(0)03 Q BLOCK EXISTING LOWER GROUND FLOOR PLAN
26 Jan 2022 2160 AL(0)04 Q BLOCK EXISTING UPPER GROUND AND FIRST FLOOR PLAN
26 Jan 2022 2160 AL(0)06 Q BLOCK EXISTING EAST ELEVATION
26 Jan 2022 2160 AL(0)07 Q BLOCK PROPOSED EAST ELEVATION
28 Jan 2022 2160 AL(0)01 SITE LOCATION PLAN

2 Permit/Consent Decision Making Statement

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

3 Condition Categories

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

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

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

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

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

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

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

4 Community Infrastructure Levy - General Note for all Development

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

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

Community Infrastructure Levy - Exemptions and Reliefs Claims

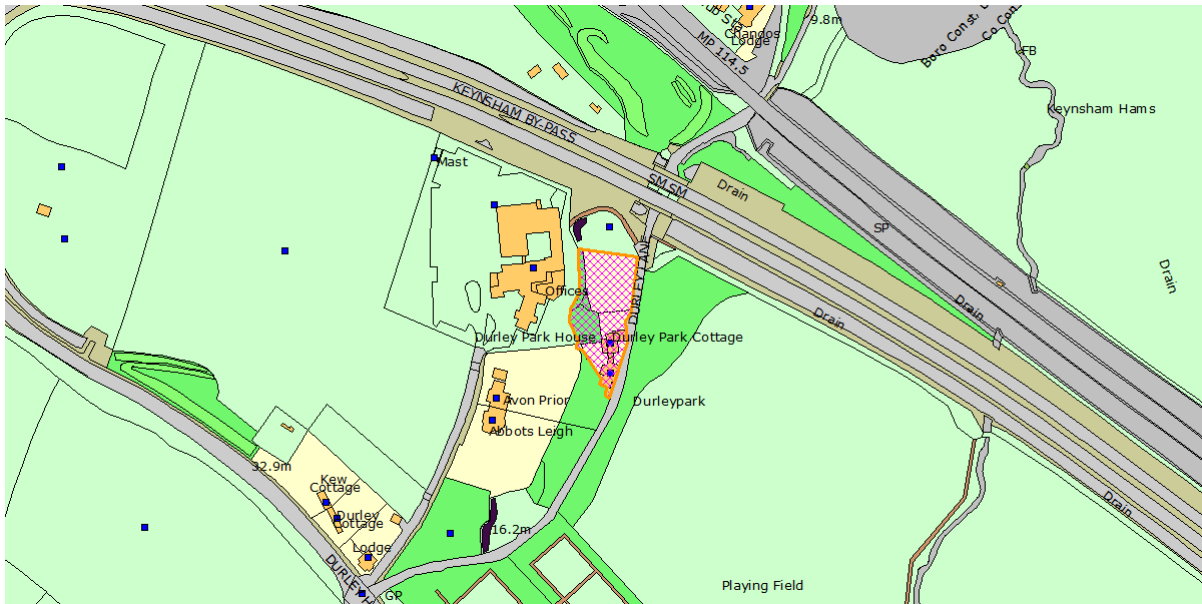
The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply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

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

5 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: 22/00294/FUL
Site Location: Durley Grange Durley Lane Keynsham Bristol Bath And North East Somerset



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

Ward Members: Councillor Brian Simmons Councillor Vic Clarke

Application Type: Full Application

Proposal: Erection of a new outbuilding to an existing dwelling, incorporating an existing garage with new garden room and garden equipment storage space (Resubmission).

Constraints: Bristol Airport Safeguarding, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Policy CP8 Green Belt, Policy CP9 Affordable Housing Zones, Policy M1 Minerals Safeguarding Area, Policy NE2A Landscapes and the green set, Policy NE5 Ecological Networks, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro, Tree Preservation Order,

Applicant: Dr Peter Roberts

Expiry Date: 11th April 2022

Case Officer: Isabel Daone

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

REPORT

Keynsham Town Council have supported the application, contrary to the officer's recommendation. In accordance with the Council's Scheme of Delegation, the application was referred to the Chair and Vice Chair of the Planning Committee who both decided the application should be debated and decided at the Planning Committee. Their comments are as follows:

CHAIR: COMMITTEE

"I have read and carefully reviewed the arguments put forward by the applicant to justify this building in the green belt. As was the case when this proposal was previously referred, I remain to be persuaded that a large 2 storey outbuilding is necessary for the function described, and that the very special circumstances carry sufficient weight to counter the harm that this development may cause to the openness in the green belt. However, as the applicant has made adjustments to the height and added further information to support the VSC, I agree that the case would benefit from public debate at committee."

VICE CHAIR: COMMITTEE

„I have studied this application carefully, noting KTC & third party support comments, there are modifications to this application to address the reasons for refusal of application 21/02346/FUL & this application has been assessed against relevant planning policies as the report explains.

However, the VSC & size are contentious points & I think this application would benefit from debate in the public arena therefore I recommend the application be determined by the planning committee."

Details of location and proposal and Relevant History:

The application site is located outside of the Housing Development Boundary associated with Keynsham. It is within the Bath/Bristol Green Belt. The site is accessed off of Durley Lane and comprises the main dwellinghouse, Durley Grange, Durley Grange Coach House and an annex.

The current application seeks permission for an outbuilding which will form a garage, garden room and storage area. In 2021, an application for a similar outbuilding was refused at the site (21/02346/FUL) on the grounds of it being inappropriate development in the Green Belt and the scale and massing of the development. This application is a resubmission which seeks to address these concerns.

Relevant Planning History:

06/02835/FUL

PERMIT - 2 October 2006

Conversion of Coach House into dwelling

08/01184/FUL

PERMIT - 2 October 2008

Erection of first-floor rear extension and covered garaging and with conservatory link to house

16/03595/FUL

PERMIT - 12 September 2016

Erection of first floor extension over garage to provide disabled person's accommodation

20/03582/TPO

CONSENT - 19 November 2020

Work to various trees as specified in schedule - covered by TPO no. 526/16

21/02346/FUL

REFUSED

5 July 2021

Erection of a new outbuilding to an existing dwelling, incorporating an existing trailer/fuel store with new garden storage.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Consultation Responses :

KEYNSHAM TOWN COUNCIL:

- Materials match existing and the design is sympathetic to the location
- The applicant has taken on board comments by B&NES and the revised plans include a reduction in the gable element of the southern aspect.
- Keynsham Town Council do not consider this application to be inappropriate development in the Green Belt or having significant negative impact on the openness of the Green Belt. There is already a large office complex within 50m to the west of the proposal and within the Green Belt.
- Keynsham Town Council are of the opinion that there are very special circumstances to outweigh any harm. These special circumstances include protecting an extensive family from the continued exposure of overlooking from vehicles (including buses) on the A4 bypass, as traffic is regularly at a standstill due to congestion at the Hicks Gate roundabout subjecting the applicant and his extended family to airborne pollutants. When traffic is not at a standstill it is moving rapidly creating visual, acoustic and air borne pollution which is detrimental to the health of the family whose property is less than 30 metres from the by-pass.
- The applicant has shown in his application that his is trying to improve the environmental performance of the development site and is making sustainable lifestyle changes in order to minimise the impact on our Earth and support B&NES in their plans to become a zero-carbon neutral authority.
- Keynsham Town Council consider that the proposal is in accordance with Bath and North East Somerset Council Policies D1 - D6 of the Placemaking Plan 2017.

Representations Received :

3 comments of support have been received and are as follows:

- It will improve the aesthetic of the area
- Reduce our views of the A4 bypass
- Reduce air and noise pollution
- Proposed materials and design appropriate

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

GB3: Extensions and alterations to buildings in the Green Belt.

ST7: Transport requirements for managing development

National Policy:

The National Planning Policy Framework (NPPF) was published in February 2019 and is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

SPD's:

The Existing Dwellings in the Green Belt Supplementary Planning Document is also relevant in the determination of this application.

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

emissions and impacts on climate change. The application has been assessed against the policies as identified and these have been fully taken into account in the recommendation made.

OFFICER ASSESSMENT

The main issues to consider are:

- Principle of development in the Green Belt
- Design, character, and appearance
- Residential amenity
- Parking and highways safety

PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT:

The application site is within the Green Belt and outside of the Housing Development Boundary.

Paragraph 149 of the NPPF states that a Local Planning Authority should consider the construction of new buildings in the Green Belt as inappropriate. It goes on to outline a number of exceptions to this, which are as follows:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The proposal is not for agriculture or forestry, is not for outdoor recreation or sport, is not a replacement building, is not affordable housing and is not redevelopment of previously developed land. The proposal is also not an extension to an existing building. It is located some 40m from the main dwellinghouse. This is considered to be a significant separation. Visually the two buildings are separate, and the proposed outbuilding does not read as an

extension of the main dwellinghouse. As such, the building cannot be considered an extension of Durley Grange and criterion (c) therefore does not apply.

The proposal does not fall under any of the exceptions listed in Paragraph 149 of the NPPF and is therefore considered to be inappropriate development in the Green Belt. Officers also consider that the provision of a sizeable, detached building within the Green Belt would cause harm to its openness.

Paragraph 147 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF goes on to explain that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, Very Special Circumstances (VSC) 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 put forward a number of VSC and as such, an assessment must therefore be made as to whether these constitute VSC and if they outweigh the harm to the Green Belt, which must be attributed substantial weight in any the planning balance.

The VSC put forward are as follows:

- Air pollution
- Noise pollution
- Visual amenity and privacy

The application site is located adjacent to the A4 and Keynsham Bypass. The applicant has made the point that this results in air and noise pollution and also, during the Winter months, that there is limited privacy and views of the road. The applicant has provided information regarding the links between noise and air pollution and disease/illness, and these are not disputed.

However, it is not accepted that the provision of a building in the location proposed would address these issues to an extent for VSC to be considered to apply.

The building is not being proposed specifically to address these issues. The building is being proposed to provide a garden room, garage and residential storage, as opposed to a specific solution to the issues raised above. The potential impacts of having a building in this location in terms of the pollution and amenity issues are considered to be "bi-products" of the proposed development.

Additionally, the existing situation is well established. The level of harm caused to visual and residential amenity was considered to be acceptable when the bypass was constructed. It is acknowledged that during the Winter months when trees are not in leave, that the building would provide some screening from the road and would block some views of the bypass from the property. However, increased levels of privacy and visual amenity (which are the established situation) cannot be considered to represent a VSC which would outweigh the harm to the Green Belt.

Further to this, the proposed building is located at the edge of the plot, some 40m from the main house and 28m from the annex. It has not been made clear what impact, if any, the proposed building would have on reducing the levels of noise and air pollution. Noise travels in multiple directions and although the proposed building may provide some sound buffering immediately adjacent to it, it is considered unlikely that the structure would significantly improve the noise levels to a point which would have meaningful effect on the residential amenity of the residents. It has also not been justified how the building would improve air pollution and officers again consider it unlikely that the positioning of a residential outbuilding would have a meaningful effect on the levels of air pollution at the site.

The VSC put forward are not considered to be sufficient substantiated and do not outweigh the harm to the Green Belt. They will be fully considered against the merits of the proposal in the Planning Balance section of this report.

CHARACTER AND APPEARANCE:

Policy D1, D2, D3 and D5 of the Placemaking Plan have regard to the character and appearance of a development and its impact on the character and appearance of the host building and wider area. Development proposals will be supported, if amongst other things they contribute positively to and do not harm local character and distinctiveness. Development will only be supported where, amongst other things, it responds to the local context in terms of appearance, materials, siting, spacing and layout and the appearance of extensions respect and complement their host building.

The proposed outbuilding will feature a pitched roof with two-gable ends. A dormer is proposed to the elevation which faces Durley Grange.

The material palette follows that which is already present on the site and features timber cladding, pennant stone, painted render, and anthracite brick. There is no objection to the use of these materials in this location.

The overall design concept follows the character of the main dwelling and residential annex in terms of the gable detail and overall building form. Officers note the reduction in the scale of the dormer projection from the previously refused scheme.

However, the proposed building is still substantial in scale and appears as two-storey due to the height of the building, particularly from road level. The building's scale is at odds with its function as an incidental outbuilding which will form a garage, garden room and store. It appears disproportionately large when compared to the other buildings on site, which are used for primarily for living accommodation. Its disproportionate scale and massing increase the impact to the openness of the Green Belt in this location.

It is therefore considered that the proposal does not respond to the local context and has an excessive scale and massing. The proposal is therefore contrary to policy CP6 of the adopted Core Strategy (2014) and policies D1, D2 and D5 of the Placemaking Plan for Bath and North East Somerset (2017).

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 part 12 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 includes the provision of a garage which is located on the lower level of the outbuilding. It will be accessed from Durley Lane. The internal dimensions are considered sufficient to count towards the parking provision on the site and the proposal is therefore considered to maintain the current level of parking.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with policy ST7 of the Placemaking Plan for Bath and North East Somerset (2017) and part 9 of the NPPF.

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.

PLANNING BALANCE:

In accordance with the NPPF, substantial weight must be given to any harm to the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

It has been explained in this report that the VSC put forward are not considered to be very special and are not sufficient to outweigh the harm to the Green Belt. In addition, the proposal is considered to have an inappropriate scale and massing, contrary to the Council's design policies which further tips the planning balance in favour of the harms of the proposal.

It is therefore considered that the proposal would result in harm to the Green Belt which is not outweighed by VSC and is contrary to policies CP8 of the Bath and North East Somerset Core Strategy and Part 13 of the NPPF. Additionally, the proposal, by reason of

its scale and massing does not respond to the local context or maintain the character and appearance of the surrounding area. The is therefore contrary to Policy CP6 of the Bath and North East Somerset Council Core Strategy (2014) and Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan (2017).

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 The proposed outbuilding would result in the erection of a new building in the Green Belt which does not constitute an exception under paragraphs 145 and 146 of the National Planning Policy Framework and is, by definition, inappropriate development in the Green Belt. The proposed outbuilding would have a significant negative impact on the openness of the Green Belt. The purported Very Special Circumstances put forward are not considered to outweigh this harm and, therefore, the proposed development is contrary to Policy CP8 of the Bath and North East Somerset Council Core Strategy (2014), Policy GB1 of the Bath and North East Somerset Council Placemaking Plan (2017) and Part 13 of the National Planning Policy Framework (2019).

2 The proposal, by reason of its scale and massing, does not respond to the local context or maintain the character and appearance of the surrounding area. The is therefore contrary to Policy CP6 of the Bath and North East Somerset Council Core Strategy (2014) and Policies D1, D2, and D5 of the Bath and North East Somerset Placemaking Plan (2017).

PLANS LIST:

1 This decision relates to the following plans:

H6229/001B. Plans and Elevations as EXISTING

H6229/100H. Plans and Elevations as PROPOSED

Received 21st January 2022

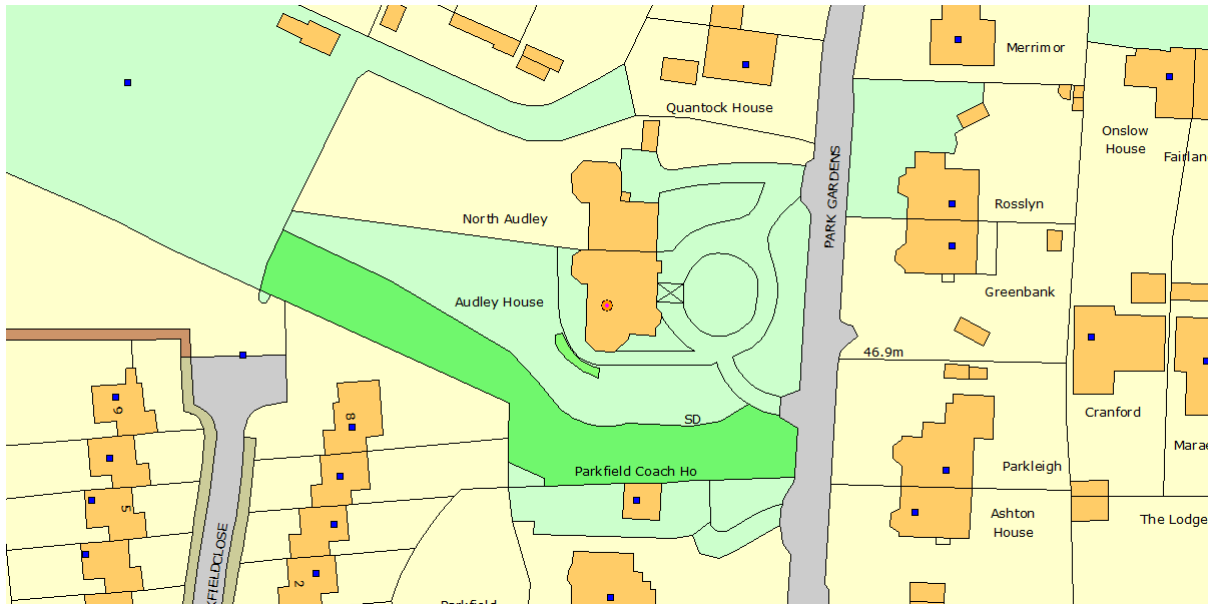
2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. Notwithstanding informal advice offered by the Local Planning Authority the submitted application was unacceptable for the stated reasons and 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: 22/00598/TCA
Site Location: Audley House Park Gardens Lower Weston Bath Bath And North East Somerset



Ward: Weston **Parish:** N/A **LB Grade:** II
Ward Members: Councillor Shelley Bromley Councillor Ruth Malloy
Application Type: Tree Works Notification in Con Area
Proposal: Cypress - Remove
Cherry - Remove
Cedar x2 - Remove broken limbs
Constraints: Conservation Area,
Applicant: Mrs Hodge
Expiry Date: 23rd March 2022
Case Officer: Jane Brewer
To view the case click on the link [here](#).

REPORT

REASON FOR REPORTING NOTIFICATION TO COMMITTEE:

The notification relates to a Councillor's trees.

DESCRIPTION:

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

The proposal is to fell a cypress growing in the rear garden; fell a cherry growing close to the southwestern corner of the dwelling and to remove damaged branches from two cedars. One cedar is within the front garden and the second, a Blue Atlas Cedar is within the rear garden.

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

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

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

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

Further information regarding trees in conservation areas can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/environment/trees-and-woodlands/trees-conservation-areas>

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

No public comments have been received.

POLICIES/LEGISLATION

Town and Country Planning Act 1990 (in particular sections 197-214 as amended)
Town and Country Planning (Tree Preservation)(England) Regulations 2012

LOW CARBON AND SUSTAINABLE CREDENTIALS

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

OFFICER ASSESSMENT

The works to both cedars are to remedy damage caused by the recent storms. The cedar to the front of the property suffered two branch breakages leaving long stubs. The removal of the stubs will improve the appearance of the tree and reduce the available woody material which could be colonised by decay-causing organisms.

The Blue Atlas Cedar to the rear has a partially hung-up broken branch which requires removal before it fails.

The Cherry is a small tree with a lean which is growing close to the house which is not readily visible to the public. It would not be a proportionate response to make a Tree Preservation Order to prevent the removal of this tree.

The Italian Cypress is growing within the rear garden and could not be readily identified from surrounding public areas. Dieback represented by brown foliage in the lower canopy on the south side was evident. Scattered yellowing areas of foliage were noted in the remaining canopy. The observations were consistent with coryneum canker which is caused by a slow spreading fungus. A Tree Preservation Order was not considered appropriate in view of the limited public amenity afforded and the decline in tree health.

CONCLUSION:

The Cedar trees are significant and contribute to the amenity of the area but the work proposed is reasonable. The Cherry and Italian Cypress are not considered to be suitable candidates for a Tree Preservation Order.

RECOMMENDATION:

No objection

Advisory notes to be included in the response:

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

Trees provide numerous benefits towards our health and wellbeing so replacement planting when trees are removed is vitally important, particularly in our urban environments. Please contact the tree officer if you would like some advice regarding replacement planting. A comprehensive list of tree species for green infrastructure is available on line from the Trees and Design Action Group at <http://www.tdag.org.uk/>

RECOMMENDATION

NO OBJECTION

CONDITIONS

PLANS LIST:

- 1 Cypress - Remove
- Cherry - Remove
- Cedar x2 - Remove broken limbs

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

All bats in England are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2010. It is an offence to kill, injure or take a bat, and damage, destroy or obstruct access to any place that a bat uses for shelter or protection (including trees). This includes bat roosts whether bats are present or not. It is also illegal to disturb a bat whilst it is occupying a structure or place that it uses for shelter or protection.

3 Trees provide numerous benefits towards our health and wellbeing so replacement planting when trees are removed is vitally important, particularly in our urban environments. A comprehensive list of tree species for green infrastructure is available online from the Trees and Design Action Group at <http://www.tdag.org.uk/>

Bath & North East Somerset Council	
MEETING:	Planning Committee
MEETING DATE:	6th April 2022
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	

AGENDA ITEM NUMBER

APPEALS LODGED

App. Ref: 20/02399/FUL
Location: 110 West Avenue Oldfield Park Bath Bath And North East Somerset BA2 3QB
Proposal: Development of 2 no. self contained flats on land adjacent to existing building.
Decision: REFUSE
Decision Date: 27 August 2021
Decision Level: Planning Committee
Appeal Lodged: 23 February 2022

App. Ref: 21/04268/FUL
Location: 73 Poplar Close Moorlands Bath Bath And North East Somerset BA2 2JA
Proposal: Erection of a new dwelling on the land adjoining No. 73 Poplar Close, Bath. The new two storey dwelling is to be a 2No Bedroom with 2No off-road parking spaces (Resubmission).
Decision: REFUSE
Decision Date: 12 November 2021
Decision Level: Delegated
Appeal Lodged: 23 February 2022

App. Ref: 21/03207/FUL
Location: Tynning House Hursley Hill Publow Bristol Bath And North East Somerset
Proposal: Erection of detached dwelling following demolition of existing HMO property.
Decision: REFUSE
Decision Date: 17 January 2022
Decision Level: Planning Committee
Appeal Lodged: 7 March 2022

App. Ref: 21/04521/PIP
Location: Land To South Of 2 The Orchard Stanton Drew Bristol Bath And North East Somerset
Proposal: Permission in principle for the development of a minimum of 2 and maximum of 3 dwellings with associated access, drainage and hard/soft landscape works
Decision: REFUSE
Decision Date: 22 November 2021
Decision Level: Delegated
Appeal Lodged: 7 March 2022

App. Ref: 21/03413/FUL
Location: 53 Church Road Combe Down Bath Bath And North East Somerset BA2 5JQ
Proposal: Erection of one and a half storey side extension accommodating a store room, study and utility room following demolition of existing lean to garage and adjacent conservatory.
Decision: REFUSE
Decision Date: 8 November 2021
Decision Level: Delegated
Appeal Lodged: 9 March 2022

App. Ref: 21/00701/OUT
Location: Treetops Nursing Home St Clement's Road Keynsham Bristol Bath And North East Somerset
Proposal: Outline application (with landscaping reserved) for the erection of a three-storey building comprising of 39no. self-contained flats (use class C3) following demolition of care home.
Decision:
Decision Date:

Decision Level:
Appeal Lodged: 10 March 2022

App. Ref: 21/05546/FUL
Location: 8 The Avenue Keynsham Bristol Bath And North East Somerset
BS31 2BU
Proposal: Erection of first-floor side extension.
Decision: REFUSE
Decision Date: 8 February 2022
Decision Level: Chair Referral - Delegated
Appeal Lodged: 11 March 2022

App. Ref: 21/01560/TPO
Location: Orchard House Bristol Road Chew Stoke Bristol Bath And North
East Somerset
Proposal: T01-Copper beech-Reduce height and spread of crown by 2 metres
to provide more light to garden.
T02-Beech-Reduce height and spread of crown by 2 metres to provide more light to
garden.
Decision: REFUSE
Decision Date: 18 May 2021
Decision Level: Non-Planning applications
Appeal Lodged: 16 March 2022

App. Ref: 21/04968/FUL
Location: 8 Dymboro Avenue Midsomer Norton Radstock Bath And North
East Somerset BA3 2QR
Proposal: Erection of a two storey side extension, single storey rear
extension, loft conversion with dormer and new single storey outbuilding.
Decision: REFUSE
Decision Date: 10 February 2022
Decision Level: Delegated
Appeal Lodged: 18 March 2022

App. Ref: 21/05401/FUL
Location: 7 Primrose Hill Upper Weston Bath Bath And North East Somerset
BA1 2US
Proposal: Erection of new two-storey building incorporating garage and home

office facilities.

Decision: REFUSE
Decision Date: 26 January 2022
Decision Level: Delegated
Appeal Lodged: 18 March 2022

App. Ref: 21/01037/FUL
Location: Crockbarton East Rectory Lane Timsbury Bath Bath And North East Somerset
Proposal: Erection of a timber framed garden room.
Decision: REFUSE
Decision Date: 28 April 2021
Decision Level: Delegated
Appeal Lodged: 22 March 2022

App. Ref: 21/01601/CONDLB
Location: Midford Castle Access Road To Midford Castle Midford Bath Bath And North East Somerset
Proposal: Discharge of condition 3 (joinery details) of application 18/03823/LBA (Internal and external alterations to include conservation and renovation of the coach-house, greenhouse, basement, former offices at Midford Castle to provide ancillary residential as well as occasional holiday-let accommodation).
Decision: REFUSE
Decision Date: 23 September 2021
Decision Level: Non-Planning applications
Appeal Lodged: 22 March 2022

APPEALS DECIDED

App. Ref: 21/04078/FUL
Location: 73 Uplands Road Saltford Bristol Bath And North East Somerset BS31 3HN
Proposal: Erection of prefabricated garage.
Decision: REFUSE
Decision Date: 28 October 2021
Decision Level: Delegated
Appeal Lodged: 31 January 2022
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 1 March 2022

Case Ref: 17/00563/WASTE
Location: Resourceful Earth Ltd Charlton Field Lane Queen Charlton Bristol BS31 2TN
Breach: Without planning permission, the erection of two detached buildings, five silos and one tank.
Notice Date: 23 November 2020
Appeal Lodged: 24 January 2022
Appeal Decision: Appeal Withdrawn
Appeal Decided Date: 3 March 2022

App. Ref: 20/04546/OUT
Location: St Martin's Hospital Clara Cross Lane Odd Down Bath Bath And North East Somerset
Proposal: Residential development of 8 no. apartments
Decision: REFUSE
Decision Date: 3 August 2021
Decision Level: Delegated
Appeal Lodged: 6 January 2022
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 3 March 2022

App. Ref: 21/03864/AR
Location: Bath Honda Prior Park Road Widcombe Bath Bath And North East Somerset
Proposal: Display of 1 no. non-illuminated totem 'Customer Parking' directional totem (Sign A), 1 no. non-illuminated 'Welcome' totem sign, (Sign B), and 1 no. non illuminated 'MG Motor' fascia sign (Sign C) (Resubmission).
Decision: REFUSE
Decision Date: 29 September 2021
Decision Level: Delegated
Appeal Lodged: 1 February 2022
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 March 2022

App. Ref: 21/03944/TEL
Location: Street Record Wellsway Bath Bath And North East Somerset
Proposal: Proposed 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
Decision: REFUSE
Decision Date: 14 October 2021
Decision Level: Delegated
Appeal Lodged: 10 January 2022
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 4 March 2022

App. Ref: 21/03958/FUL
Location: 115 Hansford Square Combe Down Bath Bath And North East Somerset BA2 5LL
Proposal: Erection of extension to dormer (Retrospective).
Decision: REFUSE
Decision Date: 14 October 2021
Decision Level: Delegated
Appeal Lodged: 16 December 2022
Appeal Decision: Appeal Allowed
Appeal Decided Date: 10 March 2022

App. Ref: 21/01409/FUL
Location: 15 St Catherine's Close Bathwick Bath Bath And North East Somerset BA2 6BS
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.

Decision: REFUSE
Decision Date: 7 June 2021
Decision Level: Planning Committee
Appeal Lodged: 29 November 2021
Appeal Decision: Appeal Allowed
Appeal Decided Date: 11 March 2022
Officer Recommendation: PERMIT

App. Ref: 21/01303/LBA
Location: Keynsham Conservative Club 22 High Street Keynsham Bristol
Bath And North East Somerset
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).
Decision: REFUSE
Decision Date: 2 June 2021
Decision Level: Planning Committee
Appeal Lodged: 18 January 2022
Appeal Decision: Appeal Dismissed
Appeal Decided Date: 15 March 2022
Officer Recommendation: REFUSE

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